



Department of Commerce

Plan for Orderly Shutdown Due to Lapse of Congressional Appropriations

September 29, 2025

Overview

Office of Management and Budget (OMB) Circular A-11, section 124, requires the Department to maintain a plan for agency operations in the absence of appropriations. This plan has been developed to meet the requirements of that section and has been broken out by the Department's primary operating units and the Office of the Secretary with each further broken down into their constituent operating units where relevant. Consistent with section 124, this plan may be modified whenever there is a change in the source of funding for an agency program or any significant modification, expansion, or reduction in agency program activities; upon receipt of additional guidance from OMB, the Office of Personnel Management (OPM), or the Department of Justice; or as circumstances otherwise warrant. At a minimum, the plan will be reviewed and updated every two years.

The Antideficiency Act restricts the conduct of business by agencies during a lapse of appropriations. The Antideficiency Act generally prohibits agency heads and their employees from making or authorizing expenditures or obligations in excess of appropriations; making or authorizing expenditures or obligations of funds required to be sequestered under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985; and accepting voluntary services for the United States (US) or employing others to perform personal services in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property. Violations of the Antideficiency Act can result in administrative and criminal penalties.

In the event of a lapse in appropriations, the Department will immediately suspend regular agency operations. Certain functions and activities, however, may be continued even in the absence of an annual appropriations Act or continuing resolution. The principal guidance utilized by the Department on the types of functions and activities that may be continued during a lapse in appropriations is that contained in the Attorney General's opinion on the continuance of Governmental functions during a temporary lapse in appropriations dated January 16, 1981, as updated by an Office of Legal Counsel's memorandum dated August 16, 1995, related opinions of the Department of Justice, and the Office of Management and Budget's *Frequently Asked Questions During a Lapse in Appropriations*, available at <https://www.whitehouse.gov/omb/information-for-agencies/agency-contingency-plans>.

Accordingly, Department functions and activities that may be continued in the event of a lapse in appropriations are those that are:

1. Financed by a resource other than current year annual appropriations;
2. Expressly authorized by law to continue in the absence of appropriations;
3. Authorized by necessary implication to continue in the absence of appropriations;
4. Necessary to discharge the President's constitutional duties and powers; and
5. Related to emergencies where there is a reasonable likelihood that the safety of human life or the protection of property would be compromised, in some significant degree, by delay in performance.

In addition, the Department may undertake activities necessary to ensure an orderly shutdown of operations, which are implicitly authorized to continue on a short-term basis in the event of a lapse in appropriations. Unless otherwise noted herein for a specific operating unit, component, or office, such activities are expected to be completed within the first four hours on the first business day an operating unit, component, or office would otherwise be open after a lapse in appropriations occurs. In the event an individual performs a variety of excepted activities, the position will be recorded in this plan where the majority of work is performed.

Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	Varies by Program and Operating Unit
Total number of agency employees expected to be on board before implementation of the plan:	42,984
Total number of employees to be retained under the plan for each of the following categories:	
Compensation is financed by a resource other than annual appropriations:	1,810
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	176
Necessary to the discharge of the President's constitutional duties and powers:	197
Necessary to protect life and property:	6,090
Brief summary of significant agency activities that will continue during a lapse:	
As detailed herein, the Department will continue to provide weather, water, and climate observations, prediction, forecasting, warning, and related support; select security and related oversight functions and law enforcement activities, including those for the protection of marine fisheries; fisheries management activities including quota monitoring, observer activities, and regulatory actions to prevent overfishing; water level data for ships entering US ports, critical	

nautical chart updates and accurate position information; export enforcement, including ongoing conduct of criminal investigations and prosecutions and coordination with other law enforcement and intelligence agencies in furtherance of national security; operation of the national timing and synchronization infrastructure as well as the National Vulnerability Database; assignment of radio frequencies to federal agencies for critical national security and public safety purposes; and all functions and activities of the First Responder Network Authority, and the National Technical Information Service, as well as programs of the U.S. Patent and Trademark Office, the Economic Development Administration, the National Institute of Standards and Technology, the National Telecommunications and Information Administration, and the National Oceanic and Atmospheric Administration to the extent resources other than current year annual appropriations, including the proceeds of offsetting collection authorities, as applicable, remain available to finance operations. The Department will also undertake necessary budget and finance operations required to support otherwise excepted activities during a lapse, such as the tracking of fiscal obligations incurred related to funds control support, and disbursing funds to liquidate obligations properly incurred against funds appropriated prior to the lapse in appropriations.

Brief summary of significant agency activities that will cease during a lapse:

Except as otherwise provided herein, the Department will cease operations related to: most research activities at the National Institute of Standards and Technology and the National Oceanic and Atmospheric Administration; services and activities provided by the Bureau of Economic Analysis, the Economic Development Administration, and the Minority Business Development Agency; most services and activities of the US Census Bureau and the International Trade Administration; assistance and support to recipients of financial assistance; and technical oversight of contracts whose performance will not be continued during the lapse to support otherwise excepted functions and activities of the Department.

Orderly Shutdown Procedures

Approximately two business days before a potential lapse in appropriations, the Department, in coordination with OMB, will notify employees of the status of funding and inform employees of their work and pay status under a lapse in appropriations. After OMB has communicated to the Department that appropriations have lapsed, the Department will commence an orderly shutdown of regular agency operations.

All employees are to report to duty on their next scheduled workday. At this time, employees will again be instructed of their status – i.e., whether they are to be furloughed or excepted from furlough for a short period to perform extended orderly shutdown activities or on an intermittent or ongoing basis to perform otherwise excepted functions. Employees will be provided with furlough notices, as appropriate. Furlough information, guidance, and the current status of Department operations will be posted to and maintained during a lapse on the Department's website: <https://www.doc.gov>.

On their next scheduled workday, non-excepted personnel will report to duty for up to four hours to perform short-term, administrative functions to prepare for an orderly transition, including

providing supervisors with personal contact information, setting out-of-office messages on their phones and email, cancelling meetings, completing time and attendance records as may be directed by the Department, securing files and personal belongings, and otherwise making preparations to preserve their work. Supervisors may authorize orderly shutdown activities to be performed by remote computer connections where appropriate. Supervisors are to take into consideration an employee's previously scheduled leave, alternative work schedule (AWS) day off, or holiday(s) that take place during the furlough period and generally allow the employee to complete orderly shutdown activities on the workday on which the employee had been scheduled to return to work. Clear instructions must be provided to employees with planned periods of absence regarding when they are expected to report to work to perform orderly shutdown activities.

Some furloughed employees may be recalled to duty in the event that circumstances arise requiring their performance of excepted functions and activities. This may include performing additional orderly termination activities if a lapse continues beyond a short period. In addition, employees initially excepted from furlough upon the commencement of a lapse subsequently may be furloughed in the event that circumstances change such that there are no longer excepted functions and activities remaining to be performed; if furlough of such employees is necessary, they will be provided with appropriate furlough notifications and will be required to perform orderly shutdown activities as described above.

The Office of Human Resources Management and servicing human resources offices will take all actions required by law or regulation to notify employee unions of furloughs caused by a lapse in appropriations as provided by guidance issued by the OMB and the OPM.

Beyond the initial period allotted for orderly shutdown of agency operations, Department facilities and information technology (IT) equipment and systems (including mobile devices and remote computer connections) may only be accessed by employees and contractors identified as necessary to support excepted activities that will continue during a lapse.

Travel authorizations issued prior to a lapse in appropriations will be cancelled on a rolling basis during the pendency of the lapse unless related to an excepted function or activity. Individuals on travel at the time a lapse ensues will be returned to their normal duty stations as soon as is reasonable and practicable.

Prior to a lapse, existing contracts will be reviewed by the relevant Department operating units and contracting officers, in consultation with the Office of the General Counsel as appropriate, to determine whether work by a contractor may be continued because day-to-day oversight by the contractor or access by the contractor to Government facilities, equipment, and systems is not required to continue performance or because the contractor will otherwise perform activities necessary to support excepted functions and activities of the Department. Contracting officers will issue appropriate stop work orders to totally or partially suspend performance by contractors in the event a lapse in appropriations occurs.

Resumption of Regular Operations

Upon the enactment of appropriations and the resumption of regular operations, operating units and Departmental offices may resume program activities consistent with all applicable Departmental operating procedures.

Furloughed employees will be expected to return to duty. This will normally be the employee's next scheduled workday upon the resumption of regular operations. Supervisors may exercise flexibilities if employees have problems returning to work on the day specified, such as authorizing the use of accrued annual leave, compensatory time off, or credit hours.

Furloughed employees are expected to monitor the status of the Department's operations to determine when they are to return to duty by visiting the Department's website at: <https://www.doc.gov>. Employees may also obtain information about returning to duty by calling the Department's Information Line (202-482-7400 or 877-860-2329) or visiting the OPM website operating status website: <https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/current-status/>.

Operating units and Departmental offices will take steps upon the resumption of regular operations to prioritize activities as appropriate and establish clear channels for communications necessary for employee support, issue resolution, and escalation of issues. Working with the Department's Office of the Chief Financial Officer and Assistant Secretary for Administration, as appropriate, all operating units will make appropriate considerations for: (1) the accelerated execution of employee payroll processes; (2) the support of employee morale and welfare (including, for example, communicating the availability of employee assistance resources); (3) necessary contracting actions, including the identification of high-priority contract actions and sequence, the evaluation of equitable adjustments and other special circumstances, and the queuing of invoices for payment; and (4) the reestablishment of regular funds control and distribution consistent with the Department's Accounting Principles and Standards Handbook and other applicable guidance to ensure orderly financial operations, including that relative to payroll and benefits processes and payments, agency-specific priority payments, and timely reporting and record keeping to include standard monthly and quarterly reporting and information distribution.

Office of the Secretary (OS)

In the event of a lapse in appropriations, the Office of the Secretary will provide overall management and direction of functions authorized to continue during the lapse. This includes necessary oversight of and the provision of centralized services for excepted functions of all Departmental offices and operating units.

The Office of the Secretary has five Presidentially-appointed, Senate-confirmed (PAS) officers who, by virtue of their positions, are not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover their salary: the Secretary, the Deputy Secretary, the General Counsel, the Assistant Secretary for Legislative and Intergovernmental Affairs, and the Chief Financial Officer and Assistant Secretary for Administration. In the event any of these positions are either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) having their functions and duties performed temporarily by other than a PAS official, then such individuals will be excepted from furlough as necessary to provide management and oversight responsibility incidental to emergency functions related to the protection of human life and property or other excepted functions, as applicable.

Immediate Office of the Secretary

Orderly shutdown activities not expected to be completed within one-half day include coordinating the orderly termination of activities involving the bureaus, briefing senior leadership on outstanding items, and cancelling meetings and any related travel and notifying stakeholders. These extended orderly shutdown tasks will be performed by approximately four individuals and will be completed within one to one and one-half days.

Minimally necessary activities to oversee and manage the excepted functions and activities of the Department, including stakeholder and public outreach related to ongoing excepted functions and activities, will be continued. These activities primarily support Department functions that relate to the safety of human life or the protection of property, but they may also support functions funded by other than current annual appropriations, the suspension of which would prevent or significantly damage the execution of the funded function or functions that relate to the discharge of the President's constitutional duties and powers.

Office of the Chief Financial Officer and Assistant Secretary for Administration (OCFO/ASA)

Orderly shutdown activities not expected to be completed within one-half day include identification of excepted contracts; suspension of contractual obligations; coordination with Department of the Treasury and OHRM customers regarding the functionality of HRConnect during a lapse in appropriations; closing all Department mail centers; shutdown of human resources management operations and systems; and administrative tasks related to the suspension of operations. These extended orderly shutdown tasks will be performed by eleven individuals and will be completed within one to five days.

Functions that will continue to protect life and property include building operations necessary to support excepted personnel at the Herbert C. Hoover Building (HCHB): oversight of security and intelligence matters; support excepted procurement and federal financial assistance activities; and human resource guidance to support excepted activities.

Procurement, pay and benefits, and personnel action request processing services to those operating units of the Department with a continuing source of funds to the extent funding otherwise remains available to the extent failure to provide them would prevent or significantly damage the accomplishment of the funded activities of those operating units. CFO/ASA will provide procurement and personnel action request processing services for operating units operating under other excepted basis to the extent incident and necessary to support the excepted function.

Functions to continue to carry out financial management activities implied by law include monitoring financial and administrative systems; performance of financial management activities necessary to liquidate obligations; and providing budget and resource management decision support to Departmental leadership. Implementations of the Business Application System and Grants Enterprise Management System technology modernization projects covered by the Department's Nonrecurring Expense Fund will continue because such activities are financed by a resource other than annual appropriations.

If the lapse continues for an extended period of time, it may be necessary to recall staff to patch systems, to approve payments and invoices, to perform HCHB building safety scheduled maintenance, and to provide financial and administrative support for excepted Department and operating unit functions, programs and activities unforeseen at the commencement of the lapse.

Office of the General Counsel (OGC)

Orderly shutdown activities not expected to be completed within one-half day include filing motions to stay matters in litigation, suspending or closing other legal matters, and administrative tasks related to the suspension of Office operations. These extended orderly shutdown tasks will be performed by approximately 10 individuals and will be completed within one to five days.

The Office will continue to provide the minimal level of legal support necessary for otherwise-excepted activities of the Department and its operating units. This includes legal advice incidental to emergency functions that relate to the safety of human life or the protection of property, including that related to ongoing litigation unable to be suspended, export enforcement activities, and administrative law functions related to excepted Department activities. The Office will also provide legal support for emergency export licensing activities in support of the constitutional functions and duties of the President. Full legal support will be provided to those programs and operating units whose operations will continue due to having other than current year annual appropriations either to the extent such support has been funded or the suspension of which would prevent or significantly damage the execution of the funded programs.

In the event a lapse continues for an extended period, personnel may be recalled as necessary to provide litigation support for cases that cannot be suspended and to provide legal support for excepted Department and operating unit functions and activities unforeseen at the commencement of the lapse.

DOC Office of the Chief Information Officer (OCIO)

Orderly shutdown activities not expected to be completed within one-half day include ensuring required notifications to employees are completed, briefing DOC points of contact and DOC OCIO senior leadership on outstanding items, cancelling meetings, and notifying customers and stakeholders. Extended orderly shutdown tasks will be performed by approximately one individual and will be completed within two days.

DOC OCIO will continue to execute and complete critical IT duties, responsibilities, oversight and coordination across Commerce in support of otherwise excepted activities and functions.

Support includes ensuring the IT network, telecommunications, national security and critical infrastructure, hardware, software, application support and other IT services remain operational, safe, staffed, protected and functioning in a technically safe and sufficient manner. DOC and OS OCIO Staff will collaborate, communicate, and coordinate with bureau OCIO offices to address issues, problems, threats, and emergencies that may occur.

In the event a lapse continues for an extended period, staff may be recalled on an intermittent or full-time basis to ensure vigilant oversight of the cybersecurity environment, ensure systems are patched, assess and accomplish preventive maintenance tasks, review and complete critical infrastructure operations and maintenance duties, and address and resolve contractual issues and actions necessary to support otherwise excepted activities and functions.

Limited staff may also be recalled on an intermittent basis to execute administrative and business functions related to otherwise excepted activities and functions, address cyber security issues and threats, and to respond to critical actions, inquiries, and data-calls.

Office of the Under Secretary for Economic Affairs (OUS-EA)

In the event of lapse in appropriations, all regular operations of the Office of the Under Secretary for Economic Affairs will cease. Orderly shutdown activities not expected to be completed within one-half day include delivering furlough notices and information to staff, securing the office space, briefing excepted personnel, and conducting all other necessary shutdown procedures and communications. These activities are expected to take no longer than one day and can be accomplished by one individual.

The Office has one Presidentially-appointed, Senate-confirmed (PAS) officer who, by virtue of their position, is not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover their salary. In the event this position is either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) having its functions and duties performed temporarily by other than a PAS official, then such individual will be furloughed.

Bureau of Economic Analysis (BEA)

Orderly shutdown activities not expected to be completed within one-half day include developing and delivering communications and guidance to staff and external stakeholders, delivering furlough notices to personnel, securing the physical office space, confirming Time and Attendance responsibilities have been completed, and ensuring the Bureau's website, phone lines, and email addresses have been appropriately dispositioned for a lapse in appropriations. These extended orderly shutdown activities are expected to be performed by approximately ten individuals and will be completed within one day.

Most Bureau activities will cease in the event of a lapse in appropriations. The Bureau will continue the minimally necessary activities to ensure the safety and security of BEA physical, data, and IT resources and property.

In the event a lapse continues for an extended period, personnel may be recalled as necessary to conduct financial management activities necessary to liquidate obligations incurred prior to the lapse in appropriations or against multi-year appropriations otherwise available for obligation during a lapse in appropriations.

Bureau of Industry and Security (BIS)

BIS administers and enforces export controls including those on dual-use and certain munitions items through the Export Administration Regulations (EAR) under the authority of the Export Control Reform Act of 2018 (ECRA). BIS also administers the implementation of Executive Order (EO) 13873: Securing the Information and Communications Technology and Services (ICTS) Supply Chain, EO 13984: Taking Additional Steps to Address Malicious Cyber-Enabled Activities, and EO 14034: Protecting American's Sensitive Data from Foreign Adversaries. Given the national security mission of BIS and its collaborative efforts with other national security, foreign policy, law enforcement, and the intelligence community agencies, certain agency functions must continue in the event of a lapse in appropriations.

BIS has three Presidentially-appointed, Senate-confirmed (PAS) officers who, by virtue of their positions, are not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover their salary. In the event any of these positions are either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) having their functions and duties performed temporarily by other than a PAS official, then such individuals will be excepted from furlough as necessary to provide management and oversight responsibility incidental to emergency functions related to the protection of human life and property or other excepted functions, as applicable.

Office of the Under Secretary for Industry and Security (OUS-BIS)

The OUS provides ongoing support to the Secretary of Commerce and leadership of bureau functions related to the protection of human life and property during a lapse in appropriations and other excepted functions. The Office of the Deputy Under Secretary (DUS) oversees the ICTS program activities that implement EOs 13873, 13984, and 14034. The program will engage in necessary ICTS activities to address transactions and classes of transactions that pose undue or unacceptable risk to information and communications technology and services that may impact U.S. national security or the safety and security of U.S. persons. The risks to national security and to U.S. persons from such transactions or classes of transactions exist even during a lapse in appropriations. These functions are necessary to the discharge of the President's constitutional duties and powers in the event of a lapse in appropriations.

The office of the DUS also oversees BIS' orderly shutdown activities as well as providing administrative controls and support for other BIS excepted functions. This includes maintaining support for licensing, treaty compliance, industrial base studies, defense allocations, and investigative programs and protecting BIS' IT infrastructure, and data to ensure not only the integrity of the systems but that assets continue to be properly secured and operational to support the needs of BIS' export enforcement and export administration activities during the lapse.

During the lapse, other operations under OUS, including finance (e.g., processing personnel and pay records in connection with furlough actions), contracts, and travel support functions will remain available as necessary and incident to the continued support of law enforcement and emergency licensing functions.

Office of Assistant Secretary for Export Administration (OAS-EA)

The OAS-EA is required to review and process emergency license applications and draft regulations related to the support of U.S. and allied military activity and protection of U.S. property and human life in the event of a lapse in appropriation. Additionally, the program offices will require excepted positions to be filled during a lapse in appropriations in order to administer the Defense Priorities and Allocations System regulations necessary to address any issues that may arise in supporting national defense programs during a lapse in appropriations; to manage/host Organization for the Prohibition of Chemical Weapons inspections; to conduct activities related to Section 705 of the Defense Production Act of 1950 that are required to support national defense and time sensitive infrastructure needs; to review and adjudicate emergency export license applications and determine the trade and economic national security impact of export controls on U.S. interests. These functions are necessary to the discharge of the President's constitutional duties and powers.

The Office of Strategic Industries and Economic Security will continue to execute industrial base assessment functions through reimbursable agreements. Their compensation is financed by a resource other than an annual appropriation.

To the extent that any investigation authorized under Section 232 of the Trade Expansion Act of 1962 is underway or is commenced during a lapse in appropriations, OAS-EA will undertake the necessary work to address the effect of imported articles on national security.

Office of Assistant Secretary for Export Enforcement (OAS-EE)

The OAS-EE is a specialized law enforcement organization recognized for its criminal and civil investigative expertise and advanced targeting and successful partnerships with other law enforcement agencies and the intelligence community. Even in the event of a lapse in appropriations, these law enforcement functions are necessary for the protection of U.S. national security, homeland security, foreign policy, and economic interests. Excepted investigative personnel (e.g., special agents) conduct investigations of violations of U.S. export control laws involving the protection of life and property. Thus, at BIS headquarters and field offices, these functions include monitoring open investigations, opening new cases, and responding to all contingencies, including actions to prevent or stop illegal exports that might arise during a lapse of appropriations.

Excepted personnel are also required, during a lapse, for reviewing intelligence and export transactions, providing bona fides analyses of any emergency license applications received, targeting end-use checks to support the work of Export Control Officers and an Export Control Analyst stationed in twelve overseas locations to prevent diversions of U.S. items, and providing analytical investigative support to BIS special agents to prevent or stop illegal exports that might arise during a lapse of appropriations. Administrative staff is also required to support excepted functions.

U.S. Census Bureau

In the event of a lapse in appropriations, the U.S. Census Bureau anticipates that most activities will cease. The agency will have access to balances which will allow minimally necessary operations and activities to ensure the safety and security of data, IT resources, and property. Prior to any lapse in appropriations, an assessment will be performed to determine the level of budget authority available to continue operations. Administrative and information technology infrastructure activities supporting these programs will continue, funded by overheads collected against the funding sources above. The Census Bureau will use carryover balances to continue the activities needed to remain on a critical readiness path for a fully scoped, and on-time 2026 Census Test, a mission critical priority for ensuring 2030 Census operational viability as described throughout this section.

If the lapse in appropriations continues for a significant length of time and these funds are exhausted, then most employees working on these activities will be furloughed, consistent with the Contingency Plan described below.

The activities that the Census Bureau will not continue include the following:

1. Economic Indicators: U.S. monthly economic indicators would not be available.
2. Disaster Assistance and Recovery: The Census Bureau would be unable to provide updated data to jurisdictions impacted by natural disasters.
3. 2030 Census Planning (Non-Test Activities): All other activities necessary to plan, manage, and prepare for the 2030 Census not directly tied to the 2026 Census Test, including Geographic Support and Frames, will be paused.
4. American Community Survey: Data Collection for the ACS will be discontinued.

In the event of an extended lapse in appropriations, personnel may be recalled as necessary to conduct financial management activities required to liquidate obligations incurred prior to the lapse in appropriations or against multi-year appropriations still available for obligation during a lapse in appropriations. Such activities are authorized by necessary implication to continue in the absence of current year appropriations.

Office of the Director and Deputy Director and Chief Operating Officer

Orderly shutdown activities that will not be completed within one half day include: closing out operations for the Director and Deputy Director's office. We estimate that three employees will be necessary to complete these activities, and it will take approximately one day.

Excepted functions: The Census Bureau has one Presidentially appointed, Senate-confirmed (PAS) officer who, by virtue of his/her position, is not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover their salary. In the event this position is either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC

§ 3392(c) or (2) having its functions and duties performed temporarily by other than a PAS official, then that individual will be excepted from furlough as necessary to provide management and oversight responsibility incidental to emergency functions related to the protection of human life and property or other excepted functions, as applicable.

Office of the Chief Financial Officer (OCFO)

The Office of the Chief Financial Officer will maintain minimal staffing to support excepted functions, including processing invoices, budgetary transactions, travel, and financial reporting required by law. Staff will monitor accounts and spending, reconcile records, and oversee obligations to ensure compliance with OMB guidance and maintain fiscal controls. They will also support enterprise system transitions, such as the BAS project, which is funded through the Department's Nonrecurring Expenses Fund, where failure to act would harm funded activities. Additionally, staff will carry out contracting officer responsibilities, including issuing orders and modifying financial actions.

Office of the Chief Administrative Officer (OCAO)

The Office of the Chief Administrative Officer will maintain minimal staffing to support excepted functions and sustain critical operational continuity for the U.S. Census Bureau. OCAO staff will continue activities that are directly tied to the support of the 2026 Census Test using carryover funding, including time-sensitive personnel onboarding and personnel security and badging functions that, if delayed, would jeopardize the operational calendar of the Test. Excepted staff will also support facility, safety, and security operations to protect Census assets, maintain building integrity, and ensure safe working conditions for excepted personnel. HR operations supporting excepted employee matters will be maintained. OCAO staff will continue to serve as the Program Manager for the National Processing Center (NPC) construction and relocation project to ensure all ongoing buildout activities remain aligned with Census security and network infrastructure requirements.

Associate Director for Research and Methodology (ADRM)

Orderly shutdown activities that will not be completed within one-half day include management and administrative support and payroll processing. We estimate that four employees will be necessary to complete the activities and that it will take approximately one day

Office of the Chief Information Officer (OCIO)

Orderly shutdown activities that will not be completed within one-half day include administrative functions, HR support and securing any property as needed, import time and attendance data for field representatives from the Web-Based Field Representative Earnings Data system; the IT Database Administrator support for Census Hiring Employment Check (CHEC)/Centralized Application for Managing Personnel Investigations and Non-Employees (CAMPIN) (e.g., security system); and the Census Human Resources Information System (CHRIS). IT support for website operations for [Census.gov](https://www.census.gov) and provide cloud technical support.

We estimate that 13 employees will be necessary to complete the activities and that it will take approximately 3 days.

Excepted functions: Execute and complete critical IT duties, responsibilities, oversight and coordination across Census in support of otherwise excepted activities and functions. IT support includes payroll processing systems(e.g., Time and Attendance (GOVTA) and the National Finance Center (NFC)), maintaining IT service help desk, providing technical maintenance and support to the SharePoint system, managing the Bowie Computer Center facility. Security monitoring will remain active to detect potential system compromise, and core platforms such as Census.gov, Commerce Business Systems, CHEC, CHRIS, CAMPIN Kofax/Livescan Server, and emergency notification systems maintained. Support will also continue for the BAS transition and the 2026 Census Test, with ongoing development of the Decennial Applicant Personnel and Payroll System (DAPPS), Data Ingest and Collection for the Enterprise (DICE) and Enterprise Data Lake (EDL) capabilities required to support all of the Decennial Test operational deliveries.

Associate Director for Field Operations—National Processing Center (NPC)

Orderly shutdown activities that will not be completed within one-half day include: management and support and payroll processing. We estimate that 11 employees will be necessary to complete the activity and that it will take approximately 3 days.

Excepted functions: Maintain the facility boiler plant, handle necessary repairs to the boiler plant or facility plumbing, and respond to facility emergencies.

Certain operations related to the 2026 Census Test, including printing, processing, and shipping functions in support of the test will continue using carryover balances.

Associate Director for Field Operations—Regional Offices (ROs), Field Division

Orderly shutdown activities that will not be completed within one-half day include: providing management and administrative support to the field directorate in relation to an orderly shutdown of agency operations, securing the RO buildings and property, closing out payroll and providing IT support to the payroll staff. We estimate that 32 employees will be necessary to complete the activity and that it will take approximately 3 days.

Certain operations related to the 2026 Census Test, including opening Regional Census Centers; beginning recruitment for temporary, intermittent field staff; collaborating with test site partners; and activating systems essential to recruitment, hiring, and onboarding, training regional managers and supervisors, developing training for field operations, and continuing preparation for infrastructure and device logistics to support the test will continue using carryover balances.

Associate Director for Decennial Census Programs

Certain operations related to the 2026 Census Test using carryover balances will continue.. This will support the direct management and planning of all test operations and systems, delivery of

the IT solutions for the 2026 Census Test, the management of all test-related contracts and funding, and supporting the 2026 Census Test recruiting operation . Additionally, 2026 Census Test IT solutions supporting the hiring, onboarding, training and data collection operations will continue.

Associate Director for Demographic Programs

Staff will continue development of the Demographic Frame (DEMO Frame), for the 2026 Census Test using carryover balances. Staff will continue work on the development of methods and specifications, use of administrative records, content, collection and processing strategies as well as assessing data definitions and review processes. This work will also include the final testing of the instruments and processes that will be used for the 2026 Census Test.

Associate Director for Economic Programs

The office of the Associate Director for will continue activities related to the 2026 Census Test using carryover balances, including data ingest and linkage and DICE operation, including questionnaire design, business rules, field user interface controls, phone call support, paper data capture, self-response authentication, and other operations.

Associate Director for Communications

The office of the Associate Director for Communications will continue activities related to the 2026 Census Test using carryover balances, including creating, promoting and distributing materials for hiring on Census.gov, outreach to stakeholders, government entities and media to support awareness of test activities and supporting the preparation of training materials and outreach by staff across the Census Bureau.

Economic Development Administration (EDA)

Some of EDA's programs are financed by a resource other than current year annual appropriations and can continue to operate during a lapse in appropriations, such as those programs that received multiyear mandatory or supplemental appropriations, including the American Relief Act, 2025.

For other programs, EDA will maintain certain functions and activities that are necessary for a short period to ensure an orderly shutdown of operations. Specifically, employee furlough, contractual and building access coordination activities are necessary for at least a full (8-hour) day to ensure orderly shutdown of all the non-supplemental -related operations in all parts of EDA across all time zones.

Office of the Assistant Secretary (OAS)

OAS has one Presidentially-appointed, Senate-confirmed (PAS) officer(s) who, by virtue of their position, is not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover their salary. In the event this position is either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) having its functions and duties performed temporarily by other than a PAS official, then such individual will be excepted from furlough as necessary to provide management and oversight, the failure of which to provide would prevent or significantly damage the execution of programs that have a continuing source of funds.

Office activities and functions that directly involve implementation of programs financed by a resource other than current year annual appropriations will continue. This includes work undertaken for disaster supplemental appropriations.

In addition, the Denali Commission Federal Co-Chair (a Department of Commerce employee assigned to EDA's OAS) will continue to provide overall policy direction of the independent federal agency to the extent that an interagency agreement with the Denali Commission that finances the salary of this position with resources other than current year annual appropriations is in place.

Office of Chief Counsel

In the event of a lapse in appropriations, office activity or functions that directly involves implementing authorized supplemental appropriations will continue.

Office of Regional Affairs (ORA)

In the event of a lapse in appropriations, any office activity or function that directly involves implementing authorized supplemental appropriations will continue.

In the event of a lapse in appropriations, EDA ORA HQ administered programs and its six regional offices (Atlanta, GA; Austin, TX; Chicago, IL; Denver, CO; Philadelphia, PA; and Seattle, WA) will continue activities and/or functions that directly involve implementing programs financed by a resource other than current year annual appropriations.

This includes work undertaken under EDA's disaster portfolio that operates using multi-year supplemental appropriations.

Office of Finance and Management Services (OFMS)

In the event of a lapse in appropriations, office activities and functions will continue that directly involve implementing activities financed by a resource other than current year annual appropriations including processing apportionments with OMB, allocations in the Department's financial management systems, providing funds certification for procurement actions, implementation, oversight, and evaluation of internal administrative and financial management control systems, and reviews and monitors fiscal control system for both program and administrative expenses consistent with the requirements of the Antideficiency Act.

Office of External Affairs and Communications

In the event of a lapse in appropriations, coordination of EDA congressional, intergovernmental, and public affairs activities, and internal communications that directly involve implementing activities financed by a resource other than current year annual will continue.

International Trade Administration (ITA)

ITA is comprised of four main operating units: Executive Administration and Direction; Global Markets; Enforcement and Compliance; and Industry and Analysis. Each of its main operating units is led by a Presidentially-appointed, Senate-confirmed (PAS) officer who, by virtue of their positions, is not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover their salary (Exception Category 3). In the event any of these positions are either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) having their functions and duties performed temporarily by other than a PAS official, then such individuals will be excepted from furlough as necessary to provide management and oversight responsibility incidental to emergency functions related to the protection of human life and property or other excepted functions, as applicable.

ITA consists of trade and investment professionals based in 82 U.S. cities and, as a Foreign Service agency, Foreign Commercial Service officers and locally employed staff in 127 cities around the world. ITA's global footprint presents unique operational challenges during a lapse in appropriations due to local labor laws in foreign countries and requires close coordination with the State Department on personnel and travel expenditures. ITA's mission also requires close cooperation and coordination on activities with interagency, foreign government, and private sector partners, often supported through international obligations, participation agreements, or agreements under the Mutual Educational and Cultural Exchange Act (MECEA) or Joint Project Authority.

Orderly shutdown activities not expected to be completed within one-half day will be performed by approximately 60 individuals and will be completed within 4 days and include the following:

- Shut down or arrange for designated IT systems to remain operational.
- Cancellation of certain activities under the MECEA for which ITA is still within the cancellation window.
- Coordination with US and international field teams to determine what activities should be shut down, scaled back, or continue under the appropriate exception categories and notification to the appropriate stakeholders and customers.

Due to activities crossing over various units, the layout is by excepted function. The following functions or activities will be excepted in the event of a lapse in appropriations.

Management of Excepted or Pre-funded Information Technology Contracts and Mitigation of Cybersecurity Risks (Exception Category 5)

Executive Administration and Direction (in the Office of the Chief Information Officer) will require some management personnel on hand to direct what is a large and pre-funded contractor workforce. If a lapse in appropriations occurs, some overseas staff will be excepted by their respective Chiefs of Mission, requiring systems to remain fully operational. As a result, the IT

workforce will be required to maintain systems and provide real-time support for protection of ITA's mission-critical systems and data assets.

Impacted Operating Unit(s): Executive Administration and Direction

Management of Global Operations and Payment of Locally-Employed Staff (Foreign Commercial Officers and Civil Service Employees, Exception Category 3; Locally-Employed Staff (LES), Exception Category 1)

ITA employs a number of LES and Foreign Commercial Service Officers in foreign countries. In the event of a lapse in appropriations, individual determinations regarding LES and Foreign Commercial Service Officers will be made in coordination with the respective country's Chief-of-Mission under the Department of State to carry out the President's duties to conduct foreign affairs and policy. This includes the management of Foreign Commercial Service Officers necessary to supervise LES in more than 70 countries overseas (at a ratio of one officer per every five LES), and the continuation of pay for the more than 600 LES overseas who cannot be furloughed due to local labor laws in their countries. This requires human resources professionals responsible for expeditious two-way communications with FCS officers worldwide and coordination with the State Department's Bureau of Human Resources.

Impacted Operating Unit(s): Global Markets; Executive Administration and Direction

Completion of Services under Participation Agreements Signed Before the Lapse in Appropriations (Exception Category 1)

Global Markets conducts a range of fee-based services (e.g., Gold Key Service, whereby ITA helps US companies locate potential buyers or business partners in a foreign market). The US company signs a Participation Agreement and pays ITA in advance of the service being rendered. ITA's Locally-Employed staff conduct the service. For all Participation Agreements signed and paid for before the lapse in appropriations, ITA will complete the service.

Impacted Operating Unit(s): Global Markets

Activities under the Mutual Educational and Cultural Exchange Act (MECEA) (Exception Category 1)

ITA has entered into agreements to conduct activities under MECEA or another basis. These activities include partnering with trade show organizers and recruiting foreign buyers to US trade shows, providing onsite counseling to US exporters, and in some cases providing onsite business matchmaking services. ITA will deliver services for events where ITA has an existing MECEA agreement under which services cannot reasonably be postponed or cancelled.

For those events for which ITA is still outside the cancellation window under the Agreement, ITA will require one to two employees to work for up to three days (depending on size of the event) to shut the planned services down as an extended orderly shutdown activity. Such

activities include contacting partners, taking down marketing information, and notifying overseas staff.

ITA will use a combination of fees collected from event partners or registrants and unobligated balances from the prior fiscal year to either deliver services for events that are within the cancellation window under the MECEA agreement or perform extended orderly shutdown activities for events outside the cancellation window.

Impacted Operating Unit(s): Industry and Analysis; Global Markets

Activities Deemed Necessary for National Security (Exception Category 4)

ITA provides sector-, country-, economic-, and trade law-specific expertise to ensure that international trade negotiations and policy deliberations support US economic and national security interests. To the extent ITA experts are requested for activities deemed necessary for national security, including those stemming from requests from other agencies and the Office of the Secretary, including but not limited to bilateral and multilateral trade consultations, policy deliberations, and negotiations, they may be excepted as necessary. In addition, ITA's import licensing activities related to steel and aluminum mill imports into the United States shall be excepted as necessary for national security and protecting domestic steel and aluminum markets.

Impacted Operating Unit(s): Industry Analysis; Global Markets; Enforcement and Compliance; Executive Direction; Industry Monitoring and Analysis Unit (IMAU)

Litigation Support (Exception Category 5)

In the event the litigation support function of the Office of the Chief Counsel for Enforcement and Compliance (CC-TEC) continues on an as-needed/limited basis during a lapse in appropriations, economic and trade analysis support from ITA staff may be needed on Anti-Dumping and/or Countervailing Duty cases for CC-TEC litigation activities. Litigation support from ITA staff is also necessary to meet our international obligations regarding dispute settlement activities under the World Trade Organization Agreements. Deadlines imposed by the Judicial Branch including the United States Court of International Trade, the United States Court of Appeals for the Federal Circuit, and the United States Supreme Court may not be suspended during a lapse in appropriations of Executive Branch agencies. Failing to meet court-ordered deadlines during a lapse in the Department's appropriations may result in loss of opportunity to defend the agency or findings of contempt to comply with court orders. In the event a lapse continues for an extended period, ITA personnel may be recalled as necessary to provide litigation support for cases that cannot be suspended.

Impacted Operating Unit(s): Enforcement and Compliance

Implementation of the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation (Exception Category 5)

Uranium shipments cannot be released from CBP without Enforcement and Compliance's approval in accordance with the terms of the Suspension Agreement. Failure to coordinate clearance of uranium shipments with CBP could result in the physical displacement or loss of uranium which would create a public safety and national security risk. Required activities include: the evaluation and approval by Commerce of certain contracts/contract amendments, as appropriate, in order to ensure the timely shipment and delivery of Russian uranium to the United States; the examination and approval by Commerce of documentation for incoming Russian uranium shipments; and the review and transmission of clearance instructions to CBP via the electronic portal. These activities would be conducted on an intermittent basis, as the need arises.

Impacted Operating Unit: Enforcement and Compliance

The EU-U.S. Data Privacy Framework Program (Exception Category 1)

The EU-U.S. Data Privacy Framework (EU-U.S. DPF), UK Extension to the EU-U.S. DPF, and Swiss-U.S. Data Privacy Framework (Swiss-U.S. DPF) were respectively developed by the U.S. Department of Commerce and the European Commission, UK Government, and Swiss Federal Administration to provide U.S. organizations with reliable mechanisms for personal data transfers to the United States from the European Union, United Kingdom, and Switzerland while ensuring data protection that is consistent with EU, UK, and Swiss law. The Data Privacy Framework (DPF) program is funded out of fees paid by current and prospective participants, which support the administration and supervision of the DPF program and the provision of DPF program-related services, including education and outreach.

Impacted Operating Unit: Industry and Analysis

Minority Business Development Agency (MBDA)

MBDA has one Presidentially-appointed, Senate-confirmed (PAS) officer who, by virtue of their position, is not subject to furlough.

National Institute of Standards and Technology (NIST)

NIST's mission is to promote US innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life. Given this mission, NIST manages and supports a diverse program portfolio. A subset of these programs shall continue during a lapse, as described below.

Office of the Under Secretary of Commerce for Standards and Technology

The NIST Director's Office (DO) has one Presidentially-appointed, Senate-confirmed (PAS) officer who, by virtue of the position, is not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover salary. In the event that this position is either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) has the requisite functions and duties temporarily performed by other than a PAS official, then such individual will be excepted from furlough as necessary to provide management and oversight to the extent incidental and necessary to support excepted functions.

Minimally necessary activities to oversee and manage the excepted functions and activities of NIST as described below will continue. These activities primarily support NIST functions that relate to the safety of human life or the protection of property, but they may also support functions funded by other than current annual appropriations the suspension of which would prevent or significantly damage the execution of the funded function, or functions that relate to the discharge of the President's constitutional duties and powers. In addition, certain activities of the NIST Center for AI Standards and Innovation that are funded through means other than annual appropriations may continue.

Management Resources (MR)

MR provides ongoing support services to all agency programs. The Office of the Associate Director of Management Resources (ADMR) has responsibility for and shall provide coordination and oversight of NIST's excepted activities in the event of an appropriations lapse.

Minimally necessary activities to provide support services for the excepted functions and activities of NIST, including human resources, contract and grants support, facility and equipment repair and maintenance, limited construction activities (that, if interrupted, would adversely impact critical utility systems), access control, security, emergency response, safety, IT security and telecom infrastructure support, and financial systems, will be continued. These activities primarily support NIST functions that relate to the safety of human life or the protection of property, but they may also support functions funded by other than current annual appropriations, the suspension of which would prevent or significantly damage the execution of the funded function, or functions that relate to the discharge of the President's constitutional duties and powers.

Laboratory Programs (LP)

LP oversees and operates research and measurement services programs across NIST. The Office of the Associate Director of Laboratory Programs (ADLP) shall provide coordination and oversight of those programs required to maintain operation in the event of an appropriations lapse.

During a lapse, the ADLP Office shall continue to provide laboratory leadership, oversight, and coordination of excepted research programs. Laboratory Programs staff shall maintain and monitor reactor operations and provide maintenance, monitoring, and repairs to research equipment to ensure protection of human life and property. Programs funded by other than current annual appropriations shall continue. Additionally, programs paid for by external fees or interagency agreements, such as disaster response and investigations, will continue. Additional excepted activities that will continue are necessary to discharge the President's constitutional duties and powers, including representation of the United States in International Standards Organizations and certain programs protecting national security. Operations to ensure Universal Time Coordination and cybersecurity shall continue to protect against threats to human life and property.

Creating Helpful Incentives to Produce Semiconductors for America (CHIPS) Program Office (CPO)

The CPO is responsible for implementing the semiconductor incentives program authorized in section 9902 of the Fiscal Year 2021 National Defense Authorization Act (Public Law No. 116-283), as amended and funded by the CHIPS Act of 2022 (Public Law No. 117-167). The program provides financial assistance to incentivize investment in facilities and equipment in the United States for the fabrication, assembly, testing, advanced packaging, production, or R&D of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment.

During a lapse, the CPO, and NIST employees in other operating units who are required to support CPO, will continue normal operations utilizing funding provided for by the CHIPS Act of 2022.

Creating Helpful Incentives to Produce Semiconductors for America (CHIPS) Research and Development Program Office (CRDO)

The CRDO is responsible for implementing initiatives to support advanced microelectronics research and development authorized in section 9906 of the Fiscal Year 2021 National Defense Authorization Act (Public Law No. 116-283), as amended and funded by the CHIPS Act of 2022 (Public Law No. 117-167). The office oversees the execution of these funds, including oversight for a Manufacturing USA Institute and semiconductor metrology research conducted at NIST.

During a lapse, the CRDO, and NIST employees in other organizations who are required to support CRDO, will continue normal operations utilizing funding provided for by the CHIPS Act of 2022.

National Oceanic and Atmospheric Administration (NOAA)

In the event of a lapse in appropriations, NOAA would suspend regular agency operations, with exceptions for certain functions, consistent with Department and Administration guidance. In addition to the line office-specific excepted functions described below, NOAA will continue those programs that are financed by a resource other than current year annual appropriations,. Continuing activities may also include those funded through reimbursable agreements.

Office of the Under Secretary (USAO)

The USAO is responsible for the strategic direction and oversight of NOAA, including key investments in developing a community model framework to advance US weather modeling and prediction, space innovation, streamlining unmanned systems research to provide critical data across NOAA's mission areas, and unlocking the partnership potential of international non-governmental and private organizations to study our nation's oceans and promote a blue economy.

NOAA has three Presidentially-appointed, Senate-confirmed (PAS) officers who, by virtue of their positions, are not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover their salary. In the event any of these positions are either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) having their functions and duties performed temporarily by other than a PAS official, then such individuals will be excepted from furlough only as necessary to provide management and oversight responsibility incidental to emergency functions related to the protection of human life and property or other excepted functions, as applicable.

In addition, NOAA has one Presidentially appointed (PA) officer who, by virtue of the position, is not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover his salary. In the event this position is either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) having its functions and duties performed temporarily by an official who is subject to furlough, then such individual will be excepted from furlough only as necessary to provide management and oversight responsibility incidental to emergency functions related to the protection of human life and property or other excepted functions, as applicable.

Excepted functions include:

Providing administrative services to oversee and manage the excepted functions and activities of NOAA, including stakeholder and public outreach related to ongoing excepted functions, and in the participation of international negotiations or meetings as necessary to carry out the President's constitutional foreign relations functions. These activities primarily support NOAA functions related to the safety of human life or the protection of property but may also support functions funded by other than current annual appropriations, the suspension of which would prevent or significantly damage the execution of the funded function, functions that are mandated or implied by law, or functions that relate to the discharge of the President's constitutional duties and powers.

Office of the Chief Financial Officer (OCFO)

OCFO is responsible for the overall financial administration of NOAA and its organizations and has oversight for funds control and funds availability—carryover, reimbursable, other; reporting/querying on balances, and management of the Finance Systems, including restricting users and other activities, to ensure continuity of operations during a lapse in appropriations.

Excepted functions include:

- Monitoring financial services related to excepted or otherwise legally authorized agency activities to continue during a lapse in appropriations. Processing and reviewing applicable obligations, disbursements, billings, or collections related to reimbursables, travel, loans, grants, and/or vendor payments.
- Providing guidance for excepted travel policies and procedures for excepted employees required to travel for qualified activities. Responding to inquiries regarding DOC/NOAA issued travel guidance and cancellation of planned trips for non-excepted activities.
- Performing activities necessary to both NOAA and the DOC BAS team in restricting access to only excepted users and functions, complete end of year/start of year tasks and activities required, and ensure the financial system is functioning as needed to support activities otherwise excepted. Provide subject matter expertise and execute critical processes during a lapse to ensure and support continued operations for excepted financial and budget functions. Oversight for obligations in the financial systems to track and approve funds, review financial transactions and ensure NOAA is in compliance with OMB's guidance, ensure financial controls and fiscal accountability are in place, report on financial transactions and conduct queries of NOAA-wide obligations during a lapse in appropriations.
- Transitioning Departmental and NOAA enterprise systems, including the Business Applications Solutions (BAS) implementation project, which is funded through the Department's Nonrecurring Expenses Fund, to the extent that not providing such support would prevent or significantly damage the execution of this funded function.

- Performing activities necessarily implied by law as authorized to continue to support functions otherwise excepted, which are carried out by NOAA Line and Staff Offices (LO/SO).
- Like functions are also excepted throughout the individual line offices.

Office of the General Counsel (OGC)

OGC provides legal advice and counsel for all matters that may arise in the conduct of NOAA's missions.

Excepted functions include:

- Maintaining a minimal level of legal advisory operations for NOAA to ensure activities related to active pending litigation are sustained.
- Providing legal advice throughout NOAA for excepted functions (including rulemaking) to ensure the protection of property and safeguarding of human life.

Office of the Chief Administrative Officer (OCAO)

OCAO is required to maintain a minimal level of facility operations for NOAA during a lapse in appropriations to ensure the protection of property, safeguard life, monitor equipment safety, respond to facility emergencies, and provide freight deliveries and pick-up services, and otherwise support other excepted functions.

Orderly shutdown (3-7 days): One to five positions are necessary to support orderly shutdown activities and maintain facilities and equipment, while ensuring the continuity of operations for excepted functions are met at the campuses (Silver Spring, MD; Boulder, CO; Seattle, WA, Honolulu, HI) and to provide assistance to NOAA excepted activities.

Excepted functions include:

- Maintaining campus-wide operations at the Silver Spring, MD; Boulder, CO; Seattle, WA; and Honolulu, HI campuses. Functions provide on-call response to facility emergencies, manage limited mail service, receive notification letters or vendor invoices, maintain security systems, provide Contracting Officer Representative authorizations as necessary, and resolve common access card expiration issues for excepted employees.
- Like functions are also excepted throughout the individual line offices.

Office of the Chief Information Officer and High Performance Computing and Communications (OCIO/HPCC)

OCIO/HPCC is responsible for all NOAA information and IT assets. OCIO provides the minimal level of support necessary for otherwise excepted NOAA activities and for those programs

whose operations will continue due to having other than current year annual appropriations either to the extent such support has been funded or the suspension of which would prevent or significantly damage the execution of funded programs, and to the extent necessary to protect human life and property.

Orderly Shutdown (1-5 days): Up to three positions are needed to complete general administrative duties to ensure orderly shutdown of equipment, systems, facilities, and secure government documentation.

Excepted functions include:

- Monitoring activities of positions whose compensation is financed by a source other than annual appropriations under Spectrum Relocation Funds, a Category 1 exception.
- Providing critical support and maintenance of the IT backbone for NOAA organizations involved in the protection of property and the safeguarding of life. The work encompasses supporting cybersecurity, network infrastructure, web operations, email and telecom activities, incident response, monitoring all NOAA assets and additional resources that serve the Information Technology Security Office, the common data model monitor, and Security Operations Center staff, and providing acquisition support for critical services that impact the protection of life and property.
- Providing support for research and development of high- performance supercomputing. The supercomputers are necessary to continue computation that provides the National Weather Service with data and archive functions for operational models for weather forecasting. A vital activity is ensuring data integrity and loss prevention for essential IT systems to protect against imminent threats to human life and destruction of property.
- Maintaining website access for critical weather warning and event information availability to complete excepted activities which rely on NOAA's Enterprise Network backbone necessary to protect against imminent threats to human life and destruction of property.
- Activities to ensure the emergency protection of spectrum assignments in support of NOAA safety of life/property activities will be continued. This excepted function is necessary to protect against significant and imminent threats to the safety of human life and the protection of NOAA owned and controlled spectrum frequencies which support ongoing atmospheric observational capability.
- On an intermittent basis as necessary, support the United States Government in the United Nations' International Telecommunications Union (ITU) to carry out the President's constitutional foreign relations functions.
- Like functions are also excepted throughout the individual line offices.

Office of Human Capital Services (OHCS)

OHCS manages the overall personnel activities for NOAA, including related furlough planning and implementation. This includes providing employee and union notifications as required by law and regulation, and necessary and critical support to NOAA excepted personnel during the duration of a lapse in appropriations

Excepted functions include:

- Coordinating personnel furlough status reporting from each LO/SO and monitoring management responses during a lapse in appropriations.
- Supporting NOAA executives who provide leadership and management decisions on furlough activities to LO/SO personnel and authorize requests for recalls as appropriate. OHCS staff have authorities and systems access to support excepted personnel activities.
- Like functions are also excepted throughout the individual line offices.

Acquisition and Grants Office (AGO)

AGO is responsible for maintaining operations in support of excepted procurement activities in accordance with DOC guidance.

Orderly shutdown (1-3 days): One position is needed to support orderly shutdown activities to safeguard facilities and equipment, provide assistance to NOAA excepted contract activities, and ensure access to perform excepted functions at the Silver Spring, MD, Boulder, CO; Seattle, WA; and Honolulu, HI campuses.

Excepted functions include:

- Maintaining a minimal level of leadership and administration for oversight of NOAA excepted contract functions. Providing acquisition and the NOAA Cooperative Institutes' data to support customer needs and lapse-related data calls and requests for information in the execution of excepted program functions.
- Coordinating activities to continue performance of a contract (case-by-case basis) in all of NOAA's specialized areas including satellite, IT, weather, ship, construction, facilities, small purchase, and high-performance supercomputing, depending on funding and the need for access to government facilities, personnel, and resources.
- Supporting required work with the NOAA Cooperative Institutes that directly supports execution of excepted functions.

- Supporting the processing of monthly payment of the purchase card business line invoices chargeable to prior-year appropriations, including processing daily electronic files and invoices, and submitting for payment to NOAA Finance. These activities are authorized by necessary implication to continue in the absence of appropriations.
- Like functions are also excepted through the individual line offices.

Office of Space Commerce

The Office of Space Commerce supports the U.S. commercial space industry, including through the regulation of commercial remote sensing satellite operations.

Excepted functions include:

- Maintaining readiness to implement emergency operating conditions (restrictions) on commercial remote sensing satellites in the event of national security events as directed by the Secretary of Defense or Secretary of State. Continued monitoring of licensees for compliance with license conditions to ensure protection of national security interests

National Environmental Satellite, Data, and Information Service (NESDIS)

NESDIS supports secure and efficient command and control of NOAA and Department of Defense operational environmental satellites and ground processing that provide data/imagery to sustain weather forecasting and issuance of warnings required for public safety and protection of property.

Excepted functions include:

- Maintaining critical and mission-related program assets including Satellite Applications and Research, Geostationary/Polar Operational Environmental Satellite, Joint Polar Satellite System, Jason 2/3, Deep Space Climate Observatory, Suoumi NPP, EWS-G1/G2, Defense Meteorological Satellite Program, Global Change Observation Mission-Water and Scatterometer to support performance of excepted functions.
- Maintaining critical and mission-related satellite programs for upcoming launches related to the following portfolios: Geostationary Earth Observations, Low Earth Observations, and Space Weather Observations.
- Supporting overall satellite command and control to manage the 24x7 operations of environmental satellites, acquisition, processing and interpretive analysis of environmental data from hazards of volcano eruptions, oil spills, fire and smoke and tropical cyclones for use in life and property warnings and forecasts, executing spacecraft commands and schedules, and acquiring, maintaining, and

distributing a continuous flow of environmental satellite data and satellite rebroadcast services.

- Providing mission support to non-NOAA missions and agencies such as the National Aeronautics and Space Administration, US Geological Survey, Naval Research Laboratory, and foreign space agencies through the collection of ocean climatology data, automated data ingest software for satellite oceanographic data, and space weather data collection for weather forecasting.
- Maintaining a level of leadership and support to assist excepted functions in meeting mission needs including spectrum management, personnel actions, monitoring of procurement actions, acquisitions, and recall of personnel.

National Marine Fisheries Service (NMFS)

NMFS is responsible for the stewardship of the nation's ocean resources and their habitats, including science for and management of U.S. trust resources. NMFS' excepted functions focus on law enforcement; seafood inspection and other functions funded by other than current annually appropriated funds; maintenance of facilities and laboratories, systems, and aquaria/organisms to protect key science and research studies from loss, functions related to fisheries, protected species, and other marine resources required to protect life and property, including avoid irreparable harm to U.S. trust resources.

Excepted functions include:

- Ensuring compliance with budget and financial regulations and providing oversight of infrastructure and other federal assets, recall of personnel to perform excepted activities in coordination with NOAA leadership.
- Fulfilling law enforcement activities to protect Federal trust resources, including the protection of endangered species, critical habitat, and protected areas.
- Monitoring trust resources under the Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act, Endangered Species Act and other authorities to avoid irreparable harm to U.S. fishery or protected species trust resources and taking necessary regulatory action (e.g., implement a fishery closure to prevent overfishing), including clearance by the Assistant Administrator and submission to the Office of the Federal Register. Ensuring the deployment of observers, management of data from observers, and monitoring the health and safety of observers.
- Conducting surveys on OMAO vessels or charter vessels when the survey directly aims to protect a trust resource from significant and imminent threats, or where the failure to collect or maintain data on schedule would irreparably harm the value of existing collected research.

- Ensuring the safety of seafood sold in the United States and enabling the continued work of seafood inspectors and related support staff funded by other than current annually appropriated funds.
- Coordinating emergency marine mammal and sea turtle stranding response, working with network partners, and coordinating daily communications related to a stranding event.
- Supporting work on Marine Mammal Protection Act authorizations for military readiness and national security. NMFS is required to process permit applications for imminent U.S. military activities that may impact trust resources under the Marine Mammal Protection Act.
- Supporting NOAA General Counsel on active litigation related to NMFS actions for which there are imminent or near-term court-ordered deadlines that are unable to be suspended during a lapse.
- Representing U.S. interests at international meetings where fishing privileges or the allocation of fishing rights will be determined/voted on, including international regional fishery management organization meetings, such that lack of representation would harm U.S. trust resources.
- Monitoring oil spills and other marine emergency events as needed to advise the US Coast Guard (USCG), other federal agencies, and other stakeholders on emergency response and assemble/lead appropriate response efforts.
- Working on natural resource and infrastructure projects funded by sources other than current year annual appropriations. Working on programs that are funded through cost-recovery fees paid for by industry or the public.
- Supporting work on Marine Mammal Protection Act and Endangered Species Act authorizations that are necessary to complete emergency work in accordance with the Emergency Measures to Provide Water Resources in California and Improve Disaster Response in Certain Areas Executive Order and Declaring a National Energy Emergency Executive Order.

National Ocean Service (NOS)

NOS provides data, tools, and services to support coastal economies and their sustainability in the national economy to help communities prepare for, respond to, and recover from severe weather events, including hurricanes, flooding, and natural disasters. NOS is solely responsible for maintaining the national coordinate system; its activities focus on safe and efficient transportation of products in and out of U.S. ports, updates to navigation charts, and monitoring of water-level data.

Orderly shutdown (3-5 Days): Twenty-five positions are required to perform the necessary activities to discontinue operations in the event of a lapse in appropriations and coordinate

coverage of excepted functions including modify/cancel contracts; adjust payroll; recall persons on travel status; cancel Federal-led conferences, interviews, and communications.

Excepted functions include:

- Maintaining minimal/essential IT and geospatial systems/network and management structure of sustained core activities to support the protection of property and safeguarding of human life. Assisting in emergency planning for extreme weather events including gathering critical in situ observational data and monitoring communication with Integrated Ocean Observing System (IOOS) Regional Associations to support weather forecasting, maritime safety, and public health.
- Maintaining safe navigation of ships in the US Exclusive Economic Zone with critical nautical chart updates (dangers to navigation) and emergency hydrographic surveys to identify maritime hazards to shipping/transportation.
- Supplying critical data to the US Coast Guard and National Geospatial-Intelligence Agency to support a safe Maritime Transportation System in US waters and publishing critical electronic nautical charts.
- Conducting essential activities to protect property and safeguard human life by assisting the National Spatial Reference System (NSRS) in maintaining operations such as mapping, charting, flood risk determination, navigation, transportation, land use, and protection of critical infrastructure, maintaining the NOAA Continuously Operating Reference Stations (CORS) Network to enable the integrity of and quality assurance for the NOAA CORS Network, and maintaining the Reimbursable-Federal Aviation Administration/Aeronautical Survey Program to conduct critical geodetic and remote sensing reviews of airport surveys for FAA to ensure transportation safety.
- Serving as the focal point within NOAA for responding to oil and hazardous materials threats and/or releases and other emergencies necessary to protect the safety of human life and property, including forecasting the movement and behavior of spilled oil, chemicals, vessel incidents (grounding or sinkings) or marine debris, conducting studies to minimize harm, evaluating risk and developing solutions to address vessel salvage, pollution, and evaluating alternative cleanup methods.
- Monitoring of lab facilities to protect property and vessels, protect key science and research studies from loss, ensure care and feeding of organisms on a routine basis and maintain critical ocean forecast systems including harmful algal bloom forecasts to protect life and property.
- Serving as key resource and conducting on-site assessment of property(ies), vessel(s), vehicle(s), equipment, etc. on a weekly basis, or more frequently as needed for National Marine Sanctuaries (NMS). Protection of vessels and

property at all ONMS sites to include retrieval of critical scientific equipment (using vessels) and moving/returning vessels to safe harbors as needed.

- Maintaining essential observations and models to share data in near real time for safe navigation, coastal resilience, support the protection of property and the safeguarding of human life. Preserving the critical infrastructure for the National Water Level Observation Network (NWLON), Physical Oceanographic Real Time System (PORTS) and National Current Observation Program (NCOP) and ensuring continuous operation of NWLON, PORTS and NCOP sensors by monitoring and troubleshooting issues identified, and retrieving equipment identified as at risk for loss or damage.
- Maintaining reimbursable partnerships management for execution of projects and programs funded outside of the annual appropriations process through agreements; coordinating access to property owned by partners.

National Weather Service (NWS)

NWS provides the nation with continuous weather (and space weather) and water forecasts, watches, warnings, and Impact-based Decision Support Services (IDSS) during hazardous conditions. This work is critical and necessary to protect life and property in the country, promote national security, and support the commercial weather enterprise. Offices operate on a 24 hour/7 days a week schedule to provide forecasts, warnings, data, critical expertise, and IDSS.

Excepted functions include:

- Operating on a 24 hour/7 days a week schedule to provide forecasts, data, critical expertise and IDSS, including sustaining national security-related forecast and warning capabilities, including support to the Department of Defense, Department of Homeland Security, FAA, Federal, State, Local and other mission partners during high-consequence events.
- Ensuring ongoing operations, IT support, funds certification, procurement requests, and activities related to resource management.
- Support weather forecast offices, river forecast centers, national operational centers, and regional operations centers by operating critical IT systems, networks and observing systems used to issue forecasts, watches, and warnings via IDSS.
- Providing critical functions including maintenance/repair/replacement of operational systems and coordination with other national centers, regions and agencies

Oceanic and Atmospheric Research (OAR)

OAR's mission enables NOAA to ensure more accurate forecasts, acute warnings for natural disasters, and cutting-edge science to better manage national and global environment events.

Orderly shutdown (2 to 4 days): Thirty positions are required to perform necessary activities to discontinue operations across multiple laboratory environments and research sites in the event of a lapse in appropriations.

Excepted functions include:

- Supporting activities in conjunction with other government agencies, NOAA Cooperative Institutes, and affiliated firms, providing minimal level of leadership and direction, and protecting against significant and imminent threats to human life and property.
- Maintaining continuity of formal collaborative agreements with academic and non-profit research institutions and supporting continuity of critical research, and ocean observations to provide operational weather products to the NWS in support of predictions, lead time and accuracy of severe weather warnings, tsunami detection, and forecasting to protect against significant and imminent threats to human life and property.
- Providing critical support for key environmental information products needed to determine air quality and weather variability, acidification, fisheries oceanography, and long-term environmental monitoring in collaboration with multiple academic partnerships and international coalitions and research institutions worldwide.
- Maintaining safety and security of chemical laboratory equipment and ongoing experiments required for continuity of research on atmospheric chemical processes essential for understanding and predicting changes in Earth's environment to protect against significant and imminent threats to human life and property.

Office of Marine and Aviation Operations (OMAO)

OMAO supports observational data collection for ongoing weather forecasting and severe weather warnings, protection of national trust resources and protection of the fleet, as well as other activities across the agency required to safeguard life and protect property.

Orderly shutdown: Vessels at sea and not performing excepted projects will be instructed to return to the nearest NOAA home port within 24 days to secure the vessel. Aircraft not performing excepted projects will conduct an orderly shutdown and the aircraft and crews will return to the Aircraft Operations Center in Lakeland Florida within 4 days to secure the aircraft. Due to the average speed of NOAA's operational platforms, it is not generally possible to reach the nearest NOAA facility within the one-half day time frame. Crew members and support personnel will be excepted from furlough to allow the necessary transit time to a NOAA facility and to otherwise orderly shutdown operations. Depending on the number of operational platforms necessary to complete excepted activities, this will include up to 700 non-NOAA Corps personnel to support and coordinate performing shutdown of shore side technical and administrative support operations. Support personnel are required to coordinate the safe return of

operational platforms (e.g., travel orders, contracts, security, supplies/services for the securing the platforms and any maintenance that may prevent their return).

Excepted functions include:

- Supporting the Commissioned Personnel Center and Director's Staff to coordinate the excepted activities related to processing personnel actions, notifying, and recalling staff.
- Answering budgetary questions on excepted activities for OMAO and its subcomponent organizations.
- Providing direction, security and basic services necessary to protect and maintain NOAA's fleet. NOAA's fleet and maritime facilities are government assets valued in the hundreds of millions of dollars that must be secured and protected to avoid risk of damage or theft and that would prevent their future use.
- Protecting and maintaining NOAA's aircraft and facilities, which are government assets valued in the hundreds of millions of dollars and must be secured and protected to avoid risk of damage or theft that prevent their future use. Continuous security and engineering watches are required to safeguard the vessels.
- Excepted positions with unique, specialized experience to be available to maintain aircraft on a 24-hour/7-day shift-work basis. Aircraft must be maintained in a constant state of readiness to support weather impacting, emergency events and to ensure the protection of property.
- Maintaining the NOAA Corps Officers cadre assigned throughout NOAA organization to assist with excepted activities during a lapse in appropriations.
- Basic Officer Training Classes (BOTC) of new NOAA Corps Officers , including travel, may be continued using amounts other than current year annual appropriations, to the extent available.
- Training for current NOAA Corps officers to maintain qualifications (including but not limited to Refresher Training, Simulation Training, and annual/safety training meetings) necessary to enable performance of excepted functions will be continued.
- Continuation of awarded ongoing contracts for construction, maintenance and repair of NOAA Ships, aircraft, and facilities with limited oversight by Federal employees (e.g., NOAA CORs) using amounts other than current year annual appropriations, to the extent available.
- Vessel and aircraft operations in support of other excepted functions.

National Telecommunications and Information Administration (NTIA)

As the Executive Branch agency principally responsible for advising the President on communication policy, NTIA will continue to perform the following critical activities during a lapse in appropriations: 1) manage the federal use of spectrum; and 2) promote the stability and security of the Internet's domain name system.

During a lapse in appropriations, NTIA requires continuous and frequent engagement with defense and emergency management agencies to execute its role as the manager of federal spectrum. NTIA's operations also support the national economic stability through oversight of Executive Branch initiatives that directly impact the domestic and global Internet economy and the nation's education, business, and financial sectors.

In addition to these critical responsibilities, some NTIA programs are financed by resources other than current year annual appropriations. These funding sources allow NTIA to: 1) perform cutting-edge telecommunications research and engineering with both Federal government and private sector partners; 2) build and operate a nation-wide public safety broadband network, as well as support state and local governments to plan for their participation in the network; 3) implement grant programs; and 4) conduct spectrum studies activities as identified in H.R. 1 Act, 2025.

In the event a lapse continues for an extended period, personnel may be recalled as necessary to provide support for excepted NTIA and operating unit functions and activities unforeseen at the commencement of the lapse.

Offices of the Assistant Secretary, Congressional Affairs, Public Affairs, and Chief Counsel

Orderly shutdown activities not expected to be completed within one-half day include delivering furlough notices to personnel, securing the physical office space, confirming Time and Attendance responsibilities have been completed, and ensuring the Bureau's website, phone lines, and email addresses have been appropriately dispositioned for a lapse in appropriations. These extended orderly shutdown tasks will be performed by five individuals and will be completed within one to three days.

NTIA has one Presidentially-appointed, Senate-confirmed (PAS) officer who, by virtue of his/her position, is not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover their salary. In the event this position is either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) having its functions and duties performed temporarily by other than a PAS official, then that individual will be excepted from furlough as necessary to provide management and oversight responsibility incidental to emergency functions related to the protection of human life and property or other excepted functions, as applicable.

Minimally necessary activities to oversee and manage the exempt and excepted functions and activities of NTIA line offices as outlined below will be continued, including providing legal, policy, and advisory support. Activities related to programs financed by resources other than current year annual appropriations will continue to be undertaken either because such support is itself similarly funded or because the suspension of such support would prevent or significantly damage the execution of the funded programs. Support for activities related to significant and imminent threats to human life and property will be conducted on the same basis.

Office of Spectrum Management

Activities to ensure the emergency protection of spectrum management in support of U.S. national security operations and other critical federal government activities will be continued. This excepted function is necessary to protect against significant and imminent threats to the safety of human life and the protection of government owned and controlled spectrum frequencies (*i.e.*, property).

Contingent upon the availability of resources other than current year annual appropriations (*e.g.*, amounts paid through interagency agreements), perform operational activities related to spectrum management and critical mission needs. Minimally necessary activities to oversee and manage these functions will be undertaken, the suspension of which would prevent or significantly damage the execution of functions that are financed by resources other than current year annual appropriations. In addition, Spectrum Studies activities as identified in the H.R. 1 Act, 2025, are funded by other than annual appropriations and will continue.

Offices of Policy Analysis and Development and International Affairs

Furloughed employees may be recalled to duty in the event that circumstances arise requiring their performance of excepted functions and activities related to protecting government owned and controlled domains.

Office of Internet Connectivity and Growth

Broadband programs that are financed by resources other than current year annual appropriations will be continued. These programs include the Broadband Equity, Access, and Deployment (BEAD) program, the Enabling Middle Mile Broadband Infrastructure Program, the Digital Equity Act Tribal program, the Tribal Broadband Connectivity Grant program, the Broadband Infrastructure Program (BIP), and the Connecting Minority Communities (CMC) program.

Institute for Telecommunications Sciences

Work on research projects financed by resources other than current year annual appropriations (*i.e.*, previously executed reimbursable agreements with other federal agencies and CRADAs with non-federal entities under which funds have been made available to NTIA) to satisfy mission-oriented commitments with clients will be continued. The activities will be performed on an intermittent to full-time basis based on the availability of funds and timeline for client commitments.

On an intermittent basis, maintenance and emergency services (*e.g.*, fire, wind damage, electrical issues, etc.) related to the safety of human life or the protection of property at NTIA's Table Mountain research facilities outside Boulder, CO will be performed.

Office of Public Safety Communications

Minimally necessary activities to implement NTIA's responsibilities under the Middle-Class Tax Relief and Job Creation Act of 2012 involving First Responder Network Authority (FirstNet Authority) efforts to deploy, operate, and maintain the nationwide public safety broadband network, including the statutorily-required annual review and approval of the FirstNet Authority's fees, will be continued. The suspension of such support would prevent or significantly damage the execution of FirstNet Authority operations that are financed by resources other than current year annual appropriations.

Activities authorized under the Public Wireless Supply Chain Innovation Fund (PWSCIF) program, which are funded under the CHIPS Act of 2022, will be continued because they are financed by a resource other than current year annual appropriations.

Office of Policy Coordination and Management

OPCM will provide IT, financial, human resources, and management support for the ongoing functions of NTIA on an intermittent to full-time basis, as needed. Activities related to programs financed by resources other than current year annual appropriations will continue to be undertaken either because such support is itself similarly funded or because the suspension of such support would prevent or significantly damage the execution of the funded programs. The NTIA excepted and/or otherwise funded programs require IT network, telecommunications, national security and critical infrastructure, hardware, software, and other IT services to remain operational, and protected. OPCM staff will continue ensuring systems are patched, preventive maintenance tasks are accomplished, and infrastructure operations and maintenance duties are completed. OPCM staff will continue processing invoices for payments to vendors for obligations properly incurred against available funding and resolving contract issues and actions necessary to support otherwise excepted activities and functions. OPCM staff will provide necessary and critical support to NTIA excepted personnel including coordinating personnel furlough status reporting, authorizing requests for recalls as appropriate, resolving time and attendance errors (performed in conjunction with DOC Enterprise Services Office), and providing contract management of HR vendors authorized to work on excepted activities. OPCM staff will continue to provide facilities, property, acquisition, and procurement management services to NTIA offices/ programs with a continuing source of funds and/ or excepted activities and functions. OPCM staff will continue to implement authorized supplemental appropriations activities including processing apportionments with OMB, allocations in financial management systems, providing funds certification for procurement actions, implementation, oversight, and evaluation of internal administrative and financial management for Anti-deficiency Act compliance.

Support for the continuing activities of NTIA described herein that relate or are incidental to the discharge of the constitutional functions and duties of the President or significant and imminent threats to human life and property will be conducted on the same basis.

First Responder Network Authority

The FirstNet Authority builds, operates, and maintains the nationwide public safety broadband network. These activities are exempt due to financing by a resource other than annual appropriations. Funding is provided through fee collections authorized by the Middle-Class Tax Relief and Job Creation Act of 2012.

National Technical Information Service (NTIS)

NTIS does not receive annual appropriations and operates from a revolving fund on a fee-for-service basis. NTIS will not reduce staffing if there is a short (1-5 day) lapse in appropriations. However, whether NTIS will continue work on the projects it undertakes for other Federal agencies will depend on those agencies determining whether it is appropriate for the project to continue during the lapse. The NTIS Director/Deputy Director and Chief Financial Officer staff will track the NTIS revolving fund balance to determine when NTIS is likely to reach a minimal balance, at which time NTIS will begin orderly shutdown and all bureau activities will cease.

United States Patent & Trademark Office (USPTO)

If a lapse in appropriations cannot be mitigated through existing balances, such as utilization of the Patent and Trademark Operating Reserves, most USPTO employees will need to be furloughed. In the event that a shutdown of the USPTO is necessary, the following plan will be executed as described below.

Given the nature of the USPTO's business operations, any available balances from patent operations and trademark operations may not expire at the same time. It is possible that one business unit will continue to operate at normal levels while the other will shut down. The plan below covers the expiration of funds for both patent and trademark business units. Should that occur, the activities noted in the areas below reflect the bare minimum set of activities necessary to protect against the actual loss of intellectual property (IP) rights and the protection of life and property.

Office of the Under Secretary

In the event of a lapse in appropriations, the Office of the Under Secretary will provide overall management and direction of functions authorized to continue during the lapse. This includes necessary oversight and the provision of centralized services for excepted functions of all operating units.

The Under Secretary is a presidentially-appointed, Senate-confirmed (PAS) officer who, by virtue of the position, is not subject to furlough and the Department is authorized by necessary implication to continue to incur fiscal obligations to cover the Under Secretary's salary. In the event that this position is either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) has its functions and duties performed temporarily by an individual other than a PAS official, then such individual will be excepted from furlough as necessary to provide management and oversight responsibility incidental to emergency functions related to the protection of human life and property or other excepted functions, as applicable.

Office of Public Engagement

In the event of a shutdown, the Office of Public Engagement will not conduct activities, and not conduct activities at USPTO's regional outreach offices.

Office of Patents

In the event of a shutdown, the Office of Patents shall retain minimal staffing to manage several excepted functions. Persons excepted from a furlough include staff charged with protecting mission critical intellectual property, and staff who review all foreign activity. Also excepted are employees who process and review all newly filed patent applications (including the review of applications for national security interests to ensure that a Foreign Filing License is not inappropriately granted). These positions ensure that incoming applications are complete and meet filing requirements, thereby serving to protect patent filing dates.

The Office of Patents will also retain staff who maintain critical Licensing and Review (L&R) functions, including properly receiving requests for foreign filing licenses, deciding those requests, and issuing such licenses as provided under 35 USC § 184. Failure to receive a foreign filing license timely can result in loss of property rights by an applicant. Employees who advise on questions concerning 35 USC § 156 (Hatch-Waxman) will remain during the furlough, as failure to timely address questions concerning interim extension can also result in loss of property rights by the patent owner.

Office of Trademarks

During a furlough, the Office of Trademarks will except employees responsible for protecting mission critical Intellectual Property and overseeing all foreign activity. In addition, employees who provide technical and IT support for systems necessary to meet legal obligations to the public and international treaties will remain.

Office of Policy and International Affairs

In the event of a shutdown, the Office of Policy and International Affairs shall retain minimal staffing levels. Employees who monitor international activities related to IP protection and enforcement will remain as they are necessary to protect property rights. Staff who accept correspondence from other international IP agencies and support USPTO leadership on international issues will remain during a furlough to help us uphold obligations under international IP treaties.

Office of the Chief Administrative Officer

During a furlough, the Office of the Chief Administrative Officer (OCAO) will retain minimal staffing to provide agency oversight and coordination for shutdown operations, human capital and emergency operations. The OCAO will retain staff to advise agency leadership on human resource related matters, including union concerns, time and attendance matters, and orderly shutdown procedures. Other critical operations, necessary to protect life and property, supported by minimal staff in the OCAO's office include monitoring the contract guard force, guaranteeing the integrity of physical access and security systems on campus, accepting mail and packages, and providing advice on local and national events for potential impacts to the agency.

Office of the Chief Communications Officer

In the event of a shutdown, the Office of the Chief Communications Officer will retain minimal staffing to provide agency communication to stakeholders including the general public, international partners, and the media.

Office of the Chief Financial Officer

The Office of the Chief Financial Officer will retain minimal staffing to perform required functions necessary to protect property. Functions of the office that will continue include continued processing of incoming maintenance fees, paying invoices on prior obligations

incurred by the USPTO, and processing all budgetary transactions in the USPTO's financial systems. Staff will provide contracting officer duties and responsibilities, issue delivery/task orders, and modify financial actions. Additionally, staff will continue to analyze budgetary accounts, amounts, and spending during the furlough and will provide financial reporting such as reconciliation and record preservation as required by law.

Office of the Chief Information Officer

The Office of the Chief Information Officer (OCIO) will retain minimal staffing to support excepted activities including those necessary to meet existing legal obligations to the general public, those necessary to uphold obligations required by international treaties, and those necessary to protect property. Retained staff will include those responsible for maintaining the integrity and security of the USPTO's information technology network, operating the CIO Command Center, and providing essential event/incident response management. The OCIO will also retain employees to provide emergency response to IT systems used by the general public to research and protect property rights.

Office of the General Counsel

The Office of the General Counsel (OGC) expects that some shutdown functions will not be completed within one-half day. These activities include filing motions to stay matters in litigation, suspending or closing other legal matters, and administrative legal tasks related to the suspension of USPTO operations.

In addition, the OGC will continue to provide the minimal level of legal support necessary for otherwise excepted activities of the USPTO and its operating units. This includes legal advice incidental to emergency functions that relate to the safety of human life or the protection of property. Additionally, OGC will continue to provide ongoing interpretations of law related to the continued protection of USPTO property, IP, and employees. Remaining staff will provide legal advice as needed to protect IP and to comply with federal mandates. The applicable statute of limitations will be met for practitioner discipline cases.

In the event a lapse continues for an extended period, personnel may be recalled as necessary to provide litigation support for cases that cannot be suspended and to provide legal support for excepted Department and operating unit functions, as well as activities unforeseen at the commencement of the lapse.

Office of Equal Employment Opportunity

The Office of Equal Employment Opportunity will conduct no activities during a shutdown.

Patent Trial and Appeal Board

The Patent Trial and Appeal Board will retain a minimal level of staff excepted from the furlough to manage its critical functions related to the preservation of property rights and those functions required under US law. These functions include managing ongoing contested cases that

require orders signed by a judge and entered to preserve party rights, evidentiary rulings for depositions and other discovery proceedings, and contested proceedings scheduled on a pre-set independent of the USPTO's closing. Emergency motions will need to be decided as time periods between the parties pass. Stay orders will need to be entered and sent out to maintain the status quo of property rights between parties in contested cases as the preset deadlines pass.

Trademark Trial and Appeal Board

A minimal level of staff excepted from the furlough will be retained to manage critical functions of the Trademark Trial and Appeal Board related to the preservation of property rights and those functions required under US law. These functions include managing ongoing contested cases that require orders signed by a judge and entered to preserve party rights, evidentiary rulings for depositions and other discovery proceedings, and contested proceedings scheduled on a pre-set independent of the USPTO's closing. Emergency motions will need to be decided as time periods between the parties pass. Stay orders will need to be entered and sent out to maintain the status quo of property rights between parties in contested cases as the preset deadlines pass.

Additionally, excepted staff are needed to ensure the availability of the functioning electronic system to issue orders and reset dates.

Office of Government Affairs and Oversight

The Office of Government Affairs and Oversight will retain minimal staff during a furlough in order to perform activities necessary to protect life and property. These activities include monitoring Congressional activities related to the USPTO and responding to any requests from Congress related to IP rights and the USPTO's status during the furlough.

Office of Inspector General (OIG)

In the event of a lapse in appropriations, the Office of Inspector General will continue to perform ongoing audits, evaluations, and investigations that are supported by existing multi-year and no-year funds. This includes necessary oversight and the provision of centralized services such as legal counsel, network operations and security, data analytics, writer/editor services, and limited administrative and financial services support.

The Office of Inspector General has one Presidentially-appointed, Senate-confirmed (PAS) office who, by virtue of their position, is not subject to furlough and for which the Department is authorized by necessary implication to continue to incur fiscal obligations to cover their salary. In the event this position is either (1) encumbered by an appointee who formerly served in a career senior executive position and who opted to retain leave benefits under 5 USC § 3392(c) or (2) having its functions and duties performed temporarily by other than a PAS official, then such individual will be excepted from furlough as necessary to provide management and oversight responsibility incidental to emergency functions related to the protection of human life and property or other excepted functions, as applicable.

Additionally, the Deputy Inspector General will assist the Inspector General in maintaining the continuity of decision-making authority, the Counsel to the Inspector General will continue to provide legal support to the Agency on emergency matters along with one attorney advisor, and an information technology specialist will maintain and protect databases containing proprietary information. Further, two budget personnel within the Office of Administration will work on an intermittent basis to perform financial management activities necessary to liquidate obligations incurred prior to a lapse in appropriations or against multi-year or no-year appropriations otherwise available for obligation during a lapse in appropriations. Lastly, two Human Resources personnel within the Office of Administration will work on an intermittent basis to provide continuity in time and attendance and payroll processing.

1. Financed by a resource other than current year annual appropriations.
2. Expressly authorized by law to continue in the absence of appropriations.
3. Authorized by necessary implication to continue in the absence of appropriations.
4. Necessary to discharge the President's constitutional duties and powers.
5. Related to emergencies where there is a reasonable likelihood that the safety of human life or the protection of property would be compromised, in some significant degree, by delay in performance.

EXCEPTED STAFF - BUREAU OVERVIEW

Bureau	On-Board	Cat 1	Cat 2	Cat 3	Cat 4	Cat 5	Total
Office of the Secretary	985	33	-	25	10	239	307
Bureau of Economic Affairs Bureau of Economic Analysis (BEA) and the Office of the Under Secretary for Economic Affairs (OUSEA)	410	-	-	-	-	3	3
Bureau of Industry and Security (BIS)	445	5	-	3	112	216	336
Census	11,141	713	-	1	-	37	751
Economic Development Agency (EDA)	199	26	-	16	-	0	42
International Trade Administration (ITA) ^[1]	1,272	8	-	5	30	17	60
Minority Business Development Agency (MBDA)	29	-	-	1	-	-	1
National Institute of Standards and Technology (NIST)	3,426	455	-	23	45	660	1183
National Oceanic and Atmospheric Administration (NOAA)	10,466	99	-	77	-	4,664	4840
National Telecommunications and Information Administration (NTIA)	600	429	-	14	-	20	463
National Technical Information Service (NTIS)	13	13	-	-	-	-	13
U.S. Patent and Trademark Office (USPTO) ^[2]	13,789	-	-	5	-	231	236
Office of Inspector General	209	29	-	6	-	3	38
Totals	42,984	1,810	0	176	197	6,090	8,273

[1] In addition to staff listed as excepted on the Department's plan, the Department also employs a number of locally employed staff (LES) and senior commercial officers (SCOs) in foreign countries. In the event of a lapse in appropriations, individual determinations regarding LES and SCOs will be made in coordination with the respective country's Chief of Mission.

[2] To the extent prior year annual appropriations and the proceeds of offsetting collection authorities remain available to finance operations, USPTO will continue full operations. If a shutdown is necessary, the plan herein will be executed.