

U.S. Department of the Treasury

Financial Crimes Enforcement Network

Plan for Hiatus in Appropriation

- The Anti-Deficiency Act, 31 U.S.C. 1341 and 1342, severely restricts the conduct of business by agencies during a hiatus of appropriations.
- FinCEN's contact for hiatus in appropriation planning and coordination is Becky Martin, Deputy Chief Financial Officer, Management Programs Division; contact at (703) 905-3860 or becky.martin@fincen.gov.
- Summary of Hiatus in appropriation Impacts (as required by OMB Circular A-11):

Estimate of the time needed to complete shutdown activities	½ day
Total number of agency employees expected to be on-board before implementation of the plan	310
Total number of employees to be retained under the plan for each of the following categories: <ul style="list-style-type: none">• Compensation is financed by a resource other than annual appropriations;• Necessary to perform activities expressly authorized by law;• Necessary to perform activities necessarily implied by law;• Necessary to discharge of the President's constitutional duties and powers; and• Necessary to protect life and property.	2
	21
Total	23

- Significant agency activities that will continue include: providing investigative support to law enforcement investigations; addressing dissemination issues; continuing computer operations to prevent loss of data; and maintaining minimal telecommunications. If the hiatus lasts longer than five days, an additional 22 employees may return to perform the previously described activities. Significant agency activities that will cease include:

responding to foreign financial intelligence unit requests to exchange information in support of foreign law enforcement investigations; issuing regulations and guidance/outreach to industry; identifying trends and patterns related to BSA regulatory policy issues; and developing geographic and industry assessments, comprehensive reference materials, and other strategic analysis efforts.

- There will be approximately 310 FinCEN employees, 40 detailees, and 125 contractors on-board prior to implementation of the hiatus in appropriation plan. Those employees assigned to FinCEN who are on other agencies' payrolls will discontinue work in accordance with the hiatus in appropriation plans of their employing agencies. Notification of a possible hiatus in appropriation will be provided to contract personnel by the Office of Acquisition Management.
- It will take approximately one-half day to complete the required actions related to a hiatus in appropriation of non-excepted activities. There will initially be approximately 23 employees designated as excepted. An additional 22 employees may be designated as excepted, bringing the total to 45 employees, as required to provide investigative support to law enforcement functions designated as excepted during a hiatus in appropriation period. These individuals will provide financial intelligence support to law enforcement investigations, address dissemination issues, continue computer operations to prevent loss of data, maintain minimal telecommunications, and provide support to excepted functions. Of these exceptions, two positions are funded by other than annual appropriated funds.
- There will be approximately 287 employees designated as non-excepted. FinCEN will suspend responses to foreign financial intelligence unit (FIU) requests to exchange information in support of foreign law enforcement investigations. FinCEN will also defer all on-going efforts to issue regulations and guidance/outreach to industry, and industry based money laundering trends and patterns related to BSA regulatory policy issues. FinCEN will defer efforts on a number of on-going efforts to develop geographic and industry assessments, comprehensive reference materials, and other strategic analysis efforts. Finally, FinCEN will examine where curtailment of efforts related to the modernization of the BSA government-wide system is possible. There will be an additional list of employees, as explained above, that will be maintained with updated emergency contact information in the event of recall from furlough due to workload demands.
- Upon official notification of a hiatus in appropriation, Human Resources will send a memorandum to all employees providing updated Office of Personnel Management (OPM) guidance on furloughs, including information on benefits. In addition, the Management Programs Division will provide updated information as it becomes available. The furlough notices will be issued thru the Associate Directors to FinCEN

employees. Once OMB thru Treasury has notified FinCEN that there is a hiatus in appropriation, all normal operations will cease and all further efforts will be devoted solely to closing down operations, protecting government property, providing support to law enforcement activities, and notification of employees on leave, in travel status or at temporary duty stations.

- In cases of hiatus in appropriation, annual, sick, court or military leave which has been approved for the furlough period is cancelled. The OPM may issue supplemental guidance on leave status as required by individual situations.
- Employees on leave will be notified by their respective immediate supervisor as to the hiatus in appropriation procedures that leave is cancelled. Employees in travel status or at temporary duty stations will be notified whether to return home due to the hiatus in appropriations or to continue with their off-site business. This communication will be through emergency contact information maintained and followed by a formal notice by mail.
- Personnel from the Management Programs Division will be responsible for assisting and ensuring the handling of budget matters related to the hiatus in appropriations, the processing of critical personnel, payroll actions and employee notifications, and acquisition issues. The Chief Counsel will address disclosure issues.
- Employees will be advised to follow media reports and contact established FinCEN and/or Treasury Hotlines to receive information regarding the budget negotiations, and should contact the FinCEN and/or Treasury hotlines to determine when they are expected to return to work.

Actions Required to Plan for Hiatus in Appropriation

Task	Activity	Lead
1	Identify a bureau POC for hiatus in appropriation planning and coordination	AD FM
2	Determine which positions and activities are excepted and non-excepted in accordance with guidance from Treasury.	Associates
3	Determine which individuals are excepted and non-excepted.	Associates
4	Determine which contracts will continue work under the hiatus in appropriation and which contracts will cease work.	TSSD/AM
5	Identify employees that will be in a leave status on the first day of hiatus in appropriation.	Supervisors
6	Identify employees that will be in a travel status or at temporary duty stations and determine which should continue with their off-site business and which should immediately return home.	Supervisors
7	Identify employees that will be in training status on the first day of hiatus in appropriation.	Supervisors
8	Provide employees with HR Communications e-mail box to address questions. Include in communications to all employees once hiatus in appropriation is directed.	Human Resources
9	Employees required to verify emergency contact information	Human Resources
10	Establish a contingency number to be used for hotline	TSSD
11	Prepare the memorandum to non-excepted employees. The memo should instruct employees to call the established FinCEN and/or Treasury Hotline and listen to media reports to receive information that the furlough has ended and when they are expected to return to work, and to instruct non-excepted employees to leave the workplace within 4 hours. The memo should also explain that all prior approved leave requests for the hiatus in appropriation period are cancelled.	Human Resources
	OMB thru Treasury Directs Hiatus in Appropriation	Within 4 hours of notification
12	Human Resources verify list of excepted and non-excepted employees with Associate Directors.	Human Resources
13	Human Resources provide memorandum to Associate Directors with necessary instructions	Human Resources
14	Notify individual employees of their excepted status for hiatus in appropriations	Associate Directors
15	Send the memorandum to all non-excepted employees notifying them that all operations will cease. The letter will be distributed by the Associate Directors to employees.	Associate Directors
16	Notify employees on leave of hiatus in appropriation procedures and that all prior approved leave requests for the hiatus in appropriation period are cancelled.	Supervisors
17	Notify employees in travel status or at temporary duty stations whether they should continue with their off-site business or to return home due to the hiatus in appropriations	Supervisors
18	Notify employees that will be in training status to return to duty station	Supervisors
19	Notify all contract personnel of expected actions (i.e., stop work or continue).	Contracting Officers
20	Complete payroll actions for the prior pay period.	Human Resources
21	Close-out critical budget, personnel and acquisition issues	HR/FM/AS
	Reactivation	
22	Provide guidance on how to notify employees and contractors that the hiatus in appropriation has ended and work should resume	Media Reports Hot Line #
23	Notify employees and contractors that work should resume	Supervisors
24	Notify NFC of Mass Action Process to Return to Work	Human Resources

Excepted Employee Positions

Position Title	Exception		Component Organization	Justification
	Funded by other than annual appropriated funds	Necessary for safety of human life or protection of property		
Director		1	Office of Director	Maintain Law Enforcement Investigations
Counsel		1	Office of Chief Counsel	Maintain Law Enforcement Investigations
Security		1	Office of Security	Protecting Federal Building
Information Technology Specialist		2	Technology Solutions and Services Division	Computer Operations to Prevent Loss of Data
Information Technology Specialist		3	Technology Solutions and Services Division	Maintain Law Enforcement Investigations
Intelligence Research Specialist	2	2	International Programs Division	Maintain Law Enforcement Investigations
Financial Manager		1	Management Programs Division	Prevent loss of financial data
Contracting Officer		1	Management Programs Division	Computer Operations to Prevent Loss of Data
Logistics Specialist		1	Management Programs Division	Securing Equipment and Records
Intelligence Research Specialist		6	Analysis and Liaison Division	Maintain Law Enforcement Investigations
Law Enforcement (Special Agent)		2	Analysis and Liaison Division	Maintain Law Enforcement Investigations
Total 23 Positions	2	21		
Additional Excepted Positions if workload required *				
Intelligence Research Specialist		11	Analysis and Liaison Division	Maintain Law Enforcement Investigations
Security Specialist		1	Office of Security	Protecting Federal Building
Personnel Specialist		1	Management Programs Division	Securing Equipment and Records
Logistics or Personnel Specialist		1	Management Programs Division	Securing Equipment and Records
Law Enforcement (Special Agent)		7	Analysis and Liaison Division	Maintain Law Enforcement Investigations
Intelligence Research Specialist		1	International Programs Division	Maintain Law Enforcement Investigations
Total of Additional 22 Positions*	* If LE agencies maintain robust operations, then we will require positions to provide direct support to ongoing investigations. Current information indicates that many LE organizations are applying for exempt status for all operations.			

Excepted Contract Activities

Contract Activities	Exception		Component Organization	Justification
	Activities with a continuing source of funding	Necessary for safety of human life or protection of property		
Help Desk for BSA Systems	x		T SSD	Computer Operations to Prevent Loss of Data.
Help Desk for Internal Systems		x	T SSD	Computer Operations to Prevent Loss of Data.
Maintenance E-Filing System		x	T SSD	Computer Operations to Prevent Loss of Data.
Curtailed BSA Modernization Activities	x		T SSD	Activities with a continuing source of funding
IRS Detroit Computing Center	x	x	RRP	Computer Operations to Prevent Loss of Data.
Administrative Resource Center	x	x	T SSD/MDP	Computer Operations to Prevent Loss of Data.
Federal Protection Service		x	Secuirty	Protecting lands, buildings, and other property.
Commerical Data Bases		x	Analytics	Maintain ongoing law enforcement investigations.
Building Maintenance (e.g. generator)		x	MDP	Securing and storage of equipment records & files
Telecommunication Contracts		x	T SSD	Maintain viable telecommunication operations.
Hardware & Software Maitenance		x	T SSD	Computer Operations to Prevent Loss of Data.