

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 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	341
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.	78
Total	78

As of 10/16/13 the following changes have been made to the originally posted plan: An additional 23 employees were recalled to perform the functions described below in addition to ensuring the continuation of BSA filings. Furthermore, FinCEN began to respond to overdue Foreign Intelligence Unit (FIU) case requests using contractors funded from a continuing funding source. Limited legal counsel was also recalled to support the enforcement actions,

litigation and related excepted activities. If the lapse continues beyond three weeks, further employee recalls will be required.

- 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 20 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; suspend activity on BSA compliance efforts, and developing geographic and industry assessments, comprehensive reference materials, and other strategic analysis efforts.
- There will be approximately 341 FinCEN employees, 20 detailees, and 130 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 Bureau of Fiscal Services (formerly Bureau of Public Debt, Division of Procurement Services.)
- 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 30 employees designated as excepted. An additional 20 employees may be designated as excepted, bringing the total to 50 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.
- Updated 10/16/13: There are currently approximately 263 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 suspend activity on BSA compliance efforts. 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 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 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.
- 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.