



U.S. ELECTION ASSISTANCE COMMISSION
 633 3rd St. NW, Suite 200
 Washington, DC 20001

United States Election Assistance Commission Agency Operations in the Absence of Appropriations

Lapse Plan Summary Overview		
Estimated time (to nearest half day) required to complete shutdown activities:		1/2 day
Total number of agency employees expected to be on board before implementation of the plan:		83 employees
Total number of agency employees expected to be furloughed under the plan (unduplicated count):		72 employees
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):		
Compensation is financed by a resource other than annual appropriations:		0
Necessary to perform activities expressly authorized by law:		4 employees
Necessary to perform activities necessarily implied by law:		7 employees
Necessary to the discharge of the President's constitutional duties and powers:		0
Necessary to protect life and property:		4
Brief summary of significant agency activities that will continue during a lapse:		
Facilitation of critical communication for administrative notification purposes or to authorize staff to do critical assigned work during accountable work hours; ensure that the public has continuous access to EAC-related web sites and other critical sites offering information regarding election readiness, as well as maintenance/troubleshooting of those sites; maintain EAC-wide critical infrastructure including servers, switches, and phone system as well as support the commissioners with all technical needs and coordination of IT services and IT security efforts; and other essential financial, legal and human resource requirements		
Brief summary of significant agency activities that will cease during a lapse:		
Payments to States for election improvements; voting system testing and certification; accreditation of voting system test laboratories; investigations of voting system anomalies; research on improvement of Federal elections; posting of new information on the clearinghouse of election information on the agency website; various other EAC-related activities.		

1. **PURPOSE:** This document provides contingency planning in the event of a funding hiatus caused by the absence of appropriations, either through failure to pass a regular appropriations bill or a continuing resolution.
2. **REFERENCES:** Office of Management and Budget (OMB) Circular A-11, Section 124 (2021), and Office of Personnel Management (OPM) *Furlough Guidance* (<https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance>).
3. **POLICY:** Only Presidential Appointees confirmed by the Senate (PAS), and EAC personnel necessary to perform activities necessarily implied by law will remain working, unpaid. No U.S. Election Assistance Commission staff provide law enforcement, military or health care services, or actions necessary to protect life and property as required by the Antideficiency Act (31 U.S.C. §1341) and relevant OMB and Department of Justice guidance.

Additionally, all EAC staff may work no more than four hours each on the first day without appropriations to perform an orderly shutdown, regardless of length of the funding hiatus.

4. **EMPLOYEES:**

- Total Agency Employees: 79 staff, plus four Presidential Appointees confirmed by the Senate (PAS)
- Total Employees Furloughed: 72 staff. Seven career employees are excepted from furlough and four PAS exempt pursuant to OPM Furlough Guidance. The seven career staff are necessary to oversee HR and finance actions, ensure security of federal property, and execute funded functions that would be prevented or significantly damaged in the absence of performance of the unfunded activity.

5. **SERVICES AND PROGRAMS THAT WILL REMAIN OPERATIONAL:**

The EAC website, EAC.gov, will be operational for one month after a shutdown since payments are made one month in advance. Staff will ensure facilitation of critical communication for administrative notification purposes or to authorize staff to do critical assigned work during accountable work hours. Additionally, staff will maintain EAC-wide critical infrastructure including servers, switches, and phone systems as well as support the commissioners with all technical needs and coordination of IT services and IT security efforts.

6. **SERVICES AND PROGRAMS THAT WILL BE CLOSED:**

- Payments to States for election improvements.
- Voting system testing and certification.
- Accreditation of voting system test laboratories.
- Investigations of voting system anomalies.
- Research on improvement of Federal elections.
- Posting of new information on the clearinghouse of election information on the agency website.

7. **ACTIONS:**

The following actions will be taken to effect the shutdown:

- A. Employees will be advised by the Executive Director or designee of a possible funding hiatus as soon as such an event is deemed likely by management.
- B. When a funding hiatus occurs, EAC Office of Human Resources staff will mail all employees instructions (or email prior to the anticipated hiatus start date).
- C. No employees report to work, with the exception of the Commissioners.
 - 1) No employees will be granted leave of any type during the funding hiatus. When funds are restored, staff will either be returned to duty or placed on leave, as appropriate.
 - 2) Staff in travel and/or training status must be contacted by their supervisors and told that they are in nonpay status and must return home immediately.
 - 3) Building facilities and services should not be used during the funding hiatus.
- D. A telephone recording on the main EAC telephone number (301-563-3919) and an EAC website message will alert the public to the status of the agency.
- E. All payments scheduled during the furlough period, which were authorized under prior appropriations, e.g., travel and per diem, contract payments, etc., will be delayed until the furlough period is ended. All contractors will be paid in accordance with their specific agreements for the hiatus period.
- F. EAC Division Directors are responsible for notifying all contract vendors for rented meeting facilities, or non-government training contractors scheduled to execute the terms of a contract during the anticipated hiatus period of the lapse of appropriations, with assurances that the contracted services will be rescheduled or resumed when funds are restored. Expenses incurred by reason of necessary cancellations will be paid when funds are restored.

8. EMPLOYEE BENEFITS:

- A. Health, Life and Retirement Insurance coverage continues under the absence of appropriations. Employees are responsible for paying the employee share of the premiums. Once returned to pay status, any amounts owed will be deducted from biweekly gross pay.
- B. For leave accrual purposes, leave will be prorated for the period covered by appropriation.

9. RESUMPTION OF OPERATIONS:

- A. It is the employee's responsibility to stay informed as to the status of agency funding during the hiatus. This information can be obtained via OPM's web site and the OPM Alert app. Employees are expected to report to work as scheduled on the first workday after the enactment of an appropriation or continuing resolution that makes funds available to the agency.

- B. If employees have problems returning to work on the day specified for resumption of operations, use of annual or sick leave, as appropriate, may be granted by the supervisor.
- C. Since Commissioners will be working during a furlough, Information Technology servers will be transferred to the Continuity of Operations Plan site, fully backed up, and will remain operational. Accounts for all other staff will be disabled until operations resume.
- D. Grant requests for payment will be certified and requests for payment submitted to the Bureau of the Fiscal Services (BFS) as a priority for the grants office. Contract officers' representatives will prioritize making payments, in coordination with Bureau of the Fiscal Services procurement staff. Generally, requests for contract payments are submitted electronically with email notification. Interagency payments are submitted by BFS staff to EAC for approval.