



Federal Communications Commission

**Plan for Orderly Shutdown
Due to Lapse of Congressional Appropriations**

September 2023

| Lapse Plan Summary Overview | |
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| Estimated time (to nearest half day) required to complete shutdown activities: | <i>½ day</i> |
| Total number of agency employees expected to be on board before implementation of the plan: | <i>1471</i> |
| 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: | <i>183</i> |
| Necessary to perform activities expressly authorized by law: | <i>0</i> |
| Necessary to perform activities necessarily implied by law: | <i>10</i> |
| Necessary to the discharge of the President's constitutional duties and powers: | <i>6</i> |
| Necessary to protect life and property: | <i>37</i> |
| Brief summary of significant agency activities that will continue during a lapse: | |
| <ul style="list-style-type: none"> • Activities necessary for the protection of life or property • Permissible Spectrum Auction activities funded through a source other than lapsed annual appropriations and not affected by the partial lapse in the FCC's spectrum auctions authority • Broadband data and mapping activities funded through a source other than lapsed annual appropriations • Emergency relief programs, including the Affordable Connectivity Program, Emergency Connectivity Fund, and Telehealth Programs, funded through a source other than lapsed annual appropriations • Supply Chain Reimbursement Program, funded through a source other than lapsed annual appropriations • International and treaty-related activities • Certification of Universal Service Fund and Telecommunications Relay Services disbursements, funded through a source other than lapsed annual appropriations • Other excepted activities • OIG operations performed by staff funded through a source other than lapsed annual appropriations | |
| Brief summary of significant agency activities that will cease during a lapse: | |
| <ul style="list-style-type: none"> • Response to consumer complaint and inquiry phone lines • Consumer protection and local competition enforcement • Licensing services, including broadcast, wireless, and wireline • Management of radio spectrum and the creation of new opportunities for competitive services for the American public • Equipment authorization • All other activities not immediately necessary for the protection of life or property or otherwise excepted or funded through a source other than lapsed annual appropriations | |

If a potential lapse in appropriations is imminent, the FCC will determine whether and for how long prior year funds will be made available to continue all agency operations during a lapse.

If prior year funds are made available, employees will be notified that the FCC will remain open beyond a lapse and directed to continue to work as usual until further notice.

Once prior year funds are no longer made available to fund all agency operations, the agency will furlough employees and take other actions in accordance with this plan.

Generally, during such a shutdown all FCC activities will cease other than those immediately necessary for the protection of life or property, performing other excepted activities or those funded through a source other than lapsed appropriations. Suspended activities include, among many others: Consumer complaint and inquiry phone lines cannot be answered; consumer protection and local competition enforcement must cease; licensing services, including broadcast, wireless, and wireline, must cease; management of radio spectrum and the creation of new opportunities for competitive technologies and services for the American public must be suspended; and equipment authorizations, including those bringing new electronic devices to American consumers, cannot be provided.

When this shutdown plan is activated, all FCC employees will be instructed to conduct an orderly shutdown of operations on the first business day following a lapse in appropriations. FCC estimates that the time required for each employee to accomplish an orderly shutdown will be not more than four (4) hours with very rare exceptions detailed below. During this time, all but full-time, furlough-excepted or exempt FCC employees will receive a notice of decision to furlough in the form of a letter attached to an e-mail. The notice of decision will inform employees to cease regular work activities. Employees being furloughed also will be provided shutdown instructions advising them to engage only in shutdown activities, which include items such as:

- Securing the work area and locking up materials and files, including at remote or telework locations;
 - Canceling travel plans and scheduled training;
 - Canceling internal and external meetings and informing attendees;
 - Canceling FCC sponsored events and notifying participants, and
 - Placing out-of-office messages on email and voicemail.
- With very rare exceptions detailed below, FCC estimates orderly shutdown will be completed in approximately four (4) hours – one half-day for planning purposes.
 - FCC expects that approximately 1,471 employees will be on-board before the implementation of the plan.

The following approximate number of employees will be retained for the following reasons:

- Five (5) employees will be retained under the plan because they are not subject to furlough as leave-exempt Presidential appointees. These are full-time employees. They are the FCC Chairwoman and four Commissioners.
- Forty-five (45) employees in the Office of Inspector General will continue agency operations until further notice because of the availability of carryover funds.
- Eighty-nine (89) employees* will be retained under the plan because their salary and expenses are not funded out of annual appropriations that will lapse, and they will be supporting limited, permissible spectrum auction-related activities not affected by the partial lapse in the FCC's spectrum auctions authority.
- Twenty-three (23) employees* will be retained under the plan because their salary and expenses are not funded out of annual appropriations that will lapse, and they will be supporting broadband data collection and mapping activities.
- Twenty-two (22) employees* will continue agency operation of identified emergency relief or national security programs because of the availability of carryover funds.
- Seventeen (17) employees, not otherwise exempt, will be retained to protect life and property. These are full-time employees, working shifts to cover 24-hour and 18-hour operations. Up to two (2) employees will work per shift at each location. Staff of the FCC Operations Center will handle emergency contacts for agency. Staff of the High Frequency Direction Finding (HFDF) Center will operate the high frequency antenna system used to protect life and property. An additional one (1) management employee will oversee and coordinate regularly with both operations to help identify and respond to imminent threats to life or property. To protect life and property, three (3) employees will be retained for communications and network reliability operations, outage reporting, and incident response.
- Four (4) employees will be retained to provide oversight or conduct interference detection, mitigation, and disaster response operations wherever they may be needed. These will be full-time employees strategically located across the country to resolve imminent threats to the safety of life or property.
- Sixteen (16) employees* will be retained for critical oversight/protection of life or property, including the security of FCC's facilities, critical information technology infrastructure, and to support and provide oversight for other excepted activities.
- Six (6) employees* will be retained for preparation for and attendance at the World Radiocommunication Conference 2023, a treaty-level forum held by the International Telecommunication Union, to perform international and treaty related activity instrumental in the discharge of the President's constitutional power.

- Two (2) employees* will be retained, working as needed, to certify Universal Service Fund (USF) and Telecommunication Relay Service (TRS) disbursements because of the availability of carryover funds.
- Ten (10) employees* will be retained initially to assist in the orderly shutdown of operations by the Agency (e.g. process timesheets).

After the plan has been implemented, the approximate 236 total employees listed above, or 16% of those on board before the plan was implemented (* indicates that employees are also counted in other bullets, but are not double-counted in the 236 total number), will have been retained. The remaining 1,235 employees, or approximately 84% of those on board before the plan was implemented, will have been furloughed and sent home.

In addition to the employees listed above, the following approximate number of contractors will be retained to support exempt activities that are funded by a source other than lapsed annual appropriated funds, such as permissible spectrum auction-related activity not affected by the FCC's partial lapse in spectrum auctions authority. These contracts will be performed using funding that was obligated prior to any laps.

- 1) 24/7 IT support to monitor system – 18 full-time contractors; 255 contractors working as needed.
- 2) 33 full-time IT contractors and 1 WTB contractor needed to support permissible auction-related and/or broadband data and mapping activities.
- 3) 8 full-time IT contractors needed to support auction-related Section 508 compliance, and Independent Verification and Validation testing.
- 4) 26 full-time IT contractors needed to support emergency relief or national security programs.
- 5) 10 full-time IT contractors needed to support cybersecurity monitoring of network, systems, and applications.
- 6) Headquarters (HQ) Security Guards and security personnel, forty-four (44) total contractors working on a rotating basis with eight (8) contractors (8:00 am to 6:00 pm, Mon thru Fri) and five (5) at all other times¹; in addition, six (6) other contractors performing security work on a non-rotating basis.
- 7) Field Security Guards, five (5) contractors, three who working on a part-time basis, (Gettysburg, PA² and Columbia, MD) (5:30 am to 8:00 pm, Mon thru Fri)
- 8) 19 Facility services contractors working full-time.

Although the above activities are funded by a source other than annual appropriations that have lapsed and/or are supporting activities that are funded by a source other than annual appropriations that have lapsed, these activities would also be excepted to protect working FCC personnel and FCC property, such as critical IT systems and data contained therein.

Employees otherwise in furlough status, may be called upon to work as necessary during the furlough due to the nature of their responsibilities to perform excepted or exempted work on an as needed basis.

¹ These forty-four Security Guard and security personnel contractors are contracted through Federal Protective Services (FPS).

² The three (3) Field Security Guards at the FCC Gettysburg facility are contracted through FPS.

Resumption of Orderly Operations

Prior to the shutdown, employees will be instructed to listen to public broadcasts or news that a CR or appropriation has been signed. Employees will be expected to return to work on the next scheduled work day after the furlough has ended.

Supervisors may approve accrued annual leave, compensable time-off, or credit hours in the event employees have problems returning to work on their next scheduled work day.