

To all DOC employees (Excluding USPTO, NTIS and FirstNet)

In follow-up to my email on September 22, I wanted to provide you an update on our planning with regards to a potential lapse in appropriations at midnight on September 30. The Administration continues to strongly believe that a lapse in funding should not occur. There is enough time for Congress to prevent a lapse in appropriations, and the Administration is willing to work with Congress to enact a short-term continuing resolution to fund critical Government operations and allow Congress more time to negotiate an agreement that invests in middle-class economic priorities and helps our entire economy grow. However, prudent management requires that we continue to prepare for all contingencies, including the possibility that a lapse could occur at the end of the month.

As part of our effort to keep employees apprised of planning efforts, we are providing further information on how a potential lapse will affect our staff and operations. As was the case in 2013, under a lapse in funding, our actions and decisions about what operations continue are governed by legal opinions issued by the Attorney General and the Office of Legal Counsel (OLC) of the Department of Justice.

In consultation with our Office of General Counsel, we have reviewed our contingency plan and made any necessary updates to our determinations of the activities that may continue under these legal requirements. Similarly, we have made any necessary updates to our determinations of the employees who would continue to report to work in the event of a lapse in funding, and the employees who would be placed on furlough. As we saw in 2013, should a lapse occur, and depending on the length of the lapse period, these determinations may change over time as circumstances evolve. Importantly, the categorization of employees and whether or not someone is furloughed is not a reflection on the quality of an employee's work, nor of his or her importance to our agency. It is merely a reflection of the legal requirements that we must operate under should a lapse occur.

Your managers will begin reaching out to you to provide additional detail on our contingency plans and your status under a potential lapse. These conversations are designed to provide clarity on how a potential lapse will affect you, but they do not constitute an official notice of furlough. Official furlough notices will only be issued on October 1st if a lapse in funding has occurred.

The uncertainty of the current circumstances puts our workforce in a difficult situation, and should a lapse occur, it could impose hardships on many employees as well as the people that we serve every day. We will work closely with all staff to do our best to support you throughout this period.

Thank you again for your hard work, dedication, and patience through this process, and for your continued service to the Department of Commerce, the Nation, and the American people.

Sincerely,
Bruce H. Andrews
Deputy Secretary