



U.S. Small Business
Administration

**PLAN FOR OPERATING IN THE EVENT OF A LAPSE IN APPROPRIATIONS
SEPTEMBER 2023**

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Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	½ day
Total number of agency employees expected to be on board before implementation of the plan:	8,171

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	6,443
Necessary to perform activities expressly authorized by law	0
Necessary to perform activities necessarily implied by law	44
Necessary to the discharge of the President's constitutional duties and powers	0
Necessary to protect life and property	69

Brief Summary of Significant Agency Activities That Will Continue During a Lapse
<ul style="list-style-type: none"> • <u>Disaster Preparedness & Response</u> (making and servicing disaster direct loans and disaster planning activities) • <u>Office of Advocacy</u> • <u>Funded Resources Partners</u> (Small Business Development Centers, Women’s Business Centers, SCORE and Veteran Business Outreach Centers continue to provide training and counseling services to small businesses) • <u>HUBZone</u> (accepting and processing HUBZone applications and other Program operations) • Certified Development Company (CDC) 504 Loan Program (and certain limited loan servicing and liquidation activities) • <u>Inspector General</u> (disaster funded activities and limited excepted activities (e.g., court appearances)) • <u>Microloan Intermediaries</u> (Intermediaries continue to make and service microloans) • <u>Preferred Surety Bond (PSB) Program</u> (Preferred Sureties continue to issue SBA guaranteed surety bonds under delegated authority). • <u>Native American Outreach</u> (continued services to Native American owned small businesses) • <u>National Women’s Business Council</u> (continuation of NWBC meetings and studies) • <u>Small Business Investment Company (SBIC) Debenture Program</u> (limited receivership/liquidation activities to continue) • <u>Procurement Set-Aside</u> (limited number of SBA procurement staff to provide small business set-aside programs support to Federal agencies that remain open during lapse) • <u>Credit Risk Management</u> (limited activities for imminent loss)

- Small Business Innovation Research Program (SBIR)/ Small Business Technology Transfer Program (STTR) (Funded Participating Agencies may continue to make SBIR/STTR awards)
- Work supporting programs funded under the American Rescue Plan including the Community Navigator Pilot
- COVID-19 Economic Injury Disaster Loan (EIDL) (staff will continue to process and manage the COVID-19 EIDL program to support small businesses' recovery from the COVID-19 disaster's economic impacts)
- Paycheck Protection Program (PPP) (staff will continue to manage loan forgiveness activities)
- Shuttered Venues Operators Grant Program (SVOG) (limited number of SBA staff to manage program and provide economic aid to small businesses, non-profits, and venues affected by the COVID-19 pandemic)

Brief Summary of Significant Agency Activities That Will Cease During a Lapse

- CDC 504 Loan Program (no new loan approvals or Program support)
- 7(a) Loan Program (no new loan approvals or Program support)
- Microloan Program (no new loans to Microloan Intermediaries or technical assistance)
- Entrepreneurial Development (no management and oversight of resource partners)
- Small Business Investment Company Program (SBIC) (no licensing, examination, or approvals of draw requests, or other Program support)
- Unfunded Resources Partners (7(j), State Trade Expansion Program (STEP), Regional Innovation Clusters, Emerging Leaders, PRIME and Boots to Business)(these programs operate on a reimbursable basis and payments would not be processed during a lapse; possible limited activities at grantees' discretion)
- Secondary Market Loan Programs (no Program support)
- 8(a) Business Development (no application processing or Program support)
- All Small Mentor-Protégé (no application processing or Program support)
- Women Owned Small Business Contracting (no application processing or Program support)
- Service-Disabled Veteran-Owned Small Business Contracting (no application processing or Program support)
- National Ombudsman (no processing of small business comments/complaints or Regulatory Fairness Board hearings)
- Surety Bond Program (no new surety bonds approvals/modifications other than PSB Program)
- Co-sponsorships (no cosponsored events; cancellation of scheduled cosponsored events during lapse)
- United States Export Assistance Centers (no small business export counseling)

OBJECTIVE

This U.S. Small Business Administration (“SBA” or “Agency”) Plan for Operating in the Event of a Lapse in Appropriations (the “Operating Plan”) provides guidance and procedures for the Agency when either an annual appropriations act or continuing resolution has not been enacted for the Agency in a fiscal year. The procedures in the Operating Plan allow for (1) continuing only those exempt or excepted functions under various justifications; and (2) initiating orderly shutdown of those activities not considered exempt or excepted.

ACTIONS TO BE TAKEN PRIOR TO INITIATING SHUTDOWN ACTIVITIES

Notice to Employees

For furloughs necessitated by lapsed appropriations, advance written notice prior to implementing the furlough is recommended but not required. When prior written notice is not feasible, any reasonable notice (telephonic or oral) is permissible. Ultimately, SBA must provide each employee with a written notice of a shutdown.

Preparation for Shutdown (Up to 8 but no Less Than 6 Days Prior to Shutdown)

In the likelihood of a lapse in appropriations, the following steps should be taken:

- All program offices will identify exempt, excepted and non-excepted employees. This information must be identified by employee’s name and job title and reported to the Office of Human Resources Solutions.
 - Exempt employees are those funded by programs with continuing funding and resources, such as the Office of Disaster Recovery and Resilience (ODR&R), ODR&R funded positions, Presidentially appointed and Senate confirmed positions, fee-funded positions, and positions which may have “no year” appropriations.
 - Excepted employees are those conducting activities related to orderly shutdown of the Agency, preservation of life and property, law enforcement activities, preservation of the financial system, related activities justified by necessary implication, and other activities as determined by the General Counsel.
 - Non-Excepted employees are the remaining employees that are not either exempt or excepted and therefore will be furloughed.
- Communicate with employees, supervisors, resource partners, contractors, cosponsors, regarding procedures under this Operating Plan.

- Draft “decision to furlough” notices and instructions for distribution to employees. If feasible, draft and distribute “possibility of furlough” notices.
- Ensure SF-8s, Notice[s] to Federal Employee about Unemployment Insurance, are available.

As Soon as the Shutdown Becomes Imminent (5 to 2 Days Prior to Shutdown)

- Notify employees of their furlough designation status (exempt, excepted, or non-excepted) and obligations of the furlough status. Advise non-excepted employees that voluntary services by furloughed employees are not permitted.
- Advise the excepted and non-excepted employees on official travel or in training status that they may have to return to their regular duty stations.
- Advise employees on detail assignments to other agencies (e.g., rotation assignments via the Presidential Management Council or Presidential Management Fellows Programs) or within SBA to contact their supervisor of record for their furlough status and reporting instructions. Those detailed in support of disaster assistance should discuss their status with their detail manager.
- Advise contracting officials with authority to obligate funds to refrain from such actions unless the obligation is for shutdown purposes or funded as an exempt activity not funded with annual appropriations.
- Advise SBA volunteers and interns about the possibility of lapse in appropriations and provide further instructions pertaining to reporting status.
- Advise all employees to direct any external questions pertaining to a possible shutdown to the Office of Communications and Public Liaison. (Four (4) days prior to shutdown)
- Advise disbursing and certifying officers that no monies are to be disbursed for obligations incurred after the expiration of appropriations.
- Continue notification to employees, supervisors, resource partners, contractors, cosponsors, and the Union of the actions to be taken under the Operating Plan.
- Program managers must compare programmatic priorities with pending and ongoing contractual and assistance activities as soon as possible to determine which activities to continue or cancel, obtain approval from the General Counsel for those decisions, and then communicate them to interested parties.

Shutdown (1 Day Prior to and Day of Shutdown)

Advise employees, including those on detail or rotational assignments outside and within SBA, on official travel or in training status, to report to work the next workday, even in the event of lapsed appropriations, to allow for an orderly shutdown, unless other arrangements have been approved by the supervisor.

Instructions for Shutdown Activities

The procedures outlined below are followed when a shutdown goes into effect.

PHASED PROCEDURES

Phase 1

This phase begins with a lapse in funding or when a continuing resolution expires with no successor appropriations act.

- All employees will report to work on the next business day unless other arrangements have been made with the supervisor.
- Agency functions and activities funded by lapsed appropriations will begin an orderly shutdown of operations. Functions that will continue include actions necessary to preserve life and property, law enforcement activities, protection of the integrity of the financial system, or necessary implication of those functions.
- **Exempt employees** will continue to work, as their funding is not affected.
- **Excepted employees** will work until notified that their excepted activities are completed or no longer needed.
- **Non-Excepted employees** will be furloughed without pay until further notification by the Agency.

Orderly shutdown activities to be initiated in Phase 1 include:

- Issuing “stop work orders” or other work suspensions on contracts as necessary;
- Notifying grantees, lenders, co-sponsors and other Agency resource partners of the lapse in funding;
- Coordinating the orderly shutdown of Agency field activities;

- Advising all employees still on travel, in local training, or on detail or rotational assignments outside of SBA, to report back to the office as soon as possible that day;
- Cancelling all scheduled paid leave (annual, sick, administrative, etc.) effective as of close of business (i.e., noon on the day of the shutdown to last for the duration of the furlough);
- Advising employees that the Office of General Counsel has committed to an expedited conflict of interest review for employees seeking outside employment;
- Closing out applicable Agency files and records;
- Making appropriate arrangements for the collection of obligations owed to SBA.

Non-excepted employees will then be furloughed without pay as directed. Notification as to when employees should return to work will be posted on the Agency’s SBA.gov website and will also be delivered to employees through the Emergency Notification System. Notification will also be available through the OPM.gov website and cell phone app.

The status of excepted employees will be identified as “non-pay duty.” Such employees are advised that the United States will not contest its legal obligation to pay for their services, even in an absence of appropriations. Supervisors will inform excepted employees (in writing or by telecommunication) that they may perform only those activities identified as exempt or excepted as part of operation shutdown. Supervisors must contact any employee on travel status and advise them to return to the duty station immediately. Travelers should return in accordance with normal Federal Travel Regulations. **Phase 1 is anticipated to last up to 4 hours.**

Phase 2

A small contingent of excepted employees will complete final closeout actions and conduct required actions needed to finalize Agency “at risk” financial requirements.

Orderly shutdown activities in Phase 2 include:

- Finalizing furlough personnel action processing;
- Inventorying Agency property;

Phase 2 is anticipated to last for more than one day.

Phase 3

The activities in Phase 3 of an orderly shutdown of operations include, but are not limited to, the following (note some of these activities may be started or completed when a Government shutdown is determined to be imminent):

- Canceling meetings, hearings, and other previously arranged business and notifying parties such as other Federal agencies, State governments, and private entities involved in Departmental matters of the cessation of normal business.
- Documenting the status of cases and projects so they can be resumed, transferred, or otherwise appropriately handled when the funding situation is determined.
- Taking steps to plan, control, and maintain orderliness throughout the phase-down of operations.
- Performing the fiscal and accounting tasks required to maintain accountability and reporting obligations and expenditures of all funds.
- Preparing files for permanent storage and preparing for the orderly transfer of property and records as directed by the General Services Administration (GSA) and the Office of Personnel Management (OPM). Property and records are not to be transferred until 30 days after shutdown activities have commenced, and then only after determination that the funding interruption will be substantial or indefinite.
- Preparing inventories of property and records to ensure protection of the Government's interests and the claims of affected private entities and individuals.
- Performing those tasks necessary to protect classified information, including listing all papers to be accorded classified status and securing all appropriate files and automatic data processing information.
- Performing requisite administrative functions, such as processing the payroll for the pay period through the expiration of the continuing resolution.
- Conducting other functions that contribute directly to the orderly shutdown of SBA, and protect life, and safeguard Government property and records.

Supervisors should continue to identify employees or positions that are necessary to perform the functions associated with the orderly cessation of activity. These employees will continue to work for the length of time necessary to complete shutdown activities. The selection of employees to participate in shutdown activities should be based on the number of employees or positions necessary for the orderly termination of an activity and the special knowledge, skills, or abilities required to terminate activities.

Once employees complete performing shutdown activities of their assigned work, they will be placed in a furlough status. Each employee's supervisor is responsible for promptly notifying the Office of Human Resources Solutions, through the organizational Associate Administrator (AA) or Deputy AA, of changes to an employee's furlough status to ensure it is properly documented.

All shutdown activities should be accomplished to facilitate efficient reactivation of operations when funds are again available.

No new business for activities funded by one-year appropriations will be initiated unless the Agency action is justified by the General Counsel. Unless they are necessary to the direct support of authorized activities, the following will not be permitted:

- Awards of grants, contracts, cooperative agreements, co-sponsorships, and small purchases;
- Hiring of employees or extending the appointment of employees whose appointments have expired, if doing so would result in unauthorized obligation of funds during a lapse of appropriations;
- ; Excepted and non-excepted employees in travel status on the first day of a no-funds situation will return to their duty stations as soon as possible;
- Meetings, conferences, and seminars; or
- New or continued employment of experts and consultants, if such actions will incur a financial obligation.

Return to Duty (Furlough is Over and Government Re-Opens)

The activities in this phase describe the actions that will be necessary to resume orderly operations once appropriations are restored.

- Employees are notified via the Emergency Notification System that Congress has passed and the President has signed appropriations and instructs employees to report to duty at their regularly scheduled duty time.
 - Supervisors should remain flexible and permit employees to take paid time off (e.g., annual leave, accrued compensatory time off, compensatory time off for travel, credit hours or accrued time off award hours), telework, or switch their day off under the compressed work schedule if, due to the short notice of reopening of government, the employee is hindered from reporting to duty the next business day;
- SBA shutdown website is updated to reflect status as “open;”
- Shutdown messages are removed from SBA’s outward facing website;
- Employees change “out of office” message on voicemail as appropriate;
- Employees change “out of office” message on the email system as appropriate;
- External stakeholders are notified of SBA’s operating status as “open.”

APPENDIX A
TABLE OF SBA OFFICES AND AFFECTED POSITIONS

Program Office	Exempt Positions	Excepted Positions	Positions Subject to Furlough	Total Positions Onboard as of September 2023
OFFICE OF THE ADMINISTRATOR	2	4	30	36
OFFICE OF ADVOCACY	41	0	0	41
OFFICE OF CAPITAL ACCESS	4,891	34	289	5,214
OFFICE OF CHIEF INFORMATION OFFICER	11	9	46	66
OFFICE OF COMMUNICATIONS & PUBLIC LIAISON	4	2	30	36
OFFICE OF CONGRESSIONAL & LEGISLATIVE AFFAIRS	0	1	9	10
OFFICE OF CONTINUOUS OPERATIONS AND RISK MGMT	2	0	2	4
OFFICE OF DISASTER RECOVERY & RESILIENCE*	1,168	0	0	1,168
OFFICE OF DIVERSITY INCLUSION & CIVIL RIGHTS	0	0	10	10
OFFICE OF ENTREPRENEURIAL DEVELOPMENT	3	0	35	38
OFFICE OF EXEC MGMT, INSTALLATIONS & SUPPORT SERVICES	6	3	44	53
OFFICE OF FIELD OPERATIONS	0	10	588	598
OFFICE OF GENERAL COUNSEL	32	10	119	161
OFFICE OF GOVERNMENT CONTRACTING & BUSINESS DEVELOPMENT	38	7	145	190
OFFICE OF HEARINGS AND APPEALS	5	0	15	20
OFFICE OF HUMAN RESOURCES SOLUTIONS	8	12	53	73
OFFICE OF INSPECTOR GENERAL	193	0	0	193
OFFICE OF INTERNATIONAL TRADE	0	1	31	32
OFFICE OF INVESTMENT & INNOVATION	0	2	71	73
OFFICE OF NATIVE AMERICAN AFFAIRS	1	0	2	3
OFFICE OF NATIONAL WOMEN'S BUSINESS COUNSEL	4	0	0	4
OFFICE OF PERFORMANCE, PLANNING, AND THE CHIEF FINANCIAL OFFICER	34	20	77	131
OFFICE OF THE NATIONAL OMBUDSMAN	0	0	5	5
OFFICE OF VETERANS BUSINESS DEVELOPMENT	0	0	12	12
SBA Totals	6,443	115	1,613	8,171

*Exempt total assumes that all employees without accounting for ODR&R and OCA/disaster employees are EXEMPT. EXEMPT total includes 1,139 (662 in OCA and 477 in ODR&R) that are non-pay.

APPENDIX B ORGANIZATIONAL FUNCTIONS

Appendix B provides information on the activities of each SBA Office, including the information required by OMB Circular A-11, Preparation, Submission and Execution of the Budget, section 124, Agency Operations in the Absence of Appropriations. This section addresses positions that are exempt or excepted to the Agency where such positions: (1) can be justified as compensation is financed by a resource other than annual appropriations; (2) are expressly authorized by law; (3) are required for protection of property or protection of the integrity of the financial system or orderly shutdown of operations, or (4) are necessary implications of those functions.

Note – The increase in the number of exempt employees reflect the work being performed to execute and administer COVID -19 related programs funded under the American Rescue Plan in support of the U.S. small business communities during the pandemic.

PRESIDENTIAL APPOINTEES

3 – Presidentially Appointed Positions

These positions, if encumbered, are reflected in the pivot table in their respective office and category.

Administrator

Deputy Administrator

*Chief Counsel, Office of Advocacy (Vacant)

1 - Necessary to perform activities expressly authorized by law

Inspector General (Designated in the pivot table as “excepted” because the incumbent is covered by the SES Leave system)

*Vacant positions are not counted in the pivot table.

Individuals appointed by the President, with or without Senate confirmation, and who otherwise are not subject to 5 U.S.C. §6301 and attendant regulations governing leave in the Federal service, are not subject to furlough. SBA has four Presidentially-appointed, Senate confirmed positions that will continue to serve during any lapse in appropriations: the Administrator, Deputy Administrator, Inspector General, and the Chief Counsel for Advocacy. See, 15 U.S.C. 633(b), 15 U.S.C. 634a and 5 U.S.C. App. 3, § 3(a). These are statutory positions expressly authorized by law.

OFFICE OF DISASTER RECOVERY AND RESILIENCE (ODR&R)

Note – ODR&R is a successor to the former Office of Disaster Assistance (ODA) through reorganization.

1,168 - Compensation is financed by a resource other than annual appropriations

Office Description

The Office of Disaster Recovery and Resilience (ODR&R) plays a vital role in the aftermath of disasters. Through ODR&R, the SBA is responsible for providing affordable, timely, and accessible financial assistance to businesses of all sizes, non-profit organizations, homeowners and renters affected by disaster. Financial assistance is available in the form of low-interest, long-term loans. The SBA's disaster loans are the primary form of federal assistance for the repair and rebuilding of non-farm, private sector disaster losses. For this reason, the disaster loan program is the only form of SBA assistance not limited to small businesses. ODR&R makes the following types of disaster loans:

- Physical disaster loans are for permanent rebuilding and replacement of uninsured or underinsured disaster-damaged privately-owned real and/or personal property. The SBA's physical disaster loans are available to businesses of all sizes, non-profit organizations, homeowners, and renters.
- Economic injury disaster loans provide necessary working capital until normal operations resume after a disaster. Economic injury disaster loans are restricted to non-profit organizations and small businesses.

Basis for Determination

The disaster loan program is funded entirely by no-year appropriations. See, e.g., Financial Services and General Government Appropriations Act, 2023, Pub. L. 117-328, title V (December 29, 2022). Therefore, disaster loan activities are not subject to the lapse in appropriations. In addition, the Small Business Disaster Response and Loan Improvements Act of 2008, Pub. L. 110-246, calls for the SBA Administrator to ensure that the number of full-time equivalent employees in the Office of Disaster Assistance, now reorganized as ODR&R, is not fewer than 800 employees. 15 U.S.C. 636(b)(7). These employees' compensation is therefore financed by a resource other than annual appropriations.

Disaster-funded employees assigned to other SBA support offices

In certain cases, disaster-funded positions appear in individual SBA operating offices in support of disaster-related activities. Those activities are discussed under each Office that

provides disaster activities support. These employees' compensation is also financed by a resource other than annual appropriations.

OFFICE OF THE ADMINISTRATOR (OA)

2 – Presidentially appointed and Senate confirmed position not under leave system and exempt from furlough

Administrator

Deputy Administrator

2 - Necessary to perform activities expressly Implied by law

Chief of Staff

Senior Advisor

2 - Necessary to protect life and property

Supervisory Executive Protection Specialist

Executive Protection Specialist (1)

Office Description

The Office of the Administrator is responsible to the President and the Congress for exercising direction, authority, and control over the Small Business Administration. The Office determines and approves all policies covering the Agency's programs to aid, counsel, assist, and protect the interests of the Nation's small business concerns. In addition, the Office delegates responsibility and authority to various SBA staff. The Office also consults with Federal, State, and local agencies on behalf of small business interests in the national economy. It also periodically evaluates the performance, accomplishments, and short and long-range planning goals of the Agency.

Basis for Determination

The Administrator and Deputy Administrator are Presidentially-appointed and therefore will continue to work during the lapse in appropriations as authorized by law.

The Chief of Staff will also continue to work. The Chief of Staff is necessary for directing those intergovernmental affairs activities of the Agency that will continue during the lapse and for assisting the Administrator and Deputy Administrator with implementation of activities that continue during the lapse. It is anticipated that various emergency and continuing needs of other Agencies will continue during the lapse that will require coordination within SBA to

preserve and protect government property. In addition, these positions will be directing and coordinating internal SBA orderly shutdown activities with various SBA offices. The Senior Advisor will be necessary to assist ongoing disasters and pandemic recovery.

Supervisory Executive Protection Specialist and Special Protection Specialists are excepted to perform protection services of the Administrator and Deputy Administrator.

OFFICE OF ADVOCACY (ADV)

41 - Compensation is financed by a resource other than annual appropriations

*Chief Counsel, Office of Advocacy (Vacant) – Current incumbent is Acting

*Vacant positions are not counted in the pivot table.

Office Description

The Office of Advocacy is an independent voice for small business within the federal government. It represents the interests of small entities including small businesses, small organizations, and small governmental jurisdictions. The Chief Counsel advances the views, concerns, and interests of small business before Congress, the White House, federal agencies, and state policymakers. Economic research, policy analyses, and small business outreach help identify issues of concern. Regional advocates and an office in Washington, D.C. support the Chief Counsel's efforts. The Office of Advocacy's economic research and regulatory interventions reduce regulatory barriers that impede small business growth and development.

Basis for Determination

The Office of Advocacy's Chief Counsel* is Presidentially-appointed and Senate confirmed and therefore is necessary to perform activities expressly authorized by law.

*This position is currently vacant and are not counted in the pivot table.

The Office of Advocacy staff is funded with no-year funds (See, e.g. Consolidated Appropriations Act, 2023, Pub. L. 117-328, Div. E, title V, SBA/Office of Advocacy.

In the absence of a Chief Counsel, one position, the Acting Chief Counsel, will continue to provide counseling and analysis under the Regulatory Flexibility Act to open Agencies and to

open offices within SBA. This position has compensation financed by a resource other than annual appropriations.

OFFICE OF CAPITAL ACCESS (OCA)

4,891 - Compensation is financed by a resource other than annual appropriations

34 – Necessary to protect life and property

Deputy Associate Administrator (Political)
Deputy Associate Administrator (Career)
Director of Credit Risk Management
Program Manager
2 Supervisory Financial Analysts
3 Financial Analysts
Director of Financial Program Operations
2 Loan Specialists
2 Loan Specialists (Commercial)
9 Supervisory Loan Specialists
Supervisory Attorney Advisor
Supervisory Attorney Advisor (Finance)
Chief Center Counsel
Director of Performance and Systems Management
Supervisory IT Specialist
Supervisory Performance Management Analyst
2 Supervisory Program Analysts
Performance Management Analyst
1 Information Technology Specialists (INFO SEC)
1 IT Project Manager

Office Description

The mission of the Office of Capital Access (OCA) is to expand access to capital among small businesses, particularly those that might not otherwise obtain financing. The office does so through a network of programs and services that makes capital available to small business borrowers, working primarily through financing partners to reach those seeking to start new businesses or expand existing enterprises. OCA is primarily known for its 7(a) and 504 loan programs, which offer capital to borrowers on reasonable terms and conditions, but it also oversees a variety of programs targeted at certain markets. OCA also includes:

- The Office of Credit Risk Management, which provides risk management based on monitoring, reviewing, and oversight of the 7(a) and 504 lenders and microloan

intermediaries; and monitoring and analysis of the 7(a), 504, microloan and disaster portfolios.

- The Office of Financial Program Operations, which oversee nine financial processing centers located throughout the country. These processing centers collectively underwrite, service, and liquidate SBA loans.
- The Office of Financial Assistance oversees policy for our 7(a) and 504 programs and also oversees the Secondary Market Program for 7(a) and 504 lenders. In addition, OFA oversees the Microloan Program, which provides small, short-term loans to small business concerns. The SBA makes funds available to specially designated intermediary lenders, which are nonprofit community-based organizations with experience in lending. These intermediaries make loans to eligible borrowers. This office also oversees the Program for Community Advantage Pilot Program, Program for Investment in Micro-Entrepreneurs (PRIME), and Intermediary Lending Pilot Programs.
- The Surety Bond Guarantee Program, which provides guaranteed bid, payment, and performance bonds on contracts up to \$6.5 million for small contractors who cannot obtain surety bonds through regular commercial channels. PSB Program sureties are authorized to issue, monitor and service guaranteed bonds without prior approval.
- The Performance Management and Systems Division oversees the financial systems that support the Agency's multi-billion dollar loan portfolio. This office is responsible for supporting thousands of systems users including our private sector lending partners, disaster loan center staff, and various third-party intermediaries. OPSM manages the multi-million dollar operations of the Agency's Fiscal Transfer Agent and Central Servicing Agent contracts for the 7(a) and 504 loan programs. On the performance side, OPSM supplies SBA leadership and lending customers with business intelligence, sound project management, and critical information system support for the purpose of initiating, maintaining, evaluating, and improving loan programs and initiatives.

Basis for Determination

OCA employees will be needed to ensure the continued operation of activities critical to the protection of government property and orderly shutdown activities. These include:

- OCA oversees SBA's disaster loan making and servicing centers that collectively service and liquidate loans approved under SBA's disaster loan program, which provides low-interest loans to homeowners, renters, businesses and nonprofit organizations to repair or replace assets that have been damaged or destroyed in a declared disaster. The 4,891 employees handling the loan making and servicing functions are funded by 'no-year' disaster funds. These positions are compensated by a resource other than annual appropriations, including no-year disaster funds, American Rescue Plan Act (ARPA) funds, and fees funding credit risk management.

- Thirty-four OCA employees will be needed to ensure the continued operation of activities critical to the protection of government property and orderly shutdown activities. Excepted employees will ensure that 504 loan program liquidation and servicing activities continue. SBA is solely responsible for liquidating 504 loans and ensuring the collection of obligations owed to SBA. If this function shuts down, the government will permanently lose critical recovery revenue on defaulted 504 loans. These positions are necessary to protect the integrity of the private banking system and government property.
 - Employees performing orderly shutdown activities will notify personnel and stakeholders—including SBA’s 3,000+ lending partners—of the shutdown and its implications; maintaining critical OCA contracts and issuing stop work orders on non-critical contracts; and overseeing OCA’s loan accounting systems and outstanding guaranteed bond portfolio. These positions are necessary to protect the integrity of the private banking system and government property. In addition, the career and political Deputy Associate Administrators are required to perform duties necessarily implied by law.
 - The excepted employees at OCA’s National Guaranty Purchase Center will ensure that the 7(a) loan program liquidation and servicing activities continue. These are loans owned by SBA; therefore, SBA is solely responsible for ensuring the collection of obligations owed to SBA. If this function shuts down, the government would permanently lose critical recovery revenue on these government owned loans. These positions are necessary to protect the integrity of the private banking system and government property.
 - The excepted employees at OCA’s disaster loan servicing center in Birmingham, AL, who are responsible for SBA’s Treasury Offset Program (“TOP”) for SBA loans are required during a lapse. The Treasury Department’s TOP activities remain open during any lapse in appropriations. In addition, this team services the loans of microloan borrowers in cases where the Microloan Intermediary is no longer in existence. These positions are necessary to protect the integrity of the private banking system and government property (microloan borrower loan servicing).
 - The excepted employees at OCA’s Sacramento loan processing center are necessary to protect the integrity of the private banking system and government property.

OFFICE OF THE CHIEF INFORMATION OFFICER (OCIO)

11 - Compensation is financed by a resource other than annual appropriations

9 - Necessary to protect life and property

Chief Information Security Officer (CIO)

1 Chief Technology Officer

4 Supervisory IT Specialists

2 Supervisory IT Specialists (INFO SEC)

Program Manager

Office Description

The Office of the Chief Information Officer (OCIO) provides information technology leadership, products, services, and operational support for the SBA. The Chief Information Officer is the principal advisor to the Administrator on information technology matters and has overall responsibility for developing, managing, and monitoring SBA-wide IT systems, projects, personnel, and expenditures. The office provides information technology governance support to the Agency, ensuring that the SBA manages its current and prospective IT investment portfolio in accordance with the laws, regulations, and policies applicable across government.

The OCIO manages the SBA's functional IT units encompassing systems development, operations, voice and data communications and user support. Directly or through contractors, the OCIO has responsibility for current, mission-oriented IT systems that support SBA program delivery and enable the Agency to equip and outfit its employees with current hardware, software and computing tools, such as email, wireless capabilities and remote access for telecommuters.

The OCIO is also the Agency's lead office for information security, data privacy, electronic identity protection and incident reporting, including information technology aspects of COOP, continuity of operations planning.

OCIO manages the web content on www.sba.gov, an investment integrating web resources to provide small businesses and aspiring entrepreneurs with information services that save time and money, engage citizens to participate, and enable collaboration across all levels of government. In addition to not updating SBA's public websites during a lapse, OCIO activities that will cease or slow significantly are: new IT projects, technology modernization efforts, buildout of new features and functionality of application systems, recruitment and hiring of personnel, GAO/OIG audit resolution, IT governance, performance reporting, and enterprise architecture functions.

Basis for Determination

OCIO will continue operations and maintenance of mission critical functions, infrastructure, and software application systems. OCIO resolves customer issues for SBA staff allowed to work, and protect IT - perform cyber security continuous monitoring, incident, and privacy breach response. Minimal OCIO federal leadership/supervisors are maintained in mission necessary areas to provide oversight, answer business/policy queries, and sign off as needed on pertinent matters for the exempt and excepted staff and contractors who continue current work (not new work) during a lapse in appropriations. The scope of these operations includes IT systems and technical support for the computing infrastructure. OCIO's estimated staffing requirement includes 11 positions that are funded by American Rescue Plan Act (ARPA) funds and are not subject to furlough and totals 9 employees whose positions are annually appropriated grouped by the following categories:

1. Executive Management and Oversight to prioritize activities and provide leadership;
2. Information Systems Security and Logical Access Identity Management for maintenance of perimeter security, intrusion detection, and PIV-card access to infrastructure;
3. Emergency IT Support for Employees and Systems at Offices (Nationwide) in a State of Partial Operations;
4. Emergency Acquisition and Budget Operations;
5. IT Support for the Agency's Critical Commercial Loan Guaranty and Portfolio Management Programs, including Disaster Assistance; and
6. Maintenance and Asset Protection for the Agency's Nationwide Office Infrastructure and Key Data.

This core staff can sustain operations during a period of minimal operations without incurring unreasonable risk to the agency's existing investments in its information technology systems and infrastructure. These OCIO staff are necessary to protect property, especially to maintain SBA's IT systems and appropriate cybersecurity protection for those systems. Secondly, some of these employees are also necessary to perform activities necessarily implied by law, as they provide services to SBA's disaster loan program, HUBZone procurement program, and other SBA activities that will remain operational during a lapse in appropriations.

OFFICE OF EXECUTIVE MANAGEMENT, INSTALLATIONS & SUPPORT SERVICES (OEMISS)

6 - Compensation is financed by a resource other than annual appropriations

3 – Necessary to perform activities necessarily implied by law

Support Services Supervisor (Facilities Support)

Sup. Mail Room/Print Shop (Manage Mail Room Operations)

Supervisory Personnel Security Specialist (National Security)

Office Description

The Office of Executive Management, Installations and Support Services provides administrative support programs across the Agency, including facilities and real estate, asset management, space and facilities management, property inventory, fleet management and operations, office equipment and administrative services, physical and building security and safety, records management, controlled correspondence, mail and print management. Employees are needed to conduct orderly shutdown activities, provide physical security of employees working during a lapse, and provide protection of government records.

OEMISS is composed of the Office of Administrative Services, Office of Grants Management, Office of the Executive Secretariat, and Office of Personnel Security. Generally, the employees continuing to work during a lapse in these offices will conduct activities necessary for the orderly shutdown of office functions and protection of property. They will be responsible for facilities management and security, infrastructure support, continuity planning and execution, non-executive records management, and other core facility operations. Some of these positions are funded with disaster (“no-year”) funds.

Basis for Determination

Office of Administrative Services

The Office of Administrative Services provides facilities and space management, mail services, and physical security, and manages personal identity verification (PIV) card systems. Two employees will remain in this office for orderly shutdown activities and physical security of employees working during a lapse.

One Space Management Specialist, who assists SBA’s disaster loan facilities, is compensated by a resource other than annual appropriations, including disaster “no-year” funding.

Office of the Executive Secretariat

Executive Secretariat works with senior management officials to formulate the Administrator's written correspondence. Executive Secretariat reviews, edits, and manages correspondence and ensures that correspondence and written products are delivered in the most timely and efficient manner. This office will require no employees after orderly shutdown activities are complete.

Office of Personnel Security

The Office of Personnel Security (OPS) screens all selected candidates (including contractors) prior to employment. This includes: risk and sensitivity designation verifications for covered positions, applicant pre-screening, preliminary background checks, reciprocity checks, security clearance level determinations, initiating and scheduling investigations and re-investigations with OPM, conducting security package reviews and conducting suitability/personnel security determinations, security clearance eligibility determinations and granting of national security clearances, and PIV card adjudication. The OPS will not be processing cases or conducting security checks since there will be no staffing activity conducted during a lapse in appropriations.

Three employees are Personnel Security Specialists who are funded by "no-year" disaster funds and their compensation are financed by a resource other than annual appropriations.

One employee's activities are necessarily implied by law. This employee is required to manage the clearance process for new employees whose compensation is financed by a resource other than annual appropriations, particularly supporting ODR&R disaster staffing to support disasters and to courier classified information from the White House or elsewhere to the Administrator. This employee is needed due to the unpredictable nature of notifications from the White House and the urgent nature of such notifications. It would be difficult to call the employee back to perform this function, and more effective to have this employee immediately available to support the Agency's needs.

OFFICE OF CONTINUOUS OPERATIONS AND RISK MANAGEMENT (OCORM)

2 - Compensation is financed by a resource other than annual appropriations

Office Description

The Office of Continuous Operations and Risk Management (OCORM) reports to the Deputy Administrator/ Chief Operating Officer, and is responsible for disaster planning (enterprise application of capabilities to external disaster survivors); continuity of operations (enterprise planning to maintain internal capabilities in a disaster); enterprise risk management

(enterprise-wide identification of risk and identification of response); compliance (enterprise response to internal/external audit); and insider threat program (enterprise application of security principles). OCORM is responsible for SBA's Continuity of Operations (COOP) Plan; SBA's Disaster Preparedness and Recovery Plan (DPRP); and SBA's Insider Threat Program (ITP) Annual Report. OCORM also maintains SBA's Risk Register and SBA's Emergency Notification System (ENS) databases. OCORM coordinates the Biennial Senior Leadership Seminar, Annual Continuity Exercise Eagle Horizon, Continuity of Operations training, monthly meetings of the Enterprise Risk Management Board, Insider Threat Training, and Quarterly Insider Threat HUB team meetings. OCORM also represents SBA externally by participation in the National Exercise Program, Recovery Support Function (RSF) structure of the National Disaster Recovery Framework, Coordination with the National Security Council committee structure, including the Domestic Resilience Group, National Insider Threat Task force, Small Agency Council (SAC) Interagency Continuity Working Group (ICWG), and Continuity Advisory Group (CAG). By these activities, OCORM is responsible for managing SBA's risks. The Executive of OCORM is required to supervise and support the various positions that will remain during a lapse in appropriations.

Basis for Determination

Two employees are mainly responsible for integrating disaster planning, preparedness activities and disaster response programs for all SBA offices. Those positions that are funded by "no-year" funds from disaster appropriations. Therefore, compensation is financed by a resource other than annual appropriations.

OFFICE OF DIVERSITY, INCLUSION, AND CIVIL RIGHTS (ODICR)

None

Office Description

The Office of Diversity, Inclusion and Civil Rights (ODICR) advances Agency-wide equal employment opportunity (EEO) and diversity at all levels and promotes equal access to programs and activities receiving SBA financial assistance. The ODICR is also responsible for establishing programs, policies, and initiatives that work to prevent discrimination against all SBA employees and applicants based upon race, color, sex, age, religion, disability, national origin, sexual orientation, gender identity, and retaliation for opposition to discriminatory practices or participation in the EEO process. The ODICR also works to achieve equal employment opportunity for all qualified employees. The Office takes proactive measures to ensure that no person in the U.S. is denied the benefits of, excluded from participation in, or subjected to discrimination under any program or activity receiving SBA financial assistance, based upon race, color, sex, age, disability, national origin, and marital status. Additionally, the Office ensures that individuals with disabilities have equal access to SBA-conducted or co-sponsored programs and activities. ODICR will not require any employees for orderly

shutdown or protection of property. The ODICR will not be processing cases, coordinating mediations, conducting compliance reviews, or requesting hearings during a lapse in appropriations.

Basis for Determination

No ODICR employees will be required after orderly shutdown activities are completed.

OFFICE OF HUMAN RESOURCE SOLUTIONS (OHRS)

8 – Compensation is financed by a resource other than annual appropriations

12 - Necessary to perform activities necessarily implied by law

- Chief Human Capital Officer
- Deputy Chief Human Capital
- Administrative Management Officer
- Human Resources Specialist (Policy)
- Supervisory Human Specialist (Strategy)
- 2 Supervisory Human Resources Specialists (Recruitment) (Denver, CO)
- Supervisory Human Resources Specialists (Payroll)
- Management Program Analyst
- Supervisory Human Resources Specialist (Systems & Payroll)
- Human Resources Specialist (Information Systems)
- Human Resources Specialist (Benefits)

Office Description

OHRS develops and provides innovative human capital strategies, and advises SBA management with respect to selecting, developing, and managing a high-quality, productive workforce. This office sets the SBA's workforce development strategy; assesses current workforce characteristics and future needs based on the SBA's strategic plan; aligns human resources policies with organization mission, strategic goals, and performance outcomes; develops and advocates a culture of continuous learning to attract and retain employees with superior abilities; identifies best practices and benchmarks studies; and creates systems for measuring intellectual capital and identifying links of that capital to organizational performance and growth. This office also implements laws, rules and regulations governing the civil service.

Basis for Determination

OHRS will perform the following critical functions: issuing furlough notices, processing payroll, providing staffing support for offices funded with multiple-year appropriations and positions where the compensation is financed by a resource other than annual appropriations and fielding policy questions including addressing any possible retirement benefits issues.

This office will have 12 employees. These employees are supporting SBA's disaster program offices' activities such as the centers (i.e., onboarding of new employees, processing pay, benefits etc.) and other continuing personnel activities of the Agency and the Office of Personnel Management. They are necessary to perform activities necessarily implied by law.

Eight employees are Specialists whose compensation is financed by a resource other than annual appropriations, including ARPA fund.

OFFICE OF COMMUNICATIONS AND PUBLIC LIAISON (OCPL)

4 - Compensation is Financed by a Resource Other than Annual Appropriations

2 - Necessary to protect life and property

Deputy Associate Administrator

Supervisory Information Specialist

Office Description

The Office of Communications and Public Liaison (OCPL) has the principal responsibility for developing and implementing effective communications strategies to ensure that the SBA's mission, programs, services and initiatives are articulated clearly and consistently to the American public in general and the small business community in specific. It supports field and program offices with planning and implementation of effective communications strategies. OCPL plays the chief role in articulating, explaining and promoting Agency policy and goals to the national news media. OCPL supports field and program offices with planning and implementation of effective communications strategies. OCPL plays the chief role in articulating, explaining, and promoting Agency policy and goals to the national news media. This office manages the web content on www.sba.gov, an investment integrating web resources to provide small businesses and aspiring entrepreneurs with information services that save time and money, engage citizens to participate, and enable collaboration across all levels of government. Through Public Engagement and the Office of Strategic Alliances within OCPL, the SBA forms alliances with for-profit corporations, small businesses, non-profit organizations, trade and professional associations, academic institutions, and public-sector agencies. The alliances offer opportunities to network on areas of common interest.

Basis for Determination

Two employees will remain for the protection of government property. The Deputy Associate Administrator and Supervisory Information Specialist will respond to press inquiries regarding SBA's lapse in appropriations to inform the public of SBA programs that are open or closed and any developments affecting SBA during the lapse. This employee is also available to support communications needs of SBA offices that remain open, such as ODR&R and HUBZone. Additionally, work will entail managing the Agency's online presence – from the SBA.gov website to social media platforms in support of exempt activities like disasters (e.g., Maui fire, VetCert). Website management for the media and public protects the SBA information systems.

Four employees' compensation are financed by a resource other than annual appropriations, including ARPA funds.

OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS (CLA)

1 - Necessary to perform activities necessarily implied by law

Associate Administrator/CLA (Congressional support)

Office Description

The Office of Congressional and Legislative Affairs (OCLA) assist in the development of SBA legislative programs and serves as the communications focal point on legislation and congressional activity. OCLA monitors legislation and policies introduced by Congress and government agencies to determine their effects on SBA and small business. It furthers the goals of SBA and enables Members of Congress to best serve their small business constituencies by promptly providing accurate, current, and continuous information to Members of Congress, congressional committees, and others interested in SBA programs. It also devises and implements legislative strategy and has primary responsibility for all matters relating to the congressional and legislative functions of SBA. It serves as a liaison with legislative personnel at the White House, the Office of Management and Budget, and various federal departments and agencies. It coordinates with program offices and field offices to ensure continuity and consistency in SBA's communications with Congress. OCLA will provide orderly shutdown activities as necessary in their role as the main point of contact with Congress.

Basis for Determination

CLA will have one employee to act as a focal point for all Congressional inquiries. This is necessary since Congress will be open and continue to work during the lapse in appropriations and if they need information or assistance from SBA, CLA is the main point of contact. In addition, the positions will be the point of intake for any SBA grant or cooperative

agreement issues arising during the lapse. This position is required to perform activities necessarily implied by law, including support and inter-government coordination for ongoing and emergent disasters as well as ongoing pandemic recovery.

OFFICE OF INTERGOVERNMENTAL AFFAIRS (OIA)

None

Office Description

The SBA, through its Office of Intergovernmental Affairs (OIA), coordinates governmental initiatives at the federal, state and local level, as well as Native American initiatives, developing policies and procedures to ensuring SBA coordination at the state and local level, as well as available assistance to American Indians, Native Alaskans, and Native Hawaiians. These initiatives consist of three major components: marketing, outreach, and training to enhance business opportunities.

Basis for Determination

No OIA employee will be required after orderly shutdown activities are completed.

OFFICE OF ENTREPRENEURIAL DEVELOPMENT (OED)

3 – Compensation is Financed by a Resource Other than Annual Appropriations

Office Description

The Office of Entrepreneurial Development (OED) serves the small business community through outreach and public/private sector collaborative ventures and other creative mechanisms with the purpose of providing management and technical assistance through counseling and training to America's small businesses that otherwise would not be able to locate or afford trained and professional assistance. OED provides entrepreneurs with free and low-cost education and training, topical information, and management assistance critical for sound decision-making in the start-up and growth phases of the business cycle. The tools used to accomplish this are OED's SCORE, Small Business Development Center, and Women's Business Center programs; the SBA's online training portal; T.H.R.I.V.E. Emerging Leaders Reimagined; the Cluster Initiative; and delivery systems such as the SBA's district offices.

Basis for Determination

No OED excepted employees will be required after orderly shutdown activities are completed.

Three exempt employees will continue to support ARPA-funded programs (e.g., Community Navigators).

OFFICE OF FAITH BASED AND COMMUNITY INITIATIVES (OFBCI)

None

Office Description

Faith-based and community organizations can play an important role in helping the SBA reach, train, and finance the entrepreneurs whose businesses will bring jobs and hope to economically distressed communities across the nation. The Center for Faith-based and Community Initiatives promotes SBA partnerships with faith-based and community organizations to help build awareness of SBA's programs that can transform neighborhoods and change lives. Additionally, the office informs faith-based and neighborhood organization of SBA's loan programs that require non-profit intermediary participation and actively encourages qualified faith-based and neighborhood organizations to apply for certification as microloan intermediaries. The Center will not require any employees for orderly shutdown or protection of property.

Basis for Determination

No OFBCI employees will be required after orderly shutdown activities are completed.

OFFICE OF NATIVE AMERICAN AFFAIRS (ONAA)

1 - Compensation is Financed by a Resource Other than Annual Appropriations

Office Description

The Office of Native American Affairs (ONAA) promotes and supports Native American entrepreneurs coordinates Native American initiatives and develops policies and procedures to ensure that SBA assistance is made available to American Indians, Native Alaskans, and Native Hawaiians. The initiative consists of three major components: marketing, outreach, and training to enhance business opportunities. The mission is to ensure Native American have full access to the necessary business development and expansion tools available through the Agency's entrepreneurial development, lending, and procurement programs.

Basis for Determination

One position is funded from SBA's Entrepreneurial Development Appropriations Account, which is two-year funding.

NATIONAL WOMEN'S BUSINESS COUNCIL (NWBC)

4 - Compensation is financed by a resource other than annual appropriations (

Office Description

The National Women's Business Council (NWBC) is a nonpartisan federal government council created to serve as an independent source of advice and policy recommendations to the President, Congress, and the Small Business Administration on issues of economic importance to women business owners. The council's mission includes supporting research that promotes bold initiatives, policies and programs designed to support women's business enterprises at all stages of development in the public and private sector marketplaces.

Basis for Determination

Four positions are funded from SBA's Entrepreneurial Development Appropriations Account, which is two-year funding. Therefore, the NWBC funded activities are not subject to the lapse in appropriations. These positions are compensated by a resource other than annual appropriations.

OFFICE OF FIELD OPERATIONS (OFO)

10 - Necessary to perform activities implied by law

- Associate Administrator
- Deputy Associate Administrator
- 3 Business Opportunity Specialists
- 2 Lead Business Opportunity Specialists
- 3 Supervisory Business Opportunity Specialists

Office Description

The Office of Field Operations (OFO) represents SBA field offices at headquarters. This office provides policy guidance and oversight to regional administrators and district directors in implementing Agency goals and objectives, and in solving problems in specific operational

areas. It establishes and monitors performance goals for district offices; provides associate administrators, program heads and the general counsel with a vehicle for overseeing field office program and policy implementation; provides feedback to headquarters management regarding the performance of their programs; ensures that field offices have adequate input into all policy formation and participate in policy deliberations at headquarters; organizes reviews of field offices; informs the SBA Administrator of field activity; and, when necessary, the OFO provides coordination with the ODR&R.

Basis for Determination

The Associate Administrator and Deputy Associate Administrator are the principals of the office and will need to be on hand for the orderly shutdown of Field Operations functions, including issuing furlough and call to work notices, serving as point of contact to all Field personnel as new developments emerge and change, and will be responsible for advising personnel on return to office and close out of agency files and records.

Supervisory, Leads and non-supervisory Business Opportunity Specialist are responsible for the acceptance of contracts and awards and the financial documentation intake and analysis of the 8(a) compliance operations of the field. These positions shall be retained or unfurloughed as necessary to support agencies that remain open in the Government, as well as SBA offices that remain open, such as ODR&R and HUBZone. These positions may be required to perform activities necessarily implied by law, including supporting ongoing and emergent disasters (e.g., Maui Wildfires), as well as ongoing pandemic recovery.

OFFICE OF GENERAL COUNSEL (OGC)

32 - Compensation is financed by a resource other than annual appropriations

10 - Necessary to perform activities necessarily implied by law

- General Counsel
- Deputy General Counsel
- Supervisory Attorney Advisor (General)
- Attorney Advisor DAEO
- Associate General Counsel for General Law
- Associate General Counsel for Procurement Law
- Associate General Counsel for Litigation
- Trial Attorney
- Supervisory Executive Operations Office
- Supervisory Attorney Advisor

Office Description

The Office of General Counsel (OGC) provides legal advice in support of all SBA programs and initiatives. The office helps to minimize the Agency's legal risks and costs, reduce litigation exposure; and monitors compliance with the applicable statutes, regulations, Executive Orders and other legal requirements. OGC provides the legal support necessary to defend SBA's interest in judicial and administrative actions, and proactively represents the Agency in all legal matters that arise in the context of its financial assistance, procurement and contracting programs, as well as labor and employment disputes.

Basis for Determination

OGC has identified ten (10) "Excepted" positions that will be retained so long as such are required to perform activities necessarily implied by law to support exempt functions of the Agency, including management of thirty-two (32) "exempt" positions that are funded by no-year appropriations that support ODR&R and OCA and CARES Act activities and procurement activities. The Agency's legal responsibilities are not suspended during a shutdown. It is anticipated that the District Courts will remain open during the furlough hearing at least emergency and emergent matters. Accordingly, with respect to litigated matters, substantial impacts can arise in the event the Agency fails to timely file an Answer or Motions to Stay litigation are not granted or the Agency misses an applicable deadline (including a filing prior to an applicable statute of limitations). In such event, SBA could incur substantial liabilities or incur significant losses for which no later opportunity to cure will be available. Further, if a deadline in bankruptcy is missed or collateral is not protected, those assets will be lost forever, potentially resulting in significant losses. For example, SBA attorneys are defending a number of cases attacking the constitutionality of the 8(a) Program and anticipates the need to take possible action to protect the Paycheck Protection Program (PPP) loan portfolios of failed or failing lenders in the PPP Program. In addition, OGC positions provide support to open offices performing exempt functions, such as OCA, ODR&R, HUBZone and OHA (e.g., PPP Appeals), and to other Agencies that remain open (such as components of the Department of Justice, Department of Defense and the Office of Management and Budget.) The positions also support legal issues arising from SBA activities and employee matters, and performance and/or disciplinary actions that occur during the lapse. For instance, all requests to "un-furlough" employees must be approved by the General Counsel during a lapse.

Further, new 504 loans will not be approved during a shutdown, and the 504 closings, legal review and approval of documentation for 504 loan closings, which represent take-out financing promised by SBA and relied upon by interim lenders and the affected small businesses, will be placed on hold. This activity is intermittent and is not included in this plan. However, in the event these services are needed during a lapse, positions may be un-furloughed as positions required to perform activities necessarily implied by law; without these positions, OGC would be prevented from performing functions required to carry out 504

closings and 504 program functions would be prevented or significantly damaged.

SBA also must continue to provide ethics advice, especially to furloughed employees that might need conflict of interest advice. This position is authorized by law, as each agency is required to have a Designated Agency Ethics Official (DAEO) under the Ethics in Government Act, Pub. L. 95-521. During a lapse, the ethics official will dispense advice to SBA offices that remain open, such as ODR&R and HUBZone, and to other non-furloughed employees. In addition, the ethics official will be available to provide advice to furloughed employees regarding possible outside employment during the lapse and any conflicts of interest issues.

Thirty-two positions will be retained as “exempt” because compensation is financed by other-than-annual sources, including no-year disaster funding and ARPA funding.

OFFICE OF GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT (GC/BD)

38 - Compensation is financed by a resource other than annual appropriations (HUBZone and Veteran Small Business Certification)

7 - Necessary to perform activities necessarily implied by law (GC/BD)

Associate Administrator/Business Development

2 Information Technology Program Manager

Supervisory Program Manager

Area Office Size Specialist

Procurement Analyst

Supervisory Business Opportunity Specialist

Office Description

The Office of Government Contracting and Business Development promotes increased small business participation in the federal procurement market for goods and services. The office fulfills the SBA’s statutory mission to ensure that a fair share of federal procurement goes to small businesses. Working with federal agencies, the SBA negotiates procurement goals, monitors performance, encourages the use of small business sources, provides procurement training and technical assistance to small firms, and provides policy direction and guidance to federal agencies. Several of the government-wide goals are statutory, including small businesses, small disadvantaged businesses, women-owned small businesses, HUBZone small businesses, and service-disabled veterans-owned small businesses. Key activities include, but are not limited to, certifying firms for the 8(a) business development program and HUBZone program, processing and reviewing protests for small business contracts and combating fraud, waste, and abuse in all programs.

Basis for Determination

The Historically Underutilized Business Zones (HUBZone) program helps small businesses in urban and rural communities gain preferential access to federal procurement opportunities. These preferences go to small businesses that obtain HUBZone certification in part by employing staff who live in a HUBZone. The company must also maintain a "principal office" in one of these specially designated areas. The Office of HUBZone (15 positions) is funded from SBA's Entrepreneurial Development Appropriations Account, which is two-year funding. See, e.g., Consolidated Appropriations Act, 2023, Enacted as Public Law 117-328. Therefore, the HUBZone funded activities are not subject to the lapse in appropriations. These positions are compensated by a resource other than annual appropriations.

Seven positions will be available as necessary to ensure that the small business contracting programs continue to operate for any exempt or excepted SBA offices, such as ODR&R or HUBZone, or agencies or departments not closed by the lapse. Key activities include, but are not limited to, certifying firms for the 8(a) Business Development program and HUBZone program, processing and reviewing protests for small business contracts and combating fraud, waste, and abuse in all programs. These positions will ensure that the small business contracting programs such as providing small business set-aside program support for any agencies or departments with exempt activities not impacted by the shutdown because funding continues for these operations.

In Fiscal Year (FY) 2023, the Small Business Administration (SBA) transitioned the Department of Veterans Affairs (VA) Center for Verification and Evaluation to the SBA in accordance with the National Defense Authorization Act Section 862 of 2021. By this legislation, Veteran Small Business Certification Program (VSBCP) is chartered to accurately, timely, and efficiently, certify Veteran-owned companies using 13 CFR Parts 121, 125, 128, and 134. The VSBCP provides certifications to Service-Disabled Veteran-Service-Disabled Veteran-Owned Small Businesses to compete for Federal sole-source and set-aside contracts across all agencies in the Federal government. Further, SBA VSBCP Veteran Owned Businesses have additional opportunities to pursue sole-source and set-aside contracts at the VA for its Veterans First Contracting Program. VSBCP is the cornerstone that enables Federal agencies to meet the government-wide goal which is three percent total value of all prime contract and subcontract awards that must be made to small businesses owned and controlled by service-disabled veterans. This program received two-year funds for Fiscal Years 2023 and 2024. The carryover of the remaining funds of this authorization will allow VSBCP to operate during a lapse in appropriations in FY 2024.

OFFICE OF HEARINGS AND APPEALS (OHA)

5 – Compensation is Financed by a Resource Other than Annual Appropriations)

Office Description

The Office of Hearings and Appeals (OHA) adjudicates several types of disputes affecting Federal procurements government-wide. Among these types of disputes are: (1) Appeals from formal size determinations in connection with Federal contracts set-aside for small businesses, and other programs; (2) Appeals from Contracting Officer designations of North American Industry Classification System (NAICS) codes for procurements government-wide; (3) Appeals from 8(a) program eligibility, suspension, and termination decisions; (4) Appeals from Women-Owned Small Business (WOSB) and Economically Disadvantaged Women-Owned Small Business (EDWOSB) protest determinations; (5) Disputes between SBA employees and managers; (6) Petitions for Reconsideration of revised, modified, or established size standards; (7) Service-Disabled Veteran-Owned Small Business (SDVOSB) status appeals; (8) Protests of eligibility for inclusion in the U.S. Department of Veterans Affairs (VA) Center for Verification and Evaluation (CVE) Database; and (8) Appeals of denials and cancellations of verification for inclusion in the VA CVE database. All NAICS and SDVO SBC Appeals, and nearly all Size Appeals, are in connection with pending Federal procurements, and the contracting activity in each of these cases must await OHA's decision before it can award the contract.

Basis for Determination

Five positions are funded from ARPA funds and therefore, the funded activities are not subject to the lapse in appropriations.

OFFICE OF THE INSPECTOR GENERAL (OIG)

193 - Compensation is financed by a resource other than annual appropriations

Office Description

The Office of Inspector General (OIG) is an independent office created by law within the SBA to conduct and supervise audits, investigations, and other reviews relating to SBA programs and supporting operations; detect and prevent waste, fraud, and abuse; and promote economy, efficiency, and effectiveness in the administration and management of SBA programs. The Inspector General keeps the SBA Administrator and the Congress fully informed of any problems, recommends corrective actions, and monitors progress in the implementation of

such actions. The two operating components of the OIG are the Audits Division and the Investigations Division. The Audits and Investigations Divisions each administer their respective activities through staff located in various locations around the country. The Management and Administration Division and the Offices of Counsel and the Chief of Staff support both the Inspector General and the operating divisions by providing policy, planning, administrative, legal, and other services. During a lapse of appropriations for funding that is not “no-year” funded, OIG will cease all operations. OIG will not perform audits or investigations during a lapse of appropriations.

Basis for Determination

OIG receives \$1.6 million transfer for its statutory purposes from SBA’s exempted Indirect Disaster Transfer Assistance Program account. OIG also has received supplemental appropriations that are available until expended for carrying out the duties of the IG Act. As such, all personnel within OIG are "exempt" from furlough because their compensation is funded from other-than-annual sources, including no-year disaster funds, ARPA funds, and other carryover.

In the event of a lapse in appropriations, OIG intends to continue its oversight of SBA’s pandemic response programs. Immediately following a lapse in appropriation (or shortly prior contingent on OMB guidance on an anticipated shutdown), OIG will utilize personnel to make any necessary adjustments to appropriation codes for personnel normally funded from its Regular account and will shift their payroll costs to utilize supplemental funds available (i.e., ARPA) to continue oversight of SBA’s pandemic response. As such, the majority of OIG personnel will continue operations should a lapse in appropriations occur until either an appropriation measure is signed into law or supplemental funds are fully expended.

OFFICE OF INTERNATIONAL TRADE (OIT)

1 - Necessary to perform activities necessarily implied by law

Associate Administrator

Office Description

The Office of International Trade (OIT) enhances the ability of small businesses to compete in the global marketplace by facilitating access to capital to support international trade, ensuring the interests of small business are considered and reflected in trade negotiations, and supporting and contributing to the U.S. government’s international commercial and economic agenda. Through 21 U.S. Export Assistance Centers, SBA district offices and a variety of service-provider partners, OIT directs and coordinates SBA's ongoing export initiatives in an effort to encourage small businesses going global. In addition, OIT is involved

with other Agencies, such as the U.S. Trade Representative, the Export-Import Bank, Overseas Private Investment Corp (soon to be the U.S. International Development Finance Corporation (DFC)) the Department of Commerce/International Trade Administration, and other Agencies, on small business trade issues, including some small business aspects of international trade agreements. OIT also manages the State Trade Expansion Program (STEP), to support export growth among U.S. small businesses in conjunction with State trade agencies. OIT also markets and assists small business borrowers and lenders with several small business export 7(a) loan programs, such as Export Express, International Trade Loans, and Export Working Capital Loans.

Basis for Determination

One position will remain available to provide support to open agencies on some small business aspects of international trade agreements and related small business trade issues as necessary. The statute creating the position of Associate Administrator for International Trade specifically authorizes the position to work in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Secretary of Agriculture, the Secretary of State, the President of the Export-Import Bank of the United States, the Board of Directors of the United States International Development Finance Corporation, the Director of the United States Trade and Development Agency, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs. In order to fulfill these, and other statutory duties, the Associate Administrator will also be required to be available during a lapse. 15 U.S.C. § 649(b). This position is required to perform activities necessarily implied by law.

OFFICE OF INVESTMENT AND INNOVATION (OII)

2 - Necessary to protect life and property

Associate Administrator/OII

Director of Patient Capital Investment

Office Description

The Office of Investment and Innovation (OII) assists small businesses through the administration of the Small Business Investment Company (SBIC) and the Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) programs, including the Federal and State Technology (FAST) grant program.

SBICs are privately owned and managed investment funds that are licensed and regulated by the SBA. They use their own private capital plus funds borrowed with an SBA guaranty to

make investments in qualifying small businesses, especially those with potential for substantial job growth and economic impact. The SBIR/STTR programs help small businesses to develop innovations to meet the research and development needs of the Federal Government and then commercialize those innovations in the marketplace. The SBIR/STTR programs also advance American innovation and competitiveness in the broader economy.

Basis for Determination

OII will have two employees providing orderly shutdown services and protection of government property. There are approximately \$400 million in obligations owed to SBA in the office of SBIC Liquidations. OII oversees approximately 30 SBICs and a number of assets owned by SBA. The Office of Liquidation anticipates collecting about \$100 million this fiscal year. There are four open and one pending SBIC receiverships for which SBA has been appointed Receiver owing SBA over \$100 million. The SBA receiverships require approval from SBA personnel to conclude transactions. In a number of instances this includes execution of investment or sale transaction documents. Among the activities required to be completed are approving and authorizing the expenditure of receivership funds, including the issuing of receivership checks to pay the various bills and obligations of the receivership estates. OII is crucial for arranging the collection of obligations, paying bills, and meeting SBA's duties. These are fiduciary obligations not only for the benefit of SBA but other creditors, claimants, and stakeholders of the receivership estates. Failure to meet these obligations and protect the receivership estates is not only harmful to the federal government but would harm other parties. The result of SBA not meeting these obligations and breaching accepted duties would subject the federal government to additional liability.

In addition, personnel will be needed for the orderly shutdown and protection of property of the SBIC, SBIR and STTR Programs. In addition, Approved Draw Notices issued by SBA to SBIC funds prior to a lapse remain valid according to their terms during a lapse. If an SBIC has a draw request that was approved by SBA prior to the lapse in appropriations and it is documented with an Approval Notice, the SBIC will be able to draw funds as usual (from the interim-funding provider, Federal Home Loan Bank of Chicago).

OFFICE OF THE NATIONAL OMBUDSMAN (ONO)

None

Office Description

The Office of the National Ombudsman (ONO) fosters a more small-business-friendly federal regulatory enforcement environment by assisting small businesses when they experience excessive federal regulatory enforcement actions, such as repetitive audits or investigations, excessive fines, penalties, threats, retaliation, or other unfair enforcement action by a federal agency. It does this by evaluating how Federal agencies treat small businesses during

enforcement or compliance actions. ONO will not require any employees for orderly shutdown or protection of property.

Basis for Determination

No ONO employees will be required after orderly shutdown activities are completed.

OFFICE OF PERFORMANCE MANAGEMENT AND THE CHIEF FINANCIAL OFFICE (OCFO)

34- Compensation is financed by a resource other than annual appropriations

20 - Necessary to protect life and property

Associate Administrator for Performance, Planning

Director, Finance, Acquisitions and Management

2 Lead Accountants

4 Accountants

3 Supervisory Accountants

Acting Supervisory Accountant

2 Financial Specialists

3 Supervisory Contract Specialists

Budget Analyst

Staff Accountant

Budget Officer

Office Description

The Office of Performance Management and the Chief Financial Officer (OCFO) conducts and promotes effective financial management activities for the SBA including budget, credit subsidy, financial operations, financial systems, and internal controls, and procurement. It develops and maintains integrated accounting and financial management systems; directs, manages, and provides policy guidance and oversight of all Agency financial management personnel, activities, and operations; approves and manages financial management systems design and enhancement projects; develops budgets for financial management operations and improvements; implements Agency asset management systems; monitors the financial execution of the Agency budget in relation to actual expenditures; and develops policies and procedures for the procurement of supplies, equipment, and non-personnel services.

The Office of Performance Management and the Chief Financial Officer provides tools and guidance to assist the Agency in expanding its capacity to conduct and utilize the results of program evaluations. It also helps the Agency develop better performance measures in order to facilitate the SBA's continued movement from measuring activity outputs to measuring programmatic and Agency outcomes. It builds Agency capacity for results-based management through training and outreach to program offices and supports the Agency's strategic planning. The office also prepares annual accountability and/or performance reports and establishes and implements Agency-wide policies for management integrity and audit follow-up, including internal controls.

Basis for Determination

OCFO also provides disaster accounting services handled by employees that are funded by no-year disaster funds. Employees would be needed to ensure the proper recordation, timely deposit, and accounting of all funds received by SBA. Repayments of thousands of direct loans are handled by OCFO. In addition, staff would be needed for account servicing purposes (e.g., accounting for liquidations and collateral purchases, establishing notes receivable, and posting of court ordered judgments).

The OCFO would have 34 exempt employees report for duty, where all are funded by other-than-annual sources, including no-year disaster appropriations and ARPA funds. The employees would be needed for the following: orderly shutdown of headquarters activity related to financial management policies, budget, financial system, and accounting support for disaster activities.

The no-year funded employees would be needed to ensure the proper recordation, timely deposit, and accounting of all funds received by SBA, process the repayments of hundreds of thousands of direct loans handled by OCFO. In addition, staff would be needed for account servicing purposes (e.g., accounting for liquidations and collateral purchases, establishing notes receivable, and posting of court ordered judgments).

Twenty positions are necessary to continue financial operations, budgetary and procurement support to SBA open offices, such as ODR&R and HUBZone. These include office supervision and collections oversight; protection of the Government's loan investments; contracting officer for contract administration and oversight; and orderly shutdown of headquarters activity related to financial management policies and internal controls. These positions also interface with other open offices, including those at the Department of Treasury/Fiscal Management Service and Office of Management and Budget. These positions are needed for protection of private and government property.

OFFICE OF VETERANS BUSINESS DEVELOPMENT (OVBD)

None

Office Description

The Office of Veterans Business Development (OVBD) conducts comprehensive outreach on behalf of the Agency and is responsible for the formulation, execution, and promotion of policies and programs of the Administration. To accomplish these tasks, OVBD operates its national outreach initiative and provides direct service delivery through funding agreements with resource partners, coordination of outreach and service delivery with other federal agency partners, and development of Agency program initiatives. OVBD will not require any employees for orderly shutdown or protection of property.

Basis for Determination

No OVBD employees will be required after orderly shutdown activities are completed.