

**National Archives and Records Administration
Contingency Plan for
Agency Operations during Funding Lapse**

April 8, 2011

Executive Summary

1. **All ongoing OE operations will be suspended** - In the event of an OE appropriations lapse, NARA will immediately suspend all ongoing, regular operations. Except as authorized by the contingency plan, no activities that require action by or the on-site presence of a Government or contractor employee or the obligation of OE or other annual appropriations will be permitted.
2. **All NARA facilities will be closed** - Except as authorized by the contingency plan, all NARA facilities will be closed and secured for the duration of an OE funding lapse.
 - **NARA-operated portions of presidential libraries will close, but facilities controlled by the Library Foundation may remain open.** Where a presidential library shares control of a facility with its support organization, the NARA-operated portion of a facility must be closed and secured, and NARA may not provide the foundation any janitorial services during a funding lapse; or security or facility operations services beyond the minimum specified in this plan.
3. **Most NARA employees will be furloughed** - Except for employees identified as “excepted” under this contingency plan and employees paid from other than an annual appropriation (e.g., FRCP and Trust Fund employees), all NARA employees will be furloughed for the duration of a lapse in OE or other annual appropriations. Non-Excepted employees will not be permitted to work, even by remote access, during a funding lapse. Appropriate notice will be provided to furloughed employees and the Union. For more information related to furloughs, please see NARA Notice 2011-123. The expected number of furloughed employees is 2,427.
4. **Some NARA employees will be considered “excepted”** - A limited number of employees may be considered “excepted” from furlough if they are performing activities that are required to protect life or property. The expected number of excepted employees for NARA is 69; an additional 106 employees are designated as on-call.
5. **Some NARA employees will be considered “exempted”** -
 - **FRCP operations may continue as an “exempt” program.** The FRCP does not operate with annual appropriations. Therefore, the FRCP and staff who are fully funded by the Revolving Fund are authorized to continue operations during an OE funding lapse so long as there is access to the NARA, or GSA, leased buildings housing FRCs; work to perform for agencies or parts of agencies not affected by the lapse in annual appropriations; and Revolving Fund monies available to cover current obligations.
 - **Trust Fund operations may continue.** Trust Fund operations also do not require the enactment of annual appropriations. However, because the conduct of Trust Fund business is so interconnected with OE operations, most Trust Fund operations will be suspended in the absence of OE appropriations. Trust Fund

operations that are not dependent on regular OE operations may continue off site to the extent there are tasks to be completed. Unless otherwise notified by the Trust Fund Secretary, all Trust Fund employees nationwide will be in furlough status.

6. **Employees may be recalled in cases of emergency** - In the event of an emergency that occurs during a lapse in annual appropriations, employees who were initially designated as "non-excepted" may be temporarily redesignated as "excepted" and recalled from furlough to perform emergency functions.
7. **Majority of contracts will be suspended** - Except for contracts identified as exempt by NAA and NGC, all contractual services for janitorial, landscaping, and repair and restoration (R&R appropriation) activities will be suspended for the duration of an OE funding lapse. Exempt contracts (such as utility and telecommunication service contracts, leases for office equipment, software licenses, etc) will maintain the "minimum" level of contract service to be provided.
8. **Emergency listings should be current** - All Offices shall periodically review appropriate emergency listings and assure that these listings are current.

Contingency Plan

1. Authority. U.S. Constitution, art. I, §9, cl. 7; 31 U.S.C. §§ 1341, 1342 (Antideficiency Act); Office of Management and Budget (OMB) Circular No. A-11, *Preparation, Submission, and Execution of the Budget*, Part 4.I., Section 124 (July 2010, as amended Nov. 2010); Opinion of the Attorney General, *Applicability of the Antideficiency Act Upon a Lapse in an Agency's Appropriations*, 43 Op. Att'y Gen. 224 (Apr. 25, 1980); Opinion of the Attorney General, 43 Op. Att'y Gen. 293 (Jan. 16, 1981) (untitled opinion for the President regarding the continuance of government functions during a temporary lapse in appropriations); Opinion of the Office of Legal Counsel, Department of Justice, *Government Operations in the Event of a Lapse in Appropriations*, 1995 WL 17216091 (Aug. 16, 1995); and Opinion of the Office of Legal Counsel, *Effect of Appropriations for Other Agencies and Branches on the Authority to Continue Department of Justice Functions During the Lapse in the Department's Appropriations*, 19 Op. O.L.C. 337, 1995 WL 917146 (Dec. 13, 1995).

2. Additional Authority. NARA Interim Guidance 103-01, NARA Contingency Planning for Agency Operations during a Funding Lapse, April 8, 2011, implements the requirement in section 124 of OMB Circular A-11 that executive branch agencies, including NARA, “develop and maintain plans for an orderly shutdown in the event of the absence of appropriations.”¹ This is NARA’s contingency plan.

3. Executive Branch Policy Regarding Agency Operations in the Absence of Appropriations.

A. General. The Government’s policy with respect to agency operations in the absence of appropriations is as follows: (i) Federal officers may not incur any obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law; and (ii) Federal officers may incur obligations as necessary for orderly termination of an agency’s functions, but funds may not be disbursed.²

B. Antideficiency Act. The policy established in OMB Circular A-11 implements the constitutional and statutory authorities cited above in par. 1. The Antideficiency Act, 31 U.S.C. §§ 1341 and 1342, requires agencies to discontinue their ongoing, regular operations in the absence of appropriations, for example, during a temporary funding lapse that results when Congress fails to enact either regular appropriations or a continuing resolution. The Department of Justice has issued at least four legal opinions since 1980 (par. 1) that address and expand upon the requirements of the Antideficiency Act with respect to funding lapses.

Three specific prohibitions in the Antideficiency Act apply to funding lapses. First, an officer or employee of the Government “may not make or authorize an expenditure or obligation for the payment of money exceeding an amount available in an appropriation or fund.”³ Second, an officer or employee of the Government may not enter into a contract or incur an obligation

¹ OMB Circular A-11, Part 4.I., § 124.2 (hereinafter “A-11”).

² A-11 at § 124.1(b) (emphasis in original).

³ 31 U.S.C. § 1341(a)(1)(A). This limitation implements the constitutional requirement that “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.” U.S. Const. art. I, § 9, cl. 7.

“for the payment of money before an appropriation is made unless authorized by law.”⁴ Third, agencies may not accept “voluntary services [from agency employees] or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property.”⁵ The term “emergencies involving the safety of human life or the protection of property” specifically “does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.”⁶

C. Violations of the Antideficiency Act. Violations can result in administrative and criminal penalties. An officer or employee of the United States who violates the Act “shall be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office.” 31 U.S.C. § 1349. Violations that are knowing and willful in nature can result in criminal sanctions, including a fine of not more than \$5,000 (per violation), imprisonment for up to two years, or both. 31 U.S.C. § 1350.

D. Effect on NARA Operations. Given the requirements of the Antideficiency Act, the routine, day-to-day activities and operations of the agency that are funded by annual appropriations – i.e., Operating Expenses (OE) – must be suspended in the event of a lapse in appropriations. A limited number of activities funded by these appropriations may continue to be performed, as authorized by this contingency plan, either because the activities are required to protect life or property, because the activities necessarily support such lawful functions, or because monies were properly obligated under an existing contract from appropriations available prior to the funding lapse (e.g., under a prior continuing resolution) and the contractor is able to perform work during the lapse period because performance does not require access to either Government facilities or personnel.⁷

E. Actions and obligations involving the safety of human life or the protection of property.

- i. The Antideficiency Act permits agencies that have sustained a lapse in appropriations to accept voluntary services from employees when necessary to protect human life or property. This means NARA can have OE employees continue to work in support of those two “emergency” purposes in the absence of appropriations, if both of the following tests are met. First, “there must be some reasonable and articulable connection between the function to be performed and the safety of human life or the protection of property.” Second, “there must be some reasonable likelihood that the safety of human life or the protection of property would be compromised, in some [significant] degree, by delay in the performance of the function in question.”⁸
- ii. During a lapse in appropriations, agency heads must “limit obligations to those needed to maintain the minimum level of essential activities necessary to protect life

⁴ 31 U.S.C. § 1341(a)(1)(B).

⁵ 31 U.S.C. § 1342.

⁶ *Id.*

⁷ See Opinion of the Office of Legal Counsel, Department of Justice, *Government Operations in the Event of a Lapse in Appropriations*, 1995 WL 17216091 (Aug. 16, 1995), p. 3 (hereinafter “1995 OLC Opinion”).

⁸ 43 Op. Att’y Gen. 293, 302, *as modified* by 1995 OLC Opinion, 1995 WL 17216091, p. 6.

and property.”⁹ One example of this principle in action would be the purchase of equipment or services to respond to an emergency that occurs at one of NARA’s archival or library facilities. A second example would be NARA support of the President’s constitutional responsibilities or the emergency functions of other federal agencies.¹⁰

F. Activities and functions funded by other than annual appropriations. When an agency like NARA performs functions that are funded under multi-year or indefinite appropriations, obligations against those appropriations may continue to be made during a lapse in annual appropriations without violating the Antideficiency Act.¹¹ For this reason, the Federal Records Center Program (FRCP) and the National Archives Trust Fund may continue to operate during an OE funding lapse as authorized by this contingency plan (pars. 4.H., 4.I.). Contracts funded with Revolving Funds, Trust Funds, and Repair and Restoration Funds are addressed below (par. 4.J.).

4. NARA’s Plan for Agency Operations in the Absence of Appropriations.

A. Suspension of Operations. In the event of an OE appropriations lapse, NARA will immediately suspend all ongoing, regular operations. Except as authorized by this contingency plan, no activities that require action by or the on-site presence of a Government or contractor employee, or the obligation of OE or other annual appropriations will be permitted. This ban on operations includes, without limitation, all education, exhibit, museum, public program, public use, research, training, and visitor or volunteer activities at the National Archives Building (Archives I), the National Archives at College Park (Archives II), the presidential libraries, the Southeast Regional Archives, and NARA-leased facilities. Table B of this plan contains a current list of NARA facilities, including NARA-leased facilities.

B. Closure of Facilities. Except as authorized by this contingency plan, all NARA facilities will be closed and secured for the duration of an OE funding lapse. This ban includes, without limitation, all public research rooms, museum exhibition areas, and public rental, use, or visitation areas located in NARA facilities, as well as all employee, contractor, and volunteer office and work areas. The Rotunda and other areas of Archives I comprising the National Archives Experience will close under this paragraph, as will the presidential library museums, and the grounds and public areas that are operated, maintained, and protected by NARA at presidential libraries. The child development center located in the Archives II building will be closed during any funding hiatus, as the Archives II facility will be closed. The operator of the center has made arrangements to offer daycare at an alternative location to meet the needs of those families who are not federal employees and/or who continue to require child care during a funding hiatus.

⁹ A-11 at § 124.3.

¹⁰ See 1995 OLC Opinion at pp. 3-4; *Effect of Appropriations for Other Agencies and Branches on the Authority to Continue Department of Justice Functions During the Lapse in the Department’s Appropriations*, 19 Op. O.L.C. 337, 1995 WL 917146 (Dec. 13, 1995).

¹¹ 43 Op. Att’y Gen. at 298. *Accord* 1995 OLC Opinion at p. 3.

In accordance with par. 4.I.iii. of this plan, a minimum level of facility and security operations will be provided to a library complex during a lapse. In addition, utility and telecommunication service contracts will continue at presidential libraries during a lapse (par. 4.I.ii.d.). However, where a presidential library shares control of a facility with its support organization (i.e., where NARA does not own the library and surrounding grounds, but has a right to use and control a certain portion of a facility owned by a foundation or university), the NARA-operated portion of the facility must be closed and secured, and NARA may not provide the foundation any janitorial services during a funding lapse; or security or facility operations services beyond the minimum specified in this plan. Even if the Foundation were to agree to pay for these services, NARA contracts and NARA employees could not be used. In those facilities where a library shares control of a facility with a foundation (Nixon, Carter, Reagan, George H.W. Bush, Clinton), a foundation may, at its discretion, contract directly for security and janitorial services to support building rentals and other foundation activities that are conducted in foundation-exclusive or joint-control areas that the foundation has the right to use pursuant to legal agreement with the United States.¹² Foundations will be encouraged to use cleared NARA contractors and contractor personnel for such services during a funding lapse and to include provisions in the contract that they continue to apply NARA's contractual requirements.

C. Orderly Shutdown of Facilities and Operations.

- i. Pursuant to section 124.3 of OMB Circular A-11, the Archivist will notify OMB when agency shutdown activities in anticipation of or response to an OE funding lapse have begun. To the maximum extent possible, NARA managers should take appropriate actions in anticipation of the potential lapse in funding, with primary consideration given to protecting life and safeguarding Government property and records. In particular, if an appropriations lapse appears likely, on the last working day prior to the lapse, managers shall make a special effort to assure that the facility is appropriately secured, that all unnecessary equipment and lighting are turned off, and that emergency recall lists are up-to-date and available.
- ii. Non-excepted employees will NOT report to work on the first work day of the funding lapse, unless specific orders to report are given by OMB, the Office of Personnel Management, or the Archivist. Excepted employees, as defined by this contingency plan, will complete any necessary shutdown activities after a funding lapse begins. NARA anticipates that orderly shutdown activities will take approximately one half (1/2) day. In preparation for the shut-down period, at those facilities that have Automated Call Directors/Voice Mail Systems, the general announcement should be updated to indicate that the facility is closed due to a lapse of appropriations, and refer emergency callers to the National Emergency Control Center or to the local emergency operations number, as appropriate. This announcement should also be provided to employees' government e-mail accounts and on the NARA website (www.archives.gov).

¹² Depending on the library, a foundation may already be directly contracting for janitorial and other operations and maintenance services (e.g., landscaping and other outdoor work). NARA holds all security contracts at the libraries listed in this paragraph.

D. Union Notification and Furloughs.

- i. Requirement for Furloughs. Except for employees identified as “excepted” under this contingency plan and employees paid from other than an annual appropriation (e.g., FRCP employees), all NARA employees will be furloughed for the duration of a lapse in OE or other annual appropriations. Non-Excepted employees will not be permitted to work, even by remote access, during a funding lapse. Non-Excepted employees will be strongly advised prior to going on furlough of this prohibition and of the potential penalties for violating it. NARA expects non-excepted employees to stay current with the status of the funding hiatus by checking the OPM website (www.opm.gov) and following local news outlets, and will learn via local news outlets when the funding hiatus has been resolved and routine Government operations will resume.
- ii. Notification of Union. The Human Resources Services Division (NAH) will take all actions required by law or regulation to notify the Union of potential and/or actual requirements for furlough caused by a lapse in appropriations, subject to any shutdown guidance issued by OMB or OPM.
- iii. Notice to Employees and Required Documentation. NAH will issue furlough notices to individual employees and document actual furloughs in Official Personnel Folders. Upon the returning to work after a furlough due to a funding lapse, supervisors will document furlough periods on each full and part- time employee's time and attendance records, and ensure this information is appropriately documented in ETAMS.

E. Excepted Employees.

- i. Archivist. The Archivist of the United States is statutorily excepted from furlough.
- ii. Identifying Excepted Employees. As discussed in par. 3 of this plan, a limited number of activities (“excepted functions”) funded by annual appropriations may continue to be performed during a funding lapse, because the activities are required to protect life or property, because the activities necessarily support such lawful functions, or because monies were properly obligated under an existing contract from appropriations available prior to the funding lapse (e.g., under a prior continuing resolution) and the contractor is able to perform work during the lapse period without access to Government facilities or personnel. Using the tests set forth in par. 3.E. above, Office Heads and Staff Directors will determine the minimum number of FTEs necessary to perform the excepted functions, if any, of their Office or Staff, subject to the Archivist’s approval. A complete listing of approved, excepted personnel must be provided to the Archivist, the Assistant Archivist for Administration, the NARA Emergency Coordinator, NAS, and other offices within the Office of Administration having need of the list for operations during a funding lapse (e.g., NAB, NAH) no later than close of business on the last business day before

current appropriations expire. Supervisors will inform excepted employees in writing of their designation, and inform those employees that they are required to report for duty during the lapse in appropriations. Excepted employees should be notified that they may be excused from duty only in emergency circumstances. While the nature of an "excepted" function determines the maximum permissible staffing levels, managers may have several employees "share" an excepted position.¹³ For example, where the function requires two FTE of effort, and five employees are fully qualified to perform the function, each of the five could be placed in a duty status for four days a pay period and furloughed the other six days. Where several employees will be "sharing" an excepted function, the written notice should inform each employee of the specific day(s) that they will be in a required duty status, and the specific day(s) they will be in furlough status (e.g., "You will be on required duty status the first Monday and Tuesday and the second Thursday and Friday of each pay period; you will be on furlough the first Wednesday, Thursday and Friday and the second Monday, Tuesday, and Wednesday of each pay period."). The total numbers of hours in a furlough status of each employee must be documented by a SF50 action at the end of the appropriations lapse period. Therefore, it is essential that accurate records be maintained for the on-duty periods.

- iii. Identifying On-Call Employees. In addition to identifying excepted employees as outlined in par. 4.E.ii., Office Heads/Staff Directors will use the tests set forth in par. 3.F to identify employees who are to be in an "on call" status during a lapse in annual appropriations. A complete listing of approved, on-call personnel must be provided to the Archivist, the Assistant Archivist for Administration, the NARA Emergency Coordinator, NAS, and other offices within the Office of Administration having need of the list for operations during a funding lapse (e.g., NAB, NAH) no later than close of business on the last business day before current appropriations expire. Supervisors will inform on-call employees in writing of their designation, and inform those employees that they are required to remain within a reasonable call-back radius (i.e., must be available to report to duty within 2 hours of receiving a call) during the lapse in appropriations. On-call employees are considered "non-excepted" unless specifically called to perform an excepted function of their Office or Staff. If called, an on-call employee will be compensated for the time it takes to complete the assignment or two hours, whichever is greater. Once the assignment is complete, the employee will once again be placed on furlough.
- iv. Need to Recall Furloughed Employees for Temporary Duty. In the event of an emergency that occurs during a lapse in annual appropriations, employees who were initially designated as "non-excepted" may be temporarily redesignated as "excepted" and recalled from furlough to perform emergency functions. While any employee of NARA is eligible to be recalled from furlough to address an emergency situation, Office Heads/Staff Directors should plan to the extent possible which staff would most likely be needed in the event of an emergency, and submit a list of those

¹³ If a continuous furlough exceeds 30 calendar days, or discontinuous furloughs total 22 work days, RIF procedures must be used in selecting the employees that would continue to work in support of an excepted function.

employees to the NARA Emergency Coordinator (NAS) prior to the commencement of shutdown. Supervisors will notify any employee whose name is provided on the emergency call list, and inform them they are required to be available for recall during a funding lapse.

- v. General. Additional procedures regarding excepted employees and functions are set forth elsewhere in this contingency plan (e.g., pars. 4.F-H). Pursuant to section 124.2 of OMB Circular A-11, Table A of this plan provides the number of employees expected to be on-board with NARA before implementation of the plan and the total number of employees/FTEs identified as excepted under the plan.

F. Federal Register Operations: The Department of Justice opinions (par. 1) assume the continued operation of both the private economy and Governmental functions such as law enforcement, oversight of financial markets, food and drug inspection programs, and air traffic control during a lapse in annual appropriations. Consistent with that guidance, NARA will publish an edition of the Federal Register each work day that includes only those documents related to the protection of life and property. The Director of the Federal Register is authorized to use the services of such members of his staff as are deemed necessary to maintain this limited function. The Director of the Federal Register is further authorized to temporarily recall from furlough additional minimal staff to respond to unanticipated or emergency issues related to the publication of the Federal Register on a case by case basis. (Estimated to be approximately 13 FTE)

G. Office of the Inspector General: The Inspector General may use the services of such Audits and Investigations staff as are necessary to support ongoing criminal investigations and criminal enforcement proceedings that cannot be deferred, including staff required to support the Department of Justice with actions that cannot be deferred. The Inspector General is further authorized to temporarily recall from furlough additional minimal staff to respond to new criminal investigations or enforcement proceedings initiated during the furlough period that cannot be deferred. (Estimated to be 1 FTE)

H. Federal Records Center Program (FRCP) Operations.

- i. General. The FRCP does not operate with annual appropriations, but under an indefinite appropriation, the Records Center Revolving Fund. The FRCP is, therefore, an “exempt” program that is authorized to continue operations during an OE funding lapse so long as it has access to the NARA- or GSA-leased buildings housing FRCs; work to perform for agencies or parts of agencies not affected by the lapse in annual appropriations; and Revolving Fund monies available to cover current obligations. The FRCP is also authorized to service orders for agencies/parts of agencies that are affected by the funding lapse, but only to the extent such orders are of an emergency nature or the agency customer specifically authorizes non-emergency work to be done.

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¹⁴ NARA will identify how many total FRCP staff are needed during a funding lapse, once the agency is able to discuss with its customers if they will be fully functioning or operating at a reduced levels, what services they may seek, and if they authorize us to work cases with a promise to pay.

- ii. Emergency Reference Operations. The National Personnel Records Center provides vital emergency reference services in support of law enforcement activities, medical care of veterans and their families, and entitlement to VA burial benefits. In addition to any employees engaged in regular, ongoing FRCP operations during a funding lapse, the Director, National Personnel Records Center, is authorized to employ the personal services of such members of his/her staff as deemed necessary to provide emergency reference services. This authority will apply even if the regular, ongoing FRCP operations at NPRC have to be suspended. (Estimated to be 23 FTE)

I. National Archives Trust Fund Operations. National Archives Trust Fund operations, which include both gift fund and trust fund activities, do not require the enactment of annual appropriations, and is therefore considered an “exempt” program. Because the conduct of Trust Fund business is so interconnected with OE operations, most Trust Fund operations will be suspended during a funding lapse, including without limitation support for point of sale or revenue accounting systems that are located in NARA facilities that will also be closed. However, Trust Fund operations that are not dependent on regular OE operations may continue off site to the extent there are tasks to be completed, including: required financial reports (e.g., monthly, quarterly, annual reports); support for Bureau of Public Debt accounts payable processing; financial analysis and investment reviews to support presidential library and Trust Fund investment portfolios (including support of additional monthly or one time investments, management of investment distributions, and monthly portfolio reports); and, support of procurement activities to the extent that contractor performance of fully funded contracts continues during a funding lapse. The Trust Fund’s eStore operations will be suspended and the website will post a notice that orders will not be fulfilled until regular Government operations resume. Unless otherwise notified by the Trust Fund Secretary, all Trust Fund employees nationwide will be in furlough status.

J. Protection of Property During a Lapse in Annual Appropriations.

- i. Emergency Operations. In the case of closed facilities, NARA may continue to incur obligations for utility, building operations, and security services at the minimum level necessary to protect NARA buildings, records, and other property, including without limitation NARA-owned buildings, leased facilities that NARA controls, and, for those presidential libraries not owned by NARA, the portion of a facility that is under NARA’s control (i.e., the portion considered the “presidential archival depository” for purposes of 44 U.S.C. § 2112(a)) (par 4.B.). The authority to incur obligations includes the minimum costs necessary¹⁵ to support excepted employees working at NARA facilities. The specific functions exempt for emergency operations are detailed below at 4.J.iii. (a) and (b).
- ii. Contract Support.

¹⁵ The word “necessary” here is used in accordance with the “necessary expense doctrine.” Government Accountability Office, Principles of Federal Appropriations Law, 3rd Ed., Vol. I, pp. 4-19 to 4-30.

- a. General. All contractual services for janitorial, landscaping, and repair and restoration (R&R appropriation) activities will be suspended for the duration of an OE funding lapse. A minimum level of IT services will be maintained under the NARA IT and Telecommunications Support Services (NITTSS) contract to support the IT requirements of excepted staff. NITTSS support is also required to monitor and to protect government IT equipment from power or HVAC outages that could force emergency shutdowns. NITTSS support will be provided at the Archives II data center only. No FOSA support will be available during a shutdown. All contracts, regardless of funding, will be suspended if the involvement of OE personnel becomes necessary beyond that required to protect life or property.
- b. Legal Review. Prior to the onset of a funding lapse, the Acquisition Services Division (NAA) and General Counsel (NGC) must review and advise on the legality of continuing with contract performance during the lapse, regardless of whether performance will be full or partial performance. NAA will work with Contracting Officer Representatives and program offices to identify existing contracts and to notify vendors of the status of each contract during a funding lapse.
- c. Notice of Suspension of Work. In accordance with guidance from OMB and NGC, Contracting Officers shall provide preliminary notice to all contractors that their contract may be suspended or severely curtailed as a result of the potential lapse of appropriations. On the last work day before an anticipated lapse in appropriations, or as part of orderly shutdown (par. 4.C.), Contracting Officers shall issue the appropriate documentation to effectuate total or partial suspension of work. To facilitate prompt transmittal, these documents should be prepared in advance, but without signature.
- d. Contracts that may Continue. Unless NAA and NGC advise otherwise, certain kinds of contracts will not be suspended during a funding lapse due to their nature, including without limitation: utility and telecommunication service contracts; leases for copiers, and mail and other office equipment; software licenses; equipment maintenance agreements; and indefinite delivery/indefinite quantity contracts and Blanket Purchase Agreements. However, no service calls, changes, orders, or other transactions that could incur obligations will be performed during a funding lapse, absent authorization from NAA following NGC review and concurrence. Contracts for supplies or services that are validly executed with current or prior-year appropriated funding sufficient to cover performance during the period of funding hiatus will not be automatically suspended unless continued performance requires access to either Government sites or Government personnel. Those contracts that require access to either Government sites or Government personnel will be suspended, even if funded, except as required to protect life or property. For example, acceptance of all routine deliveries would be suspended during the funding lapse.
- e. FRCP Revolving Fund Contracts. Decisions with respect to contracts funded 100% by Revolving Funds will be made on a case by case basis depending, at least in

part, on whether a particular Revolving Fund facility is operating during the funding lapse.

- iii. Minimum level of service. In general, the "minimum" level of contract service to be provided is that level routinely maintained on the midnight shift. However, if building operations services are normally provided only on the day shift, a minimum level of preventative maintenance and systems monitoring may continue. For Archives I and Archives II, this means 24-hour per day, seven day a week coverage by one DC 3rd class building engineer per shift at Archives I; and one 1st class building engineer plus one 3rd class engineer per shift at Archives II. Among other duties, facility engineers and facility managers (in presidential libraries and regional facilities having exhibit areas) are responsible for periodically monitoring the condition of original records held in display cases in museum exhibition galleries. Security staffing should be limited to the most restrictive staffing level generally employed (either the midnight shift or the Christmas Day shift). In order to ensure that the minimum levels of facility operations and security services are in place, including contract oversight, staffing levels are authorized as follows:
 - a. Facility Operations: Up to a total of forty (40) hours per week of Facility Manager and/or Contract Work Inspector services at Archives I and up to fifty-six (56) hours per week of building engineer services; up to a total of forty (40) hours per week of Facility Manager and/or Contract Work Inspector services at Archives II; and up to forty (40) hours per week of Facility Manager services (or equivalent at George W. Bush Library) at each Presidential Library (including the Ford Museum) and the Southeast Regional Archives. (2 FTE in Washington, DC; 14 FTE in facilities outside of Washington, DC, i.e., presidential libraries and the Southeast Regional Archives);
 - b. Security Operations: Up to a total of forty (40) hours per week of Security Specialist services at Archives I and Archives II. At each presidential library (including the Ford Museum) and the Southeast Regional Archives normal contractor oversight will be performed by the Facility Manager (or equivalent at George W. Bush Library) within the hours allocated for oversight of facility operations. Unless otherwise designated as excepted pursuant to this contingency plan, custodians of National Security Classified materials shall be designated as on-call employees and shall be authorized to perform services in the event of a potential or actual compromise of the security of any classified materials under their custody. (2.5 FTE).
- iv. Emergency Response Operations. In the event of actual or imminent emergency conditions adversely affecting any NARA-owned or occupied facility (e.g., fire, natural disaster, flood or water leak affecting documentary or museum holdings, confirmed security threat conveyed via law enforcement channels, etc.), the facility manager will follow established emergency protocols, for example, closing off valves, shutting off pumps, stopping the water flow in another manner if a pipe breaks, and contacting the Security Control Center at AII and the on-call

conservator. As soon as practical, the facility manager will notify the NARA Emergency Control Center (Archives II Security Control Center) or the Alternate NARA Emergency Control Center (Archives I Security Control Center) of the nature of the emergency. If additional resources are needed to address the emergency, the officials listed below in this subparagraph may authorize the appropriate personnel to incur necessary obligations. This authority includes the ability to recall personnel from furlough and to work with warranted contracting officers and other procurement officials to contract for goods and services. This emergency authority to employ personal services also extends to other necessary personnel, including without limitation staff of the Financial Services Division, the Human Resources Services Division, and General Counsel. In accordance with the Antideficiency Act, obligations must be limited to those needed in light of the actual conditions to the threat and protect life and property. With respect to presidential libraries, the authority in this subparagraph may be exercised by the Assistant Archivist for Presidential Libraries or the director of the affected library. With respect to regional records facilities, the authority may be exercised by the Assistant Archivist for Regional Records Services or the affected Regional Administrator or facility director. With respect to facilities located in the Washington DC metropolitan area, the authority may be exercised by the Assistant Archivist for Administration (Archives I, II); the Assistant Archivist for Records Services – Washington, DC (Washington National Records Center); the Director, Modern Records Programs (WNRC); the Director, Facilities and Material Management Division, and/or the Director, Space and Security Management (all WDC facilities), who is also the NARA Emergency Coordinator; or the Director, Washington National Records Center with regard to that facility. The Archivist and Deputy Archivist may also exercise the authority specified above with respect to any NARA facility. (3 FTE's on call)

- v. Continuity of Operations and Implementation of NARA Continuity Plan. In the event of a continuity of government condition (COGCON) level change or continuity event disrupting the continuation of mission essential functions (MEFs), the Archivist of the United States, the Deputy Archivist, the Assistant Archivist for Administration, or the NARA Emergency Coordinator (Director, Space and Security Management) are authorized to recall from furlough any and all mission-critical emergency employees deemed necessary to ensure continuity of operations, pursuant to NARA Interim Guidance 300-33. The period of such recall will be for either 30 days or until normal operations can be resumed and is to incur minimal (as regards the actual conditions) obligations for services and supplies.

K. Other Reference Service Operations. The Assistant Archivists for Records Services – Washington, DC, Regional Records Services, and Presidential Libraries are directed to maintain an "on-call" capability of providing excepted reference services in support of carrying out the Constitutional duties of the Congress and the President (e.g., the National Defense, the conduct of foreign affairs), law enforcement activities, health and safety of life or property of the Government, response to natural or man-made disasters or similar necessary implications of supporting continuing Federal activities. In response to particular excepted reference service requests, these Assistant Archivists are authorized to temporarily recall from

furlough the minimal staff needed to respond to such requests from other Federal agencies on a case by case basis. All routine reference services will be suspended during the lapse in funding. (Estimated at not more than 2 FTE per week per office).

L. Human Resources Services. As required by the Department of Labor's memorandum of August 29, 1995, the Director, NAH may designate one Human Resources Specialist as excepted to serve as the Agency's liaison with the Department of Labor for the coordination of Unemployment Insurance claims processes and to provide furloughed employees with documentation necessary to protect Federal employee Unemployment Compensation rights. (Estimated to be 1 FTE)

M. Public website. The NARA public website will remain online, but will contain a banner that indicates that the National Archives is closed. The website may be updated to indicate that NARA events have been cancelled, depending on the duration of the shutdown. The website will also indicate that the FRCP will continue to operate.

5. Required Preparatory Actions

A. Updating Emergency Listings. All Offices shall periodically review appropriate emergency listings and assure that these listings are current. The term "emergency listing" includes the "List of Emergency Employees," the "Roster of Key Officials," Disaster Recovery Operations lists, Security Container notification lists and lists of key personnel who would be needed to come in if one of the exhibit cases show signs of a leak or some other serious condition problem. A special review of these lists shall be conducted not later than three days before the end of each Fiscal Year and five working days prior to a potential appropriations lapse.

B. Federal Register. The Director of the Federal Register will, subject to the approval of the Archivist of the United States, develop necessary procedures pertaining to the publication of daily editions of the Federal Register that includes only those documents related to the protection of life and property. Upon approval, the Director will take appropriate action to inform all Federal agencies of these emergency procedures.

C. Ongoing litigation matters. Prior to a funding lapse, General Counsel (NGC) will catalog all active litigation matters, whether in federal court or before administrative tribunals. This catalog will contain, at a minimum, a list of all active cases in which NARA or a NARA official is named as a party; a list of all active cases in which NARA is not named as a party, but is participating directly with DOJ; actions pending in active cases (e.g., answers, motions, discovery requests) and the relevant dates for same; an NGC point of contact for each case (e-mail and phone numbers at a minimum); and, for each case, the names and contact information for any agency personnel other than the NGC POC (if any) who will need to be contacted during a funding lapse to address a new or pending action. NGC will send this entire set of information to the Assistant Attorney General for the Civil Division prior to the beginning of the funding lapse, and will ensure that necessary information from the catalog is provided to the DOJ attorneys handling individual cases. NGC will also provide the Assistant AG and attorneys handling individual cases with an overall litigation POC within NGC, who will be

responsible for coordinating with affected Offices and Staffs the recall from furlough of any NARA employees in response to DOJ contact on individual cases. With respect to cases pending before administrative tribunals (e.g., EEOC, MSPB), NGC will coordinate with individual tribunals prior to the beginning of funding lapse about tribunal operations during the lapse and any information needed by a tribunal regarding pending cases.

6. Primary and Alternate Emergency Control Centers. Within the minimal security staffing authorized above; the National Archives and Records Administration shall maintain a Primary and an Alternate Emergency Control Center twenty-four hours a day, seven days a week.

A. Primary Emergency Control Center

Security Control Center

Archives II (Room 1250)

Voice: (301) 837-2900 FAX: (301) 713-6297

B. Alternate Emergency Control Center

Security Control Center

Archives I (Room G-6)

Voice: (202) 357-5023 3 FAX: (202) 357-5932

Table A:
National Archives and Records Administration
Summary of Excepted, On-Call, and Non-Excepted Staff *(all figures refer to on-board employees)*
Total NARA Employment: 3633

| CATEGORY AND FUNCTION | EXCEPTED | ON-CALL | NON-EXCEPTED ¹⁶ |
|---|------------------|------------------|----------------------------|
| <i>Total Excepted Category</i> | 69 ¹⁷ | 101 | 2199 |
| <i>Protection of Life and Property</i> | | | |
| • Facility Operations | 17 ¹⁸ | 0 | 37 |
| • Security Operations | 8 ¹⁹ | 0 | 27 |
| • Emergency Operations | 0 | 3 | 2 |
| <i>Necessary Implications: Support of Continuing Federal Activities</i> | | | |
| • Agency Direction | 3 ²⁰ | 12 | 998 |
| • Federal Register Operations | 13 | 0 | 42 |
| • Other Emergency Reference Services | 0 | 10 ²¹ | 970 |
| • Office of Inspector General | 1 | 4 | 17 |
| • Liaison with DOL (Unemployment) | 1 | 0 | n/a |
| • Information Technology Services | 3 | 12 ²² | 106 |
| • Federal Records Centers Program (FRCP) and Regional Operations | 23 ²³ | 60 | 0 ²⁴ |
| <i>Funded by other than annual appropriations</i> | EXEMPT | ON-CALL | NON-EXEMPT |
| • Trust Fund Operations | 0 | 5 | 122 |
| • Federal Records Center Program (FRCP) | 1220 | 0 | 0 |

¹⁶ Includes the total number of on-board employees minus those who are identified as “excepted” and “on-call.”

¹⁷ This includes FRCP employees necessary to protect life and property, but does not include those exempted because they are funded from a source different than annual appropriations.

¹⁸ While 17 employees have been identified for this function, the actual anticipated amount of work is 16 FTE. One FTE’s worth of work will be split between two employees.

¹⁹ While 8 employees have been identified for this function, the actual anticipated amount of work is 2.5 FTE. The 8 employees will work on a rotating schedule.

²⁰ This includes 2 employees on detail to National Security Staff, who has determined they are need for White House activities.

²¹ While 10 employees have been identified to remain in an “on-call” status for this function, the actual anticipated amount of work is no more than 3 FTE.

²² While 12 employees have been identified to remain in an “on-call” status for this function, the actual anticipated amount of on-call work is 1 FTE.

²³ This identifies the number of FRCP FTE’s required to provide emergency services to protect life or property.

²⁴ FRCP non-excepted employees are exempt employees, and thus will not necessarily be furloughed.

Table B:

Current List of NARA Facilities

| | In State | Running Total |
|--|-----------------|----------------------|
| Alaska | 1 | 1 |
| <ul style="list-style-type: none">• Anchorage - NARA's Pacific Alaska Region (Anchorage) - Regional Archives 654 West Third Avenue, Anchorage, Alaska 99501-2145 | | |
| Arkansas | 1 | 2 |
| <ul style="list-style-type: none">• Little Rock - William J. Clinton Presidential Library and Museum - Presidential Library | | |
| California | 5 | 7 |
| <ul style="list-style-type: none">• <i>Laguna Niguel - NARA's Pacific Region (Laguna Niguel) - (records and staff moved to Riverside – building only includes a small staff in offices) Chet Holifield Federal Building, 24000 Avila Road, 1st Floor, East Entrance, Laguna Niguel, California 92677-3497</i>• Riverside - NARA's Pacific Region (Riverside, CA) – Regional Archives and Records Center 23123 Cajalco Road, Perris, California 92570• San Francisco (San Bruno) - NARA's Pacific Region (San Francisco) – Regional Archives and Records Center Leo J. Ryan Building, 1000 Commodore Drive, San Bruno, California 94066-2350• Simi Valley - Ronald Reagan Library - Presidential Library 40 Presidential Drive, Simi Valley, California 93065• Yorba Linda – Richard Nixon Library – Presidential Library 18001 Yorba Linda Blvd. Yorba Linda, California 92886 | | |
| Colorado | 1 | 8 |
| <ul style="list-style-type: none">• Denver - NARA's Rocky Mountain Region – Regional Archives and Records Center Denver Federal Center, Buildings 46 and 48, Denver, Colorado 80225 | | |

| | | |
|---|----------|-----------|
| District of Columbia | 2 | 10 |
| <ul style="list-style-type: none"> • National Archives Building - Archives 700 Pennsylvania Avenue, NW, Washington, DC 20408 • The Federal Register – Offices of the Federal Register 800 North Capital Street, NW, Washington, DC | | |
| Georgia | 3 | 13 |
| <ul style="list-style-type: none"> • Atlanta - NARA's Southeast Region – Regional Archives and Records Center Southeast Regional Archives, 5780 Jonesboro Road, Morrow, Georgia 30260 • Atlanta – NARA's Southeast Region - Southeast Regional Records Center 4712 Southpark Blvd., Ellenwood, Georgia 30294 • Atlanta - Jimmy Carter Library and Museum - Presidential Library 441 Freedom Parkway, Atlanta, Georgia 30307-1498 | | |
| Illinois | 3 | 16 |
| <ul style="list-style-type: none"> • Chicago - NARA's Great Lakes Region (Chicago) – Regional Archives and Records Center 7358 South Pulaski Road, Chicago, Illinois 60629-5898 • Valmeyer - NPRC Annex Records Center 1429 Boulder Boulevard, Valmeyer, IL 62295 • Great Lake Naval Recruit Center – Palletized storage of records (pending mid 2011) Great Lakes NRC, 3355 Illinois Street, Great Lakes, Illinois 60088 | | |
| Iowa | 1 | 17 |
| <ul style="list-style-type: none"> • West Branch - Herbert Hoover Library – Presidential Library 210 Parkside Drive, West Branch, Iowa 52358 | | |
| Kansas | 2 | 19 |
| <ul style="list-style-type: none"> • Abilene - Dwight D. Eisenhower Library – Presidential Library 200 Southeast Fourth Street , Abilene, Kansas 67410 (multiple buildings) • Lenexa - NARA's Central Plains Region – Regional Records Center Meritex Lenexa Executive Park, 17501 West 98th Street, #31-50 Lenexa, Kansas 66219 | | |

Maryland **2** **21**

- College Park - [National Archives at College Park](#) - Archives
8601 Adelphi Road, College Park, Maryland 20740-6001
- Suitland - [Washington National Records Center](#) – Regional Archives and Records Center
4205 Suitland Road,, Suitland, Maryland 20746-8001

Massachusetts **3** **24**

- Boston - [John Fitzgerald Kennedy Library](#) – Presidential Library
Columbia Point, Boston, Massachusetts 02125 *
- Pittsfield - [NARA's Northeast Region \(Pittsfield\)](#) – Regional Records Center
10 Conte Drive, Pittsfield, Massachusetts 01201-8230
- Waltham - [NARA's Northeast Region \(Boston\)](#) – Regional Archives and Records Center
Frederick C. Murphy Federal Center, 380 Trapelo Road, Waltham, Massachusetts 02452-6399

Michigan **2** **26**

- Ann Arbor - [Gerald R. Ford Library](#) – Presidential Library
1000 Beal Avenue, Ann Arbor, Michigan 48109
- Grand Rapids - [Gerald R. Ford Museum](#) – Presidential Museum
303 Pearl Street NW, Grand Rapids, Michigan 49504-5353

Missouri **7** **33**

- Independence - [Harry S. Truman Library](#) - Presidential Library
500 W. US Hwy. 24. Independence, Missouri 64050
- Kansas City - [NARA's Central Plains Region \(Kansas City\)](#) – Regional Archives
2312 East Bannister Road, Kansas City, Missouri 64131-3011
- Lee's Summit - [NARA's Central Plains Region](#) – Regional Records Center
200 Space Center Drive, Lee's Summit, Missouri 64064-1182
- St. Louis - [National Personnel Records Center](#) - Archives and Records Center
Military Personnel Records, 9700 Page Avenue, St. Louis, Missouri 63132-5100 *
- [Civilian Personnel Records Center](#),

111 Winnebago Street, St. Louis, Missouri 63118-4126

- [NPRC Records Center and Archives](#), **(PENDING in 2011 to replace Page Avenue)**

1829 Dunn Road, St. Louis, Missouri 63138

- [Kansas City Archives](#)

400 West Pershing Road, Kansas City, MO 64108

New York **2** **35**

- Hyde Park - [Franklin D. Roosevelt Library](#) - Presidential Library

4079 Albany Post Road , Hyde Park, New York 12538

- New York - [NARA's Northeast Region \(New York City\)](#) – Regional Archives

Federal Building, 201 Varick Street, 12th Floor, New York, NY 10014 *

** NARA also has some space in Federal Hall and is working with GSA for space in the Customs House (not included in count)*

Ohio **3** **38**

- Dayton - [NARA's Great Lakes Region \(Dayton\)](#)

Moraine Business Center, 3150 Springboro Road, Dayton, Ohio 45439-1883

(buildings 1, 2 and 4) – Regional Records Center

- Dayton - [NARA's Great Lakes Region \(Dayton\)](#)

8801 Kingsridge Drive, Dayton, Ohio 45406 - Regional Records Center

- Fairfield - Palletized Storage facility

Pennsylvania **2** **40**

- Philadelphia - [NARA's Mid Atlantic Region \(Center City Philadelphia\)](#) – Regional Archives

Robert N C Nix Federal Building, 900 Market Street, Philadelphia, Pennsylvania 19107-4292

- Philadelphia - [NARA's Mid Atlantic Region \(Northeast Philadelphia\)](#) - Regional Records Center

14700 Townsend Road, Philadelphia, Pennsylvania 19154-1096

Texas **6** **46**

- Austin - [Lyndon Baines Johnson Library](#) – Presidential Library

2313 Red River St., Austin, Texas 78705

- College Station - [George Bush Library](#) – Presidential Library

1000 George Bush Drive West, College Station, Texas 77845

- Fort Worth - [NARA's Southwest Region](#) Regional Records Center
Federal Center Warehouse 1 and 9, 501 West Felix Street, Building 1,
Fort Worth, Texas 76115-3405
- Carter Industrial Park, 1400 John Burgess Drive, Fort Worth, Texas 76140
- Lewisville - [George W. Bush Presidential Materials Project](#) facility
1725 Lakepoint Drive, Lewisville, TX 75057

Washington (State)

1

47

- Seattle - [NARA's Pacific Alaska Region \(Seattle\)](#) Regional Archives and Records Center
6125 Sand Point Way NE, Seattle, Washington 98115-7999

West Virginia

1

48

- Rocket Center – [ABL](#) (ERA and COOP site)