

NLWJC- Kagan

Counsel - Box 007 - Folder 003

Shutdown [3]

Activities Open and Closed During a Shutdown

Cabinet Departments

[NOTE: Subject to change, pending completed review of agency plans.]

Activities Open and Closed During a Shutdown

Department of Agriculture

Open

Meat and poultry inspections.
(health and safety).

Crop subsidies and loans from the Commodity Credit Corporation (not funded through discretionary appropriations). Minimum FTEs necessary to make payments to farmers would be on duty.

Forest Service.
(carryover balances can operate most programs for five weeks).
Emergency firefighting activities would continue indefinitely.

Technical assistance on conservation funds.
(carryover balances can operate programs for about two weeks).

User fee programs would continue.
(e.g. Animal and Plant Health Inspection Service border inspections, commodity grading activities, and Agriculture Marketing Service procurement of food for food assistance programs).

Protection of life and property would continue at a number of agencies.

Closed

No new Food Stamps would be issued in October. Benefits issued prior to October could continue to be used.

All rural development and farm credit programs would cease.

Conservation Reserve program rental payments of \$1.8 billion on 375,000 contracts would not be made.

Market news reports would not be produced.
(eliminates an important source of information used by farmers and others to make marketing decisions).

Foreign Agriculture Service would close all overseas offices.
(affects exports of U.S. agricultural products).

P.L. 480 emergency food donations would cease.

Activities Open and Closed During a Shutdown

Department of Commerce

Open

National Technical Information Service.
(User fees and permanent appropriations).

Patent and Trademark Office.
(User fees and permanent appropriations).

National Institute for Standards and
Technology.
(Carryover balances).

National Oceanic and Atmospheric
Administration.
(Carryover balances).

United States Travel and Tourism
Administration.
(Carryover balances).

Closed

The following offices would close during an
appropriations hiatus:

Bureau of Export Administration

National Telecommunications and
Information Administration.

Bureau of the Census.

Minority Business Development
Administration.

Economics and Statistics Administration.

Bureau of Economic Analysis.

International Trade Administration.

Technology Administration.

Economic Development Administration.

Office of the Inspector General.

Office of the General Counsel.

Office of Administration.

Office of the Secretary.

Activities Open and Closed During a Shutdown

Department of Defense - Military

Open

Data not available.

Closed

Data not available.

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Activities Open and Closed During a Shutdown

Department of Education

Open

Direct and Federal Family Education Loan Programs.

(Permanent appropriations for salaries and expenses of Direct Loan and transitional Federal Family Education Loan Program activities).

National Institute for Literacy.

(No-year funding).

Closed

All other Department of Education programs including the following offices:

Office of Elementary and Secondary Education.

Office of Bilingual Education.

Office of Special Education and Rehabilitative Services.

Office of Vocational and Adult Education.

Office of the Inspector General.

Office of the General Counsel.

Activities Open and Closed During a Shutdown

Department of Energy

Open

The Department of Energy would continue operations during an appropriations hiatus.

The Department has no-year funds that would remain available in October. The available funds could support operations, with no furloughs, from 11 days to a full year depending on the program area.

Closed

None.

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Activities Open and Closed During a Shutdown

Department of Health and Human Services

Open

Certain functions of the Public Health Service such as the provision of direct medical care and the continuation of experiments already underway.

Medicare--Part A and B.
(Advance appropriations and available balances in trust fund)

Medicaid--first quarter of the fiscal year.
(Advance appropriations)

AFDC Child Support--first quarter of the fiscal year.
(Advance appropriations)

Low Income Home Energy Assistance Program.

Certain revolving funds.

Certain building and facilities accounts.

Law enforcement activities.

Closed

All of its bureaus, including the following offices would be closed:

Food and Drug Administration.

National Institutes of Health.

Centers for Disease Control.

Health Care Financing Administration.

Activities Open and Closed During a Shutdown

Department of Housing and Urban Development

Open

Office of Administration.
(operation and maintenance of HUD headquarters building).

Office of Community Planning and Development.
(administration of ongoing McKinney homeless assistance and Housing for People With AIDS (HOPWA)).

Office of Public and Indian Housing.
(continued operation for troubled public housing agencies (e.g., Chicago, Puerto Rico, Atlanta, and Detroit)).

Office of General Counsel and other HUD Offices.
(enforcement of court orders involving imminent threats to life and property).

Office of Housing.
(completion of sales transactions for multi-family properties sold in August/September and payment of vouchers from property managers in HUD-held or mortgage in possession of multi-family properties).

Government National Mortgage Association.
(oversight of GNMA mortgage-backed securities programs).

Office of the Secretary and other departmental offices.
(liaison with Congress, other Executive Branch Agencies, OMB, and OPM.)

Closed

Almost all programs of the Department will be closed. About 1 percent of HUD staff will continue to protect life and property or continue the shutdown process. Offices closing include most parts of the following:

Office of the Secretary.
Office of Administration.
Office of the General Counsel.
Office of Community Planning and Development.
Office of Fair Housing and Equal Opportunity.
Office of the Chief Financial Officer.
Office of the Inspector General.
Office of Housing (Including FHA).
Office of Congressional and Intergovernmental Relations.
Office of Lead-Based Paint Abatement and Poisoning Prevention.
Office of Federal Housing Enterprise Oversight.
Office of Public and Indian Housing.
Office of Policy Development and Research.
Governmental National Mortgage Association.
Office of Equal Employment Opportunity.
Office of Public Affairs.

FHA would stop issuing new commitments for guaranteed loans and the associated insurance on those new commitments for single family mortgages. Previous commitments, made before the hiatus, would be honored (i.e., HUD would issue the insurance. No HUD staff need be present to complete this action, because it is already done).

Activities Open and Closed During a Shutdown

Department of the Interior

Open

Bureau of Reclamation.

-The Bureau would have sufficient carryover funding to maintain all operations for up to three pay periods.

Bureau of Indian Affairs.

-The educational programs at BIA elementary and secondary schools are financed by advance appropriations and would not be closed.

-School maintenance personnel would also be retained.

United States Geological Survey.

-The USGS would continue communications with States relative to hydrologic events and continue the operation of earthquake and volcano monitoring systems.

Law Enforcement.

-A limited number of law enforcement personnel for the following bureaus will not be furloughed in order to assure protection of facilities and maintain the closure of public areas:

National Park Service.

Bureau of Indian Affairs.

Fish and Wildlife Service.

Bureau of Land Management.

Closed

National Park Service.

-All park facilities would be closed and public access denied.

-All park roads, except thruways, would be closed.

Fish and Wildlife Service.

-All visitor centers at refuges would be closed.

Bureau of Land Management.

-All visitor centers and campgrounds would be closed.

Activities Open and Closed During a Shutdown

Department of Justice

Open

The following offices would operate at reduced levels:

Federal Bureau of Investigations.

Bureau of Prisons.

Immigration and Naturalization Service.

U.S. Marshals Service.

Drug Enforcement Administration. //

Executive Office of Immigration Review.

Office of the Inspector General.

Closed

Policy and administrative offices would operate at severely reduced levels.

Programs/Offices that would close include the following:

Office of Pardon Attorney.

Community Relations Service.

Office of Justice Programs.

Activities Open and Closed During a Shutdown

Department of Labor

Open

All Labor agencies would continue to operate with minimal staffing. This is especially the case for the four enforcement agencies (OSHA, Mine Safety, Employment Standards, and Pension Benefit Guaranty Corporation). These four agencies account for the bulk of the Labor staff that would continue working during an appropriations hiatus.

Closed

None. All agencies would be operating with minimal staff to address emergency situations.

Although regulatory actions to protect safety would continue at one level or another, routine inspections would stop.

Activities Open and Closed During a Shutdown

Department of State

Open

Domestic:

Regional Bureaus involved in the conduct of foreign relations.
(although at a reduced staffing level).

Communications Programs.

Security and other activities necessary for life/safety or performed in support of essential activities.

Overseas (preliminary information from interim shutdown plan):

Embassies and consulates would remain open to enable the continuation of foreign affairs essential to national security.

Activities that would continue include the following:

- Consular services for American citizens.
- Emergency visa services.
- Nearly all diplomatic reporting activities.
- Communications
- Medical services.
- Refugee assistance.
- Narcotics control.

Closed

Domestic:

-Normal passport operations would be suspended although emergency services would be available.

-Most routine public affairs activities would be suspended (publications) although spokesperson and press activities would continue.

-All training would be suspended.

-All other activities would be curtailed to only those essential for life/safety and to those necessary to conduct and support excepted operations.

Overseas (preliminary information from interim shutdown plan):

-Normal visa operations would be suspended although emergency services would be available.

-General services, financial services, and personnel functions would be curtailed.

Activities Open and Closed During a Shutdown

Department of Transportation

Open

Federal Highway Administration.

-All programs.

St. Lawrence Seaway Development Commission.

-All programs.

Federal Railroad Administration.

-R&D, including high speed rail R&D, can proceed for a few months.

-Essential elements of the safety function in both the field and headquarters.

Federal Aviation Administration.

-continued regulation of civil aviation related to the following:

-Air traffic control.

-Maintenance of air traffic control.

-Security and public safety.

-Flight standards.

-Aircraft certification.

-Flight Inspection.

United States Coast Guard

-All services related to protecting human life and property, including:

-Search and Rescue.

-Aids to navigation.

-Defense readiness.

-All necessary maintenance of essential equipment.

-Vital shut-down related activities, including retired pay.

-Rescue and auxiliary activities.

Closed

National Highway Traffic Safety Administration.

-Operations and Research

-Highway Traffic Safety Grants

Federal Transit Administration.

-All programs

Federal Railroad Administration.

-All administrative programs (except those related to shutdown).

-All grant programs including Amtrak operating assistance grants.

Office of the Inspector General.

Federal Aviation Administration.

-Administrative support.

-Could delay research, as well as projects.

United States Coast Guard.

-Bridge administration.

-Non-essential administration.

-Acquisition, construction and environmental projects will cease as funds run out.

Maritime Administration.

-All but essential programs, once funds are exhausted.

Research and Special Programs Administration.

-Research and special programs.

-Pipeline safety (except essential activities).

-Transportation Safety Institute.

Activities Open and Closed During a Shutdown

Department of Transportation (continued)

Open

Maritime Administration.

- National Defense Reserve and Ready Reserve Fleets.
- Emergency planning.
- War risk insurance.
- Essential contract support.

Closed

Research and Special Programs Administration.

- Research and special programs shutdown related activities.
- Pipeline safety (a small number of essential safety personnel).
- The Volpe Center (has sufficient funds).

Activities Open and Closed During a Shutdown

Department of the Treasury

Open

Accounts that have other than annual funding would continue operations:

- Engraving and Printing.
- Comptroller of the Currency.
- Thrift Supervision.
- Public Debt.
- Treasury Forfeiture Fund.
- Federal Law Enforcement Training Center.
- U.S. Mint Numismatic Operations.

Secret Service.

- Protective and law enforcement functions.

Customs Service.

- Cargo inspection.
- Commercial vehicle and passenger processing.
- Law enforcement operations, including air and marine interdiction and active investigations cases.
- Revenue collections.
- Law enforcement communications and data systems.

Alcohol, Tobacco, and Firearms.

- Agents involved in criminal enforcement.
- Collection of occupational and excise taxes.
- Laboratories supporting the National Response Teams.
- Major legislative and oversight hearings. (Anti-Terrorism, Crime Bill, Waco Hearings, Ruby Ridge Hearings, and etc.)

Financial Management Service.

- Operations to continue payments of government obligations and claims.
- Government-wide accounting functions.
- Issuance of social security checks.

Closed

Most headquarters and administrative functions not related to "safety of human life and protection of property;" all audit functions relating to financial and regulatory matters:

- Departmental Offices.
- Inspector General.
- Financial Crimes Enforcement Network.
- Financial Management Service.
- Bureau of Alcohol, Tobacco and Firearms.
- Customs.
- U.S. Mint Circulating Coins.
- Internal Revenue Service.
- Secret Service.

Alcohol, Tobacco, and Firearms.

- Alcohol and tobacco activities (except revenue collection) and vendor payments.

Customs Service.

- Regulatory audit and vendor payments.

Internal Revenue Service.

- Taxpayer services, such as responding to taxpayer questions.
- Collection, such as contacting taxpayers on delinquent accounts/returns.
- Examination of returns.
- Legal counsel not needed for court appearances or filings.
- Processing tax returns that do not include remittances.
- Information systems functions that are not time sensitive or critical to the 1996 filing season.

Activities Open and Closed During a Shutdown

Department of the Treasury (continued)

Open

Closed

Internal Revenue Service.

- Processing tax returns which include remittances and hardship cases.
- Functions supporting the Social Security Administration.
- Computer operations necessary to prevent loss of data in process and revenue collections.
- Complete and test Tax Year 1995 Filing Season programs.
- Protect for statute expiration, bankruptcy, liens, and seizure cases.
- Prepare court calendars for imminent statutes.
- Protective activities as needed.
- Criminal investigations for under-cover operations, grand jury cases, and to protect the integrity of investigations.
- 1995 Tax form design and printing.

U.S. Mint.

- Circulating coin production operations.

Minimal executive direction and duties necessary for an orderly shutdown of operations; administrative duties that impact "safety of human life and protection of property:"

- Departmental Offices.
- Inspector General.
- Financial Crimes Enforcement Network.
- Financial Management Service.
- Bureau of Alcohol, Tobacco and Firearms.
- Customs.
- U.S. Mint Circulating Coins.
- Internal Revenue Service.
- Secret Service.

Activities Open and Closed During a Shutdown

Department of Veterans Affairs

Open

Veterans Health Administration.

(92 percent excepted). No veteran would have his or her care delayed, deferred, canceled, or otherwise adversely affected as a result of shutdown activities. Excepted activities include all direct patient care activities and those support activities necessary to assist direct patient care providers and maintain service to patients.

Many research projects in VA are funded by grants from outside sources, therefore, they would be fully maintained during any furlough period. Additionally, a number of projects are at critical stages where their shutdown could endanger the lives of patients who are participating in them as test subjects. These activities would be fully maintained during any furlough period.

Veterans Benefits Administration (VBA).

(3 percent excepted). The excepted employees at field facilities will determine eligibility for benefits associated with other excepted VA activities (claims for burial, terminal illness, medical care), receive and process payments, manage issues involving government property, and maintain VBA automated records systems.

National Cemetery System (NCS).

(31 percent excepted). The NCS will continue to bury eligible veterans because of the sensitive nature of this service. Excepted employees will determine eligibility for burial, supervise interment operations, and provide for property protection

Closed

Veterans Benefits Administration.

(97 percent furloughed). If the hiatus in appropriations continued into November, approximately 3.3 million veterans or their survivors would not receive their monthly compensation or pension checks (these benefits are *appropriated* entitlements). However, because benefits programs are entitlements, beneficiaries would be retroactively paid for any lost payments if/when appropriations did become available.

National Cemetery System.

(69 percent furloughed). (Headstone and Marking Program, Presidential Memorial Certificate Program, State Veterans' Cemetery Grants Program, and Maintenance of National Cemeteries.)

Activities Open and Closed During a Shutdown

**Department of Veterans Affairs
(continued)**

Open

Closed

Non-Appropriated Programs.
(Canteen Service Revolving Fund, Supply
Fund, Medical Care Cost Recovery).

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Activities Open and Closed During a Shutdown

Major Independent Agencies

[NOTE: Subject to change, pending completed review of agency plans.]

Activities Open and Closed During a Shutdown

Department of Defense - Civil (Army Corps of Engineers)

Open

Probably less than 5000 FTEs are considered essential, primarily at project sites.

About 1.5 percent of supervisory staff.

Operations of hydropower plants.

Commercial lock operations.

Gates at flood control projects will be operated and security maintained.

Construction under existing contracts.

Emergency work.

Operation of the Washington Aqueduct.
(water supply to Washington, D.C.)

Military officers doing civil works activities.
(unless there is a change to the current DOD exemption policy for military functions).

Closed

About 98.5 percent of supervisory staff.

Corps laboratories.

Dredging of navigable waterways with government equipment.

Lower Mississippi River embankment maintenance.

Corps of Engineers recreation sites.

Wetlands regulatory and permitting activities.

Federally funded non-military work for others.

Activities Open and Closed During a Shutdown

Environmental Protection Agency

Open

Emergency Response.
(Superfund and oil spills).

Miscellaneous activities needed for orderly shutdown or to protect safety or property. (e.g. process final payroll and maintain research experiments).

Closed

Regulatory Programs.
(Air, Water, Hazardous Waste, Pesticides, etc.).

Enforcement Programs.

Research Programs .
(except personnel to maintain experiments).

Superfund.
(may stay open a few days if sufficient administrative expense carryover is available. EPA checking status of carryover).

Inspector General.

Grant Programs.
(wastewater construction grants for State administration).

Activities Open and Closed During a Shutdown

General Services Administration

Open

The following services would operate at reduced levels:

Public Building Service.

Federal Supply Service.

Information Technology Service.

Office of Telecommunications Services.
(FTS 2000 and local telecommunication services.)

Closed

Policy and administrative offices.

Activities Open and Closed During a Shutdown

National Aeronautics and Space Administration

Open

The Space Shuttle and other space launch preparations which cannot be deferred without significant risk.

Aeronautical activities directly in support of Department of Defense functions.

Tracking, operation, and support of satellites in orbit.

Security, safety, and preservation of life and property.

Reimbursable activities which cannot be^{''} deferred because of schedule commitments.

Completion or phase down of research activities where serious damage to property or research would result from temporary suspension of activity.

Closed

NASA would be closed with the exception of essential operations.

Activities Open and Closed During a Shutdown

Office of Personnel Management

Open

Retirement and Insurance Service.

Investigations Service.

Office of Executive Resources - Federal
Executive Institute and Management
Development Centers.

Department of Defense test examinations.

Washington Training Service.

Common Services organizations.
(support functions).

Closed

All salaries and expenses funded programs:

Employment Service.

Human Resources Systems Service.

Office of Merit Systems Oversight and
Effectiveness.

Office of Executive Resources-Senior
Executive Service program.

Salaries and Expenses component of
Investigations Service.

Non-Trust Fund components of the Office of
the Inspector General .

Activities Open and Closed During a Shutdown

Small Business Administration

Open

SBA would retain sufficient personnel to continue the following activities:

Service its existing loan portfolio.
Provide for care and preservation of collateral.
Process and deposit incoming collections.

The SBA's disaster loan program is funded with no-year appropriations. SBA estimates it will have no-year funds of approximately \$115 million available at the start of FY 1996. SBA has determined that it should continue with normal disaster program activities because it has available, no year appropriations with which to pay salaries and other expenses.

A small portion of the Office of the Inspector General (OIG) also has no-year disaster funds for investigating disaster fraud. The OIG has determined that it should allow those activities to continue, given that there are no-year funds available for that purpose.

Closed

SBA would shut down all programs except the disaster program and one small piece of the Inspector General's Office.

All new activities in SBA's regular business loan programs and business development programs would cease.

Major loan programs which would close include:

Section 7(a) General Business Loan Guarantee Program.
Small Business Investment Company Program.

No new funds would be disbursed to the Small Business Development Centers (SBDC), although they would likely continue to operate because SBDCs are private entities funded by a mix of resources including State and local funds.

Activities Open and Closed During a Shutdown

Social Security Administration

Open

The Social Security Administration would continue minimum operations in order to ensure ongoing payment of benefits to persons already entitled under Social Security, Supplemental Security Income, and Black Lung programs for the first two weeks of a funding hiatus.

Closed

The Social Security Administration would not close.

Activities Open and Closed During a Shutdown

Other Independent Agencies

[NOTE: Subject to change, pending completed review of agency plans.]

Activities Open and Closed During a Shutdown

Agency for International Development

Open

Washington:

Office of the Inspector General.

Overseas Missions:

Not yet available.

Closed

Washington:

(Skeleton staff will remain in almost all bureaus to carryout essential functions.)

Bureau of Policy and Program Coordination.

Africa Bureau.

Asia and Near East Bureau.

Europe and the Newly Independent States Bureau.

Latin America and the Caribbean Bureau.

Bureau for Humanitarian Response.

Bureau for Global Programs, Field Support and Research.

Bureau for Legislative and Public Affairs.

Bureau for Management.

Overseas Missions:

Not yet available.

Activities Open and Closed During a Shutdown

Commodity Futures Trading Commission

Open

Skeletal headquarters and regional staff providing market surveillance will be excepted.

Closed

The CFTC would close.
(However, all non-excepted employees will be called in as emergencies arise.)

Activities Open and Closed During a Shutdown

Export-Import Bank

Open

About 23 staff members would be exempt from furlough and would process any guarantee claims and cash receipts that from existing Export-Import Bank business.

Closed

All Export-Import Bank programs/bureaus would close down for purposes of new business (i.e., no new loans, guarantees, or insurance deals would be done).

Exporters and commercial banks would be notified that the Export-Import Bank is temporarily shut down. All delegated authorities to exporters and/or commercial banks under all programs would be suspended (not useable) while the Export-Import Bank is shutdown.

Activities Open and Closed During a Shutdown

Federal Emergency Management Agency

Open

Direct support of disaster response activities.

Comprehensive State Emergency Preparedness Program.
(Funded by Department of Defense-contingent on Defense appropriations).

Processing of flood insurance policies and claims.
(No-year funds).

Federal Crime Insurance Program.
(No-year funds).

Closed

Grants to assist States in rebuilding infrastructure following disasters and mitigate against future damages.
(\$3.4 Billion).

Emergency Food and Shelter grants to local nonprofit organizations.
(\$130 Million).

Emergency Management Assistance grants to States.
(\$103 Million).

Training programs for local fire fighters and emergency management officials.
(\$3 Million).

Natural hazard mitigation grants to States.
(\$9 Million).

Fire prevention grants.
(\$5 Million).

Activities Open and Closed During a Shutdown

Federal Trade Commission

Open

All Bureaus and Offices of the Commission would continue to operate during any hiatus. (Carryover balances of \$20 Million).

Closed

None.

Activities Open and Closed During a Shutdown

National Archives and Records Administration

Open

A minimum level of staff (32 FTE nationwide) would continue to work in the following offices:

Federal Register Operations.

National Personnel Records Center
Reference Operators.

Inspector General.

Facilities Operations.

Security Operations.

Closed

Federal Records Centers.

Presidential Libraries.

Regional Archives.

Archives I (Rotunda included).

Archives II

Appraisal and Acceptance of Records.

Records Declassification.

Records Preservation.

References Service (including genealogical).

Grants to public and private archives.

Activities Open and Closed During a Shutdown

National Endowment for the Arts

Open

None.

Closed

All programs of the NEA would close due to an appropriations hiatus.

Activities Open and Closed During a Shutdown

National Endowment for the Humanities

Open

None.

Closed

All programs of the NEH would close due to an appropriations hiatus.

Activities Open and Closed During a Shutdown

National Labor Relations Board

Open

A total of 16 FTE (five of which are exempt) would report to work during an appropriation hiatus.

Agency offices, including those in the field, would be closed for normal business.

However, the minimum presence would be maintained to answer and evaluate emergency calls.

Closed

NLRB activities would be shutdown almost completely with the exception of a minimal presence in the field and the national office.

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Activities Open and Closed During a Shutdown

National Science Foundation

Open

A small skeletal staff would manage an orderly shutdown of activities (e.g. building security and financial management).

Closed

The NSF would shutdown during an appropriation hiatus.

Activities Open and Closed During a Shutdown

Securities and Exchange Commission

Open

A skeletal staff would be excepted in the following areas:

Market Regulation.

Information Technology.

Filings and Information Services.

Executive Staff.

Closed

The SEC will close the following parts of its organization in the event of an appropriations hiatus:

Chief Accountant.

Office of Economic Analysis.

Administrative Law Judges.

Office of Municipal Securities.

Inspector General.

Freedom of Information Act Office.

EEO Office.

District and Regional Offices.

International Affairs Office.

Office of Consumer Affairs.

Activities Open and Closed During a Shutdown

Smithsonian Institution

(Smithsonian, National Gallery, Woodrow Wilson Center, JFK Center)

Open

Performances would continue at the JFK Center for the Performing Arts, but the JFK Center would be closed to the public at all other times.

Closed

All Smithsonian mall museums, the National Gallery of Art, and the National Zoo would be closed.

Congress of the United States
Washington, DC 20515

September 15, 1995

Director Alice M. Rivlin
Office of Management and Budget
Washington, D.C.

Dear Director Rivlin:

We understand that your office has been receiving from Executive Branch agencies their plans for contending with a potential lapse in appropriated funds when the 1996 fiscal year begins October 1. In anticipation of your scheduled September 19 appearance before the joint House and Senate Budget Committees, we hereby respectfully request that you furnish us copies of the agencies' plans. Having this information in advance would be of great help to us in discussing with you the potential effects should the President choose to "shut down" the government rather than sign appropriations legislation Congress will send to the White House.

We would be grateful if you would provide this information as soon as possible.

Sincerely,



Pete V. Domenici
Chairman
Senate Committee on the Budget



John R. Kasich
Chairman
House Committee on the Budget

How about for Rev Liu's testimony?
give her \$5? - she'll be using others.

1) Call Today - didn't as for but all other going only into of time.

All to be given to Klinger by agencies once received + reviewed by OMB

won't be in list?

Much data ready for Tues. testimony.

Modify list - with LEOP generally off.

NOT asked for. Only agencies/indeps

completed

Ag

71,000 exempt

40,000 - carryover financing / ~~71,000~~ Forest Service

Need to be proportional?

\$12 in fees - \$1 in 1st mo. ?

Fees / non-fee-based carryover balances

↳ no change in app. prices.

It normally not appertained, don't here.

completed - Commerce

Elective super - conflict VA v DoD
Training - conflict DoD v. DOT

comp - Corps of Engineers

- DoED

100%!! -gs Do Energy

HHS - Medicare TAB

Commissioned Corps?

Shutdown EEs - only 1/2 day.

As previously funded

Yr by yr funding - p. use for completing IC. → chariteer/inspectors/supri + overseers/paperwork people

Not domestic time
Cover the all for affs) Sat or
not ??

NOTE TO JODY
overseas state - conduct
US of foreign relations INSC?

Interim - More people than 5 yrs ago - BIA
Why need 1000 to shut?

DOT also closing down tv.

Justice - training?

anyover balances/fees

FRL v anti trust

could stay open.

but equity - close down (AG decision)

OSHA
Labor - inspectors? Needs decoupling.

More inspections? Always imminent safety threat?

2 Allow

Take out BLS.

State - Training also cut.

Passport applies stopped - Put in testimony.

Overseas - 80-90% -

What constitutes conduct of foreign relations?

⇒ If you have the ability to keep people on, can you
leave lay them off anyway? OPM; FEMA;
NO. anti trust div.

List to Klinger - plans approved/received.
Then ops will send plans

NEXT WED 4:00

Rivlin/Dellinger

Tone of hearings?

- sky is falling
- bending over backwards to keep things smooth

Right people?

Forward funded K's business -
talk to Darnus

If K is authorized + \$ is there to go.

reas int - auth to continue executing K-windy.

Auth/
no funding

↑
middle
case

Altim duty

~~Call~~
~~AGM's schedule~~

~~WD's testimony?~~

| | |
|--|---|
| <p>Teresa - Offices AMTS?</p> | <p>who did clear on 7 who talked to top of S?</p> |
|--|---|

One Day Cost Resulting from Appropriations Hiatus

| | | FTE | | | | | | | Total |
|--------|--|----------|------------|------------|------------|------------|------------|------------|------------|
| | | FTEs | Cost (\$M) | Rental | CMLA | Unemploy | Prep | Other | Cost (\$M) |
| Agency | | To Be On | 1-Day | Cost (\$M) |
| | | Furlough | Hiatus | 1-Day | 1-Day | 1-Day | 1-Day | 1-Day | 1-Day |
| | | | | Hiatus | Hiatus | Hiatus | Hiatus | Hiatus | Hiatus |
| 1 | Agriculture | 37,817 | 6.4 | 0.1 | 0.0 | 1.0 | | | 6.5 |
| 2 | Commerce..... | 25,077 | 5.0 | 0.1 | | 0.4 | | | 5.1 |
| 3 | DOD—Military..... | | | | | | | | 0.0 |
| 4 | Corps of Engineers..... | 23,589 | 4.3 | 0.0 | | 1.0 | | 0.1 | 4.4 |
| 5 | Education | 4,394 | 1.0 | | | 0.3 | | | 1.0 |
| 6 | Energy..... | 0 | 0.0 | | | | | | 0.0 |
| 7 | HHS..... | 34,570 | 7.6 | 0.0 | 0.1 | | | | 7.7 |
| 8 | HUD..... | 11,772 | 2.9 | | | | | | 2.9 |
| 9 | Interior..... | 54,740 | 10.1 | | | 0.5 | | 0.1 | 10.2 |
| 10 | Justice | 27,423 | 6.6 | | | | | | 6.6 |
| 11 | Labor | 10,965 | 2.6 | | | | | | 2.6 |
| 12 | State (Domestic)..... | 6,327 | 1.4 | | | | | | 1.4 |
| | State (Overseas)..... | | | | | | | | 0.0 |
| 13 | Transportation..... | 18,039 | 4.7 | | | 0.7 | | | 4.7 |
| 14 | Treasury..... | 126,065 | 24.0 | 0.0 | | | | | 24.0 |
| 15 | Veterans Affairs | 34,516 | 6.5 | 0.5 | | | | | 7.0 |
| | | | | | | | | | 0.0 |
| 16 | Environmental Protection Agency..... | 17,716 | 4.3 | 0.0 | | 0.0 | | | 4.3 |
| 17 | General Services Administration | 13,572 | 2.9 | | | 0.0 | | | 2.9 |
| 18 | NASA..... | 19,774 | 5.5 | | | | | | 5.5 |
| 19 | Office of Personnel Management | 1,634 | 0.3 | | | 0.1 | | | 0.3 |
| 20 | Small Business Administration..... | 2,933 | 0.7 | | | | | | 0.7 |
| 21 | Social Security Administration..... | 60,920 | 11.2 | | | 1.0 | | | 11.2 |
| 22 | Armed Forces Retirement Home..... | 235 | 0.0 | | | | | | 0.0 |
| 23 | American Battle Monuments Comm..... | 345 | 0.1 | | | | | | 0.1 |
| 24 | Arms Control and Disarmament Agency..... | 207 | 0.1 | | | | | | 0.1 |
| 25 | Cemeterial Expenses, Army | 98 | 0.0 | | | | | | 0.0 |
| 26 | Commission on Civil Rights | 72 | 0.0 | | | | | | 0.0 |
| 27 | Commodity Futures Trading Comm..... | 521 | 0.1 | | | | | | 0.1 |
| 28 | Consumer Product Safety Comm..... | | | | | | | | 0.0 |
| 29 | Corporation for Nat/Comm Service..... | 462 | 0.1 | | | | | | 0.1 |
| 30 | Defense Nuclear Facilities Safety Board..... | 0 | | | | | | | 0.0 |
| 31 | Equal Employment Opportunity Comm..... | 2,700 | 0.6 | | | | | | 0.6 |
| 32 | Export-Import Bank | | | | | | | | 0.0 |
| 33 | Federal Communications Commission..... | 2,171 | 0.5 | 0.2 | | | | | 0.7 |
| 34 | Federal Election Commission..... | | | | | | | | 0.0 |
| 35 | FEMA..... | 4,086 | 0.6 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.6 |
| 36 | Federal Labor Relations Authority..... | 206 | 0.1 | | | | | | 0.1 |
| 37 | Federal Maritime Commission..... | 182 | 0.0 | | | | | | 0.0 |
| 38 | Federal Mediation and Conciliation | | | | | | | | 0.0 |
| 39 | Federal Trade Commission | | | | | | | | 0.0 |
| 40 | International Trade Commission | 420 | 0.1 | | | | | | 0.1 |
| 41 | Interstate Commerce Commission | 426 | 0.1 | | | | | | 0.1 |
| 42 | Intell comm management account..... | 227 | 0.1 | | | | | | 0.1 |
| 43 | Merit Systems Protection Board | 267 | 0.1 | | | | | | 0.1 |
| 44 | National Archives and Records Admin..... | 2,431 | 0.4 | 0.2 | | 0.1 | | 0.1 | 0.7 |
| 45 | National Credit Union Administration | 0 | 0.0 | | | | | | 0.0 |
| 46 | NEA..... | 232 | 0.1 | | | | | | 0.1 |
| 47 | NEH..... | 240 | 0.1 | | | | | | 0.1 |
| 48 | National Labor Relations Board | 2,012 | 0.5 | | | 0.1 | | | 0.5 |
| 49 | National Science Foundation..... | 1,235 | 0.3 | | | | | | 0.3 |
| 50 | NTSB..... | | 0.0 | | | | | | 0.0 |
| 51 | Nuclear Regulatory Commission..... | 0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 52 | Panama Canal Commission..... | | | | | | | | 0.0 |
| 53 | Railroad Retirement Board..... | | | | | | | | 0.0 |
| 54 | Securities and Exchange Commission | 2,780 | 0.7 | | | | | | 0.7 |
| 55 | Selective Service System | 180 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 56 | Smithsonian Institution..... | 4,765 | 0.8 | | | | | | 0.8 |
| 57 | Tennessee Valley Authority..... | 0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 58 | US Holocaust Memorial Council..... | 196 | 0.0 | | | | | | 0.0 |
| 59 | US Information Agency (Domestic)..... | 1,726 | 0.0 | | | | | | 0.0 |

One Day Cost Resulting from Appropriations Hiatus

BR/US
BR/CF
Hiatus 1.0A

| Agency | FTEs To Be On Furlough | FTE Cost (\$M) 1-Day Hiatus | Rental Cost (\$M) 1-Day Hiatus | CMA Cost (\$M) 1-Day Hiatus | Unemploy Cost (\$M) 1-Day Hiatus | Prep Cost (\$M) 1-Day Hiatus | Other Cost (\$M) 1-Day Hiatus | Total Cost (\$M) 1-Day Hiatus |
|--|------------------------------|--------------------------------------|---|--------------------------------------|---|---------------------------------------|--|--|
| 60 Executive Office of the President | | | | | | | | 0.0 |
| The White House Office..... | | | | | | | | 0.0 |
| Office of Administration..... | | | | | | | | 0.0 |
| Office of Management and Budget | | | | | | | | 0.0 |
| U.S. Trade Representative..... | 138 | 0.0 | | | | | | 0.0 |
| 61 Funds Appropriated to the President | | | | | | | | 0.0 |
| AID (Domestic)..... | 1,579 | 0.0 | | | | | | 0.0 |
| AID (Overseas)..... | | | | | | | | 0.0 |
| Peace Corps | | | | | | | | 0.0 |
| OPIC..... | | | | | | | | 0.0 |
| Total..... | 561,982 | 113.4 | 1.1 | 0.1 | 5.3 | 0.0 | 0.3 | 114.9 |

Turbid-

OMB -

Review go up w/ list of approved plus

dept:

indep orgs

and ~~other~~ ^{EO} office
with any other

Then plans go up in June and

Only met w/ time for Klinger
asks for w/ 7/10

Also - 2 to Folicia - what will she say?

736-
8490

DRAFT

Activities Opened and Closed During a Shutdown

Department of Agriculture

Open

Meat and poultry inspections (health and safety).

Crop subsidies and loans from the Commodity Credit Corporation (not funded through discretionary appropriations). Minimum FTEs necessary to make payments to farmers would be on duty.

Forest Service (carryover balances can operate most programs for five weeks).
Emergency firefighting activities would continue indefinitely.

Technical assistance on conservation funds (carryover balances can operate programs for about two weeks).

User fee programs would continue (e.g. Animal and Plant Health Inspection Service border inspections, commodity grading activities, and Agriculture Marketing Service procurement of food for food assistance programs).

Protection of life and property would continue at a number of agencies.

Closed

Food Stamp benefits for half of recipients (13.6 million) would not be issued.

All rural development and farm credit programs would cease.

Conservation Reserve program rental payments of \$1.8 billion on 375,000 contracts would not be made.

Market news reports would not be produced (eliminates an important source of information used by farmers and others to make marketing decisions).

Foreign Agriculture Service would close all overseas offices (affecting exports of U.S. agricultural products).

P.L. 480 emergency food donations would cease.

Activities Opened and Closed During a Shutdown

Department of Defense - Civil (Army Corps of Engineers)

Open

(Probably less than 5000 FTEs are considered essential, primarily at project sites.)

(About 1.5 percent of supervisory staff).

Operations of hydropower plants.

Commercial lock operations.

Gates at flood control projects will be operated and security maintained.

Emergency work.

Operation of the Washington Aqueduct (water supply to Washington, D.C.)

Military officers doing civil works activities (unless there is a change to the current DOD exemption policy for military functions).

Closed

(About 98.5 percent of supervisory staff).

Corps laboratories.

Dredging of navigable waterways with government equipment.

Lower Mississippi River embankment maintenance.

Corps of Engineers recreation sites.

Wetlands regulatory and permitting activities.

Federally funded non-military work for others (e.g., work on Superfund sites).

Activities Opened and Closed During a Shutdown

Department of Education

Open

Direct and Federal Family Education Loan Programs.
(Permanent appropriations for salaries and expenses).

National Institute for Literacy.
(No-year funding).

Closed

All other Department of Education programs.

Activities Opened and Closed During a Shutdown

Department of Health and Human Services

Open

Certain functions of the Public Health Services such as the provision of direct medical care.

Medicare--Part A and B.
(Advance appropriations)

Medicaid--First Quarter of the fiscal year.
(Advance appropriations)

AFDC Child Support--First Quarter of the fiscal year.
(Advance appropriations)

Low Income Home Energy Assistance Program.

Certain revolving funds.

Certain building and facilities accounts.

Closed

All of its bureaus will be closed.

Activities Opened and Closed During a Shutdown

Department of Housing and Urban Development

Open

Office of Administration (operation and maintenance of HUD headquarters building).

Office of Community Planning and Development (administration of ongoing McKinney homeless assistance and Housing for People With AIDS (HOPWA)).

Office of Public and Indian Housing (continued operation for troubled public housing agencies (e.g., Chicago, Puerto Rico, Atlanta, and Detroit)).

Office of General Counsel and other HUD Offices (enforcement of court orders involving imminent threats to life and property).

Office of Housing: (completion of sales transactions for multi-family properties sold in August/September and payment of vouchers from property managers in HUD-held or mortgagee in possession of multi-family properties).

Government National Mortgage Association (oversight of GNMA mortgage-backed securities programs).

Office of the Secretary and other departmental offices (liaison with Congress, other Executive Branch Agencies, OMB, and OPM.)

Closed

(Almost all programs of the Department will be closed. About 1 percent of HUD staff will continue to protect life and property or continue the shutdown process.) Offices closing include most parts of the following:

Office of the Secretary.
Office of Administration.
Office of the General Counsel.
Office of Community Planning and Development.
Office of Fair Housing and Equal Opportunity.
Office of the Chief Financial Officer.
Office of the Inspector General.
Office of Housing (Including FHA)
Office of Congressional and Intergovernmental Relations.
Office of Lead-Based Paint Abatement and Poisoning Prevention.
Office of Federal Housing Enterprise Oversight.
Office of Public and Indian Housing.
Office of Policy Development and Research.
Governmental National Mortgage Association.
Office of Equal Employment Opportunity.
Office of Public Affairs.

Activities Opened and Closed During a Shutdown

Department of Justice

Open

The following offices will operate at reduced levels:

Federal Bureau of Investigations.

Bureau of Prisons.

Immigration and Naturalization Service.

U.S. Marshals Service.

Drug Enforcement Administration.

Office of the Inspector General.

Closed

(Policy and administrative offices will operate at severely reduced levels)

Program/Offices that will close include:

Office of Pardon Attorney.

Community Relations Service.

Office of Justice Programs.

Activities Opened and Closed During a Shutdown

Department of Labor

Open

All Labor agencies will continue to operate with minimal staffing.

Closed

None. All agencies will be operating with minimal staff to address emergency situations.

Activities Opened and Closed During a Shutdown

Small Business Administration

Open

Department of Commerce

Data not available.

Activities Opened and Closed During a Shutdown

Department of State

Open

Regional Bureaus involved in the conduct of foreign relations (although at a reduced staffing level).

Communications Programs.

Security and other activities necessary for life/safety or performed in support of essential activities.

Closed

Domestic

-Normal passport operations will be suspended although emergency services will be available.

-Most routine public affairs activities will be suspended (publications) although spokesperson and press activities will continue.

-All training will be suspended.

-All other activities will be curtailed to only those essential for life/safety and to those necessary to conduct and support excepted operations.

Activities Opened and Closed During a Shutdown

Department of Transportation

Open

Federal Highway Administration
(All programs)

SLSDC
(All programs)

Office of the Inspector General

Federal Railroad Administration
(R&D, including high speed rail R&D, can proceed for a few months. Essential elements of the safety in both field and headquarters.)

Federal Aviation Administration:
(continued regulation of civil aviation:
Air traffic control.
Maintenance of air traffic control.
Security and public safety.
Flight standards.
Aircraft certification.
Flight Inspection.)

United States Coast Guard
(All services related to protecting life and property, including:
Search and Rescue.
Aids to navigation.
Defense readiness.)
(All necessary maintenance of essential equipment)
(Vital shut-down related activities, including retired pay).
Rescue and auxiliary activities.

MARAD
-National Defense Reserve and Ready Reserve Fleets
-Emergency planning

Closed

National Highway Traffic Safety Administration
-Operations and Research
-Highway Traffic Safety Grants

Federal Transit Administration
-All programs

Federal Railroad Administration
-All administrative programs (except those related to shutdown)
-All grant programs including Amtrak operating assistance grants

Federal Highways Administration

St. Lawrence Seaway Development Commission.

Office of the Inspector General

Federal Aviation Administration
-Administrative support
-Could delay research, as well as projects

United States Coast Guard
-Bridge administration
-Non-essential administration
-Acquisition, construction and environmental projects will cease as funds run out.

Maritime Administration
-All but essential programs, once funds are exhausted.

Research and Special Programs Administration
-Research and special programs.
-Pipeline safety (except essential activities).

Activities Opened and Closed During a Shutdown

-War risk insurance

-Essential contract support

RSPA

-Research and special programs shutdown related activities.

-Pipeline safety, a small number of essential safety personnel.

-The Volpe Center (has sufficient funds).

-Transportation safety institute.

Activities Opened and Closed During a Shutdown

Department of Veterans Affairs

Open

Veterans Health Administration (92 percent excepted). No veteran would have his or her care delayed, deferred, canceled, or otherwise adversely affected as a result of shutdown activities. Excepted activities include all direct patient care activities and those support activities necessary to assist direct patient care providers and maintain service to patients.

Veterans Benefits Administration (3 percent excepted). The excepted employees at field facilities will determine eligibility for benefits associated with other excepted VA activities (claims for burial, terminal illness, medical care), receive and process payments, manage issues involving government property, and maintain VBA automated records systems.

National Cemetery System (31 percent excepted). The NCS will continue to bury eligible veterans because of the sensitive nature of this service. Excepted employees will determine eligibility for burial, supervise interment operations, and provide for property protection.

Non-Appropriated Programs (Canteen Service Revolving Fund, Supply Fund, Medical Care Cost Recovery).

Closed

Veterans Benefits Administration (97 percent furloughed). If the hiatus in appropriations continued into November, approximately 3.3 million veterans or their survivors would not receive their monthly compensation or pension checks (these benefits are *appropriated* entitlements). However, because benefits programs are entitlements, beneficiaries would be retroactively paid for any lost payments if/when appropriations did become available.

National Cemetery System (69 percent furloughed). (Headstone and Marking Program, Presidential Memorial Certificate Program, State Veterans' Cemetery Grants Program, and Maintenance of National Cemeteries.)

Activities Opened and Closed During a Shutdown

Data not available for the following Cabinet Departments:

Commerce

Department of Defense-Military

Energy

Treasury

Activities Opened and Closed During a Shutdown

Environmental Protection Agency

Open

Emergency Response (Superfund and oil spills).

Miscellaneous activities needed for orderly shutdown or to protect safety or property (e.g, process final payroll and maintain research experiments).

Closed

Regulatory Programs (Air, Water, Hazardous Waste, Pesticides, etc...).

Enforcement Programs.

Research Programs (except personnel to maintain experiments).

Superfund (may stay open a few days if sufficient administrative expense carryover is available--EPA checking status of carryover).

Inspector General.

Grant Programs (wastewater construction grants for State administration).

Activities Opened and Closed During a Shutdown

Additional Major Independent Agencies to be Added:

SBA

GSA

OPM

One Day FTE Furloughs Resulting from Appropriations Hiatus

09/15/95

BR:CF

hiatus1.wk3

| | <u>Agency</u> | <u>FTEs Exempt from Furlo</u> | <u>FTEs Working on shutdown</u> | <u>FTEs To Be On Furlough</u> | <u>Percent To Be At Work</u> |
|----|--|-------------------------------|---------------------------------|-------------------------------|------------------------------|
| 1 | Agriculture | 71,053 | 24 | 37,817 | 65 |
| 2 | Commerce..... | 7,110 | | 25,077 | 22 |
| 3 | DOD--Military..... | | | | |
| 4 | Corps of Engineers..... | 4,150 | | 23,589 | 15 |
| 5 | Education | 509 | 34 | 4,394 | 11 |
| 6 | Energy..... | 20,549 | 0 | 0 | 100 |
| 7 | HHS..... | 27,133 | 2,140 | 34,570 | 46 |
| 8 | HUD..... | 107 | 18 | 11,772 | 1 |
| 9 | Interior..... | 20,600 | 1,000 | 54,740 | 28 |
| 10 | Justice | 74,334 | | 27,423 | 73 |
| 11 | Labor | 6,681 | 394 | 10,965 | 39 |
| 12 | State (Domestic)..... | 1,440 | | 6,327 | 19 |
| | State (Overseas)..... | | | | 80-90% |
| 13 | Transportation..... | 41,288 | 151 | 18,039 | 70 |
| 14 | Treasury..... | 37,425 | | 126,065 | 23 |
| 15 | Veterans Affairs | 213,377 | 58 | 34,516 | 86 |
| 16 | Environmental Protection Agency | 686 | 477 | 17,716 | 6 |
| 17 | General Services Administration | 3,128 | 0 | 13,572 | 19 |
| 18 | NASA..... | 1,573 | 0 | 19,774 | 7 |
| 19 | Office of Personnel Management | 2,095 | 88 | 1,634 | 57 |
| 20 | Small Business Administration..... | 2,156 | 0 | 2,933 | 42 |
| 21 | Social Security Administration..... | 4,607 | 173 | 60,920 | 7 |
| 22 | Armed Forces Retirement Home..... | 708 | 0 | 235 | 75 |
| 23 | American Battle Monuments Comm..... | 26 | 0 | 345 | 7 |
| 24 | Arms Control and Disarmament Agency..... | 44 | 6 | 207 | 19 |
| 25 | Cemeterial Expenses, Army | 35 | 0 | 98 | 26 |
| 26 | Commission on Civil Rights | 0 | 33 | 72 | 31 |
| 27 | Commodity Futures Trading Comm..... | 24 | 0 | 521 | 4 |
| 28 | Consumer Product Safety Comm..... | | | | |
| 29 | Corporation for Natl/Comm Service..... | 103 | 38 | 462 | 23 |
| 30 | Defense Nuclear Facilities Safety Board..... | 150 | 0 | 0 | 100 |
| 31 | Equal Employment Opportunity Comm..... | 0 | 160 | 2,700 | 6 |
| 32 | Export-Import Bank | | | | |
| 33 | Federal Communications Commission..... | 100 | 100 | 2,171 | 8 |
| 34 | Federal Election Commission..... | | | | |
| 35 | FEMA..... | 384 | 249 | 4,086 | 13 |
| 36 | Federal Labor Relations Authority..... | 4 | 0 | 206 | 2 |
| 37 | Federal Maritime Commission..... | 23 | 2 | 182 | 12 |
| 38 | Federal Mediation and Conciliation | | | | |
| 39 | Federal Trade Commission | | | | |
| 40 | International Trade Commission | 10 | 0 | 420 | 2 |
| 41 | Interstate Commerce Commission | 2 | 2 | 426 | 1 |
| 42 | Intell comm management account..... | 14 | 0 | 227 | 6 |

One Day FTE Furloughs Resulting from Appropriations Hiatus

09/15/95

BR:CF

hiatus1.wk3

| <u>Agency</u> | <u>FTEs Exempt from Furlo</u> | <u>FTEs Working on shutdown</u> | <u>FTEs To Be On Furlough</u> | <u>Percent To Be At Work</u> |
|---|---------------------------------------|---|---------------------------------------|--------------------------------------|
| 43 Merit Systems Protection Board | 3 | 0 | 267 | 1 |
| 44 National Archives and Records Admin..... | 32 | 0 | 2,431 | 1 |
| 45 National Credit Union Administration | 905 | 0 | 0 | 100 |
| 46 NEA..... | | 6 | 232 | 3 |
| 47 NEH..... | | 5 | 240 | 2 |
| 48 National Labor Relations Board | 5 | 11 | 2,012 | 1 |
| 49 National Science Foundation..... | 22 | 10 | 1,235 | 3 |
| 50 NTSB..... | 375 | 2 | | 100 |
| 51 Nuclear Regulatory Commission..... | 3,218 | 0 | 0 | 100 |
| 52 Panama Canal Commission..... | | | | |
| 53 Railroad Retirement Board..... | | | | |
| 54 Securities and Exchange Commission | 66 | 0 | 2,780 | 2 |
| 55 Selective Service System | 1 | 0 | 180 | 0 |
| 56 Smithsonian Institution..... | 779 | 243 | 4,765 | 18 |
| 57 Tennessee Valley Authority..... | 16,609 | 0 | 0 | 100 |
| 58 US Holocaust Memorial Council..... | 15 | 3 | 196 | 8 |
| 59 US Information Agency (Domestic)..... | 1,739 | | 1,726 | 50 |
| 60 Executive Office of the President | | | | |
| The White House Office..... | | | | |
| Office of Administration..... | | | | |
| Office of Management and Budget | | | | |
| U.S. Trade Representative..... | 28 | 0 | 138 | 17 |
| 61 Funds Appropriated to the President | | | | |
| AID (Domestic)..... | 421 | 0 | 1,579 | 21 |
| AID (Overseas)..... | | | | |
| Peace Corps | | | | |
| OPIC..... | | | | |
| Total..... | 565,846 | 5,427 | 561,982 | 50 |

**Status of Agency Shutdown Plans
Due to Hiatus in Appropriations Funding**

| <u>Agency</u> | <u>Status</u> | <u>PAGE NO.</u> |
|---------------------------------------|-------------------------|---------------------|
| Agriculture | In Process | |
| Commerce..... | Cleared - - - | 1 |
| DOD--Military..... | In Process | |
| Corps of Engineers..... | Cleared - - - | 3 |
| Education | Cleared - - - | 4 |
| Energy..... | Cleared - - - | 5 |
| HHS..... | Clearance Pending - - - | 6 |
| HUD..... | Clearance Pending - - - | 8 |
| Interior..... | Cleared - - - | 9 |
| Justice | Clearance Pending - - - | 10 |
| Labor | Clearance Pending - - - | 11 |
| State (Domestic Only)..... | Cleared - - - | 12 |
| Transportation..... | Clearance Pending - - - | 14 |
| Treasury..... | Clearance Pending - - - | 21 |
| Veterans Affairs | Cleared - - - | 38 |
| | | |
| Environmental Protection Agency | Clearance Pending - - - | 37 |
| General Services Administration | Clearance Pending - - - | 40 |
| NASA..... | Cleared - - - | 42 |
| Office of Personnel Management | Clearance Pending - - - | 42 |
| Small Business Administration..... | Cleared - - - | 45 |
| Social Security Administration..... | Clearance Pending - - - | 46 |

Agency Funding Hiatus Contingency Plan

AGENCY: Department of Commerce

DATE PLAN RECEIVED: September 12, 1995

DESIGNATION OF ESSENTIAL/NON ESSENTIAL EMPLOYEES: The Department of Commerce Shut Down Plan provides that 25,077 of 32,187 employees (78%) will be classified as "non essential" and subject to furlough in the event of a funding hiatus. The majority of the Department's essential activities and services that will continue during a funding hiatus include: the National Weather Service (for the provision of severe storm warnings); the National Marine Fisheries Service (for the inspection of seafood); and, the National Ocean Service (for the provision of aeronautical charting).

Department-wide Total

| | <u>Essential</u> | <u>Non Essential</u> | <u>Percent of Essential v. Total</u> |
|--------------------------|------------------|----------------------|--------------------------------------|
| • Department of Commerce | 7,110 | 25,077 | 22.0 |

Bureau Break Out

| | <u>Essential</u> | <u>Non Essential</u> | <u>Percent of Essential v. Bureau Total</u> |
|---|------------------|----------------------|---|
| • Bureau of Export Administration | 32 | 350 | 8.4 |
| • Economic Development Administration | 4 | 316 | 1.3 |
| • Economic Statistics Administration | 6 | 90 | 6.3 |
| • Census Bureau | 17 | 9,703 | 0.2 |
| • Bureau of Economic Affairs | 4 | 445 | 0.9 |
| • International Trade Administration | 5 | 2,360 | 0.2 |
| • Minority Business Development Administration | 3 | 158 | 1.9 |
| • National Telecommunication Information Agency | 10 | 315 | 3.1 |
| • National Oceanic and Atmospheric Administration | 6,798 | 7,368 | 48.0 |

| | <u>Essential</u> | <u>Non Essential</u> | <u>Percent of Essential v. Bureau Total</u> |
|---|------------------|----------------------|---|
| • Technology Administration | 2 | 68 | 2.9 |
| • National Institute of Standards and Technology | 115 | 2,851 | 3.9 |
| • U.S. Travel and Tourism Administration | 2 | 82 | 2.4 |
| • Office of the Secretary | 38 | 87 | 30.0 |
| • Office of Administration | 45 | 541 | 7.8 |
| • Office of the General Counsel | 16 | 166 | 8.8 |
| • Office of the Inspector General | 13 | 177 | 6.8 |

CHANGE FROM PREVIOUS PLAN: The Department of Commerce's previously approved shut down plan, dated November 30, 1989 provided for the furlough of 82.6 percent of its employees. The Department of Commerce's revised shut down plan, dated September 12, 1995 provides for the furlough of 77.9 percent of its employees. The difference in percentages is explained by an increase of over 900 employees at the National Weather Service (NWS) and, the inclusion of 640 essential employees in the areas of seafood inspection and aeronautical charting. Traditionally, NOAA, and in particular the NWS, has accounted for the majority of essential employees in the Department. NWS is currently operating in a transitional mode, however, and essential employment is at an all time high. Also, the Department has chosen to include seafood inspection and aeronautical charting as essential activities because of its desire to maintain commercial services. Taken together, these additional and expanded Departmental responsibilities account for the 5 percent reduction in the percentage of total Department of Commerce employees subject to furlough.

RMO ASSESSMENT: The Department of Commerce "Contingency Plan for Operations During a Funding Hiatus" is acceptable. The Plan provides an adequate description of departmental operations and exempted personnel necessary during a possible FY96 funding hiatus. The number of employees deemed essential could be reduced to the level achieved in 1989 if a more narrow definition of "essential" were used.

The Plan provides information regarding the delineation of essential vs. non essential personnel; the estimated amount and use of carryover funds; operations which will continue; and, operations which will cease in the event of a funding hiatus.

Agency Funding Hiatus Contingency Plan

AGENCY: Army Corps of Engineers

DATE PLAN EXPECTED: Received 9/5/95

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

Essential (Corps gave a verbal estimate that less than 5000 FTEs would be considered essential, primarily at project sites):

- Operations of hydropower plants
- Commercial lock operations,
- Gates at flood control projects will be operated and security maintained,
- Construction under existing contracts,
- Emergency work,
- Operation of the Washington Aqueduct (water supply to D.C.),
- Military officers doing Civil Works activities (unless there is a change to the current DOD exemption policy for military functions), and
- About 1.5% of supervisory staff.

Non-essential (to be closed or curtailed if no appropriations, continuing resolution or carryover funds):

- 98.5% of supervisory staff,
- Corps laboratories,
- Civil funded in-house dredging,
- Lower Mississippi Valley mat laying,
- Recreation sites,
- General regulatory and permit activities, and
- Federally funded non-military work for others (e.g., work on Superfund sites).

CHANGE FROM PREVIOUS PLAN: Minor changes only.

RMO ASSESSMENT: Plan is acceptable as is.

Agency Funding Hiatus Contingency Plan

AGENCY: Department of Education

DATE PLAN EXPECTED: Received (in draft) 9/5/95

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- The only essential employees who could work in the absence of an appropriation, are the 16 Presidential appointees established by law, or those designated for appointment or serving in an acting capacity, plus one additional support employee named by each Presidential appointee. In addition, the Department will likely add a few additional employees as support for the Secretary. Total essential employees would be approximately 35 FTE.
- Not all of the Department of ED is funded through the annual appropriations process. ED has a permanent appropriation for the administration of the Direct Loan program and activities related to the management of the FFEL loan program. Therefore, ED expects to have staff and contractors associated with the Direct and FFEL loan programs to continue program operations as usual. Approximately 500 FTE will continue to work in this area. ED management officials will decide who will be designated as a Direct Loan or FFEL employee.
- ED also has a multiyear appropriation for National Institute for Literacy. Therefore, its 13 FTE would continue work as usual.

CHANGE FROM PREVIOUS PLAN: The biggest change from the previous plan is effect on the Direct Loan and FFEL loan program. Recent legislation resulted in a permanent appropriation for the Direct Loan program and associated activities. Therefore, these employees will continue to report to work.

RMO ASSESSMENT: ED's plan is adequate and describes how it would deal with each of the funding scenarios: (1) lack of appropriation; (2) failure to extend the debt ceiling; (3) restricted, partial-year funding under a continuing resolution; and (4) reduced funding under a full-year appropriation. Under the second scenario -- a funding hiatus caused by failure to extend the debt ceiling -- ALL department program and administrative activities, including Direct Loans, would shut down. Direct student loans would not be made, and banks would be informed that ED could not authorize any contingent liabilities for new loans.

The Department also stresses that the length of time of the funding hiatus -- two days versus two weeks -- could also affect its shutdown plans. During an extended shutdown, additional employees or contractors may have to be designated as essential for emergencies or other necessary activities.

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Agency Funding Hiatus Contingency Plan

AGENCY: Department of Energy

DATE PLAN EXPECTED: Plan submitted September 5, 1995. It did not include list of essential positions, which will be submitted by about September 22, 1995.

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES: Departmental elements have been instructed to follow the Attorney General's recent guidance rigidly. Details to be provided about September 22, 1995.

Plan is for all non-essential employees to be furloughed immediately. If, after two days, the Secretary determines it is likely to be an extended shutdown, a limited number of employees will be recalled to implement an orderly shutdown, to be completed by the end of day 5.

CHANGE FROM PREVIOUS PLAN: Tightened up definition of essential employees, consistent with recent Attorney General guidance.

RMO ASSESSMENT: Plan is consistent with OMB guidance.

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Agency Funding Hiatus Contingency Plan
September 6, 1995

AGENCY: Department of Health and Human Services

DATE PLAN RECEIVED: September 5, 1995

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- The HHS plan categorizes staff into three broad categories: "Authorized by Law", "Authorized by Safety of Human Life", and "Authorized by Protection of Property". Within these categories, HHS uses ten sub-categories to further classify staff. 42 percent of HHS staff would be retained in the event of a shutdown.

While HHS provides no specific detail on a short vs. extended shutdown, the plan is characterized as a "static representation" that would change if a shutdown was prolonged. Based upon Health Division staff conversations with HHS staff, other actions are under consideration at HHS that would not be shared with OMB unless further OMB guidance is provided.

CHANGE FROM PREVIOUS PLAN:

- The current HHS plan is similar to past plans, controlling for the independence of SSA. The previous HHS contingency plan from 1993, which was never implemented, also classified 42 percent of HHS staff as essential. The 1984 HHS contingency plan, which was implemented, classified 48 percent of HHS staff as essential.

RMO ASSESSMENT:

- **HCFA's Shutdown Plan** -- The Dellinger opinion clearly contemplates that Medicare, like Social Security, continues to operate. However, HCFA's plan in no way describes the impact on program operations of furloughing 91 percent of their staff. Staff level discussions indicate that HCFA has developed a variety of options for dealing with continuing operations, but those options have not been provided as part of their contingency plan. HHS staff indicate that HHS will not provide detailed plans of this sort unless OMB provides further guidance.
- **PHS General Assessment** -- HHS has designated 48 percent (24,686 out of 51,393) of their PHS personnel as essential -- a percentage similar to that of their FY 1991 and previous shutdown plans:

FY 1991 -- 49% (25,278 out of 51,463) designated essential;
FY 1984 -- 56% (26,680 out of 47,849) designated essential;
FY 1982 -- 55% (26,377 out of 47,636) designated essential.

PHS Agency Assessments

- Food and Drug Administration. HHS has designated 24 percent (2,279 out of 9,620 agency staff) of FDA as essential personnel. The HHS FY 1991 Shutdown plan designated 19 percent (1,966 out of 10,458) as essential personnel. Most of these exempted staff are involved in inspecting blood banks, biologicals (including vaccine), foods, mammography providers, and will provide minimum operations to assure the quality and safety of the food and drug supply & relative safety of other FDA-regulated product.
- Commissioned Corps. Virtually the entire Commissioned Corps of the Public Health Service appears to be exempted from furloughs. Corps officers comprise 20 percent (4,978) of the total PHS number (24,686) to be exempted. HHS states, based upon previous HHS General Counsel opinions, that the status of Corps officers as being "commissioned" by the President makes them exempt from furloughs. HHS' opinion apparently relies on inference from numerous court decisions; there is no statute that says that Corp officers may not be furloughed and must report to duty.
- National Institutes of Health. NIH is planning to retain 39 percent of their FTEs, which is much lower than the 50 percent they planned to retain in FY 1991. However, NIH plans to retain 438 FTEs for phase down and shutdown activities, which is a 40 percent increase over the number of FTEs NIH planned to retain for phase down in the 1991 plan.
- IHS. The agency proposes to retain 12,678 FTE in 1995 as opposed to 11,690 FTE in 1991. The percentage of employees retained, however, is reduced from 87 percent in 1991 to 83 percent in 1995.

CONTINUING DISCUSSIONS WITH HHS:

- OMB staff are continuing discussions with HHS and additional information may be available by the week of September 11, 1995.

Agency Funding Hiatus Contingency Plan

AGENCY:

Department of Housing and Urban Development

DATE PLAN EXPECTED::

Submitted on September 7, 1995

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

To be submitted on September 11, 1995

CHANGE FROM PREVIOUS PLAN:

Much more liberal interpretation. Could be a couple of thousand employees deemed essential versus less than 100 employees in the last shutdown in CY 1990.

RMO ASSESSMENT:

Difficult to assess until a headcount of essential employees is provided on Monday September 7th. Issues identified to date:

1. The plan deems employees essential to administer no-year and multi-year contracts even though they are paid from annual S&E appropriations.
2. The plan deems employees essential in the working capital fund even though most are paid from the annual S&E appropriations.
3. The plan opines that FHA statutes permit using FHA receipts and funds to pay personal services related to the four FHA insurance funds but not general overhead. Normally, the Appropriations Act provides an amount for administrative expenses for FHA and permits transfer of this amount to the S&E account (and subsequently to the Working Capital Account).
4. The plan opines that all 66 employees of the Government National Mortgage Association may be paid under Section 309 (b) of the FNMA Charter Act.

RMO staff will work with OMB General Counsel's office to resolve these potential issues next week.

September 8, 1995.

AGENCY FUNDING HIATUS CONTINGENCY PLAN

AGENCY: Department of the Interior

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- approximately 6,700 personnel will be designated as essential; these are employees needed to complete shutdown activities and to protect life and property.
 - after 2-3 days, employees needed for shutdown will decline by at least 1,000 as shutdown activities are completed,
 - most employees allocated to the protection of life and property include law enforcement personnel and BIA school maintenance personnel to ensure the health and safety of school children.
- about 56,000 of the department's 78,000 employees will be considered non-essential and will be furloughed on the first day of a suspension of activities.
- approximately 14,900 employees will be continued in funded positions;
 - Bureau of Reclamation has sufficient carryover funding to maintain all operations for three pay periods,
 - BIA elementary and secondary schools are funded by an advanced Appropriation and will not be closed,
 - Wildland Firefighting will continue with carryover or permanent funding.

CHANGE FROM PREVIOUS PLAN:

- consistent with previous plans except for those bureaus that will likely face significantly reduced funding. For these bureaus, any available carryover funding will be retained to be allocated to separation costs rather than personnel costs during the funding hiatus.

RMO ASSESSMENT:

- plan appears to appropriately justify designation of essential employees,
- no outstanding issues at this time.

Agency Funding Hiatus Contingency Plan

AGENCY: Department of Justice

DATE PLAN EXPECTED: Received 9/5/95

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- The Attorney General (AG) has determined that 64,715 of the 98,545 Full Time Permanent employees are emergency and necessary to ensure that the law enforcement capacity of the Federal government is not impaired and that criminal litigation will continue without interruption.
- Programs funded with permanent indefinite appropriations (i.e., Diversion Control, Immigration Legalization, User Fee, Exam Fee, Land Border, and Breached Bond) are not included in this plan because their funding is not dependent upon Congressional action. Also, the Community Oriented Policing Services, International Criminal Investigative Training Assistance Program, BOP's Buildings and Facilities and National Institute of Corrections accounts have multi-year authority and are assumed to have adequate carry over funding to meet expenses for the period covered by the plan. A total of 9,619 of these employees will remain on duty in the event of an appropriations hiatus.
- These 9,619 employees, along with the 64,715 emergency employees, will result in a total of 75.4 percent of the Department's workforce remaining on board. Included in these amounts are 218 Presidential appointees not subject to furlough.

CHANGE FROM PREVIOUS PLAN:

- The plan has been formulated assuming a two-week lapse in appropriations and is more conservative than previous plans submitted by the Department. Should the furlough extend beyond two weeks, the Department intends to submit an amended version.

RMO ASSESSMENT:

- The Department's plan exempts all activities that for a variety of reasons have funding and are not directly dependent on appropriations. We assume that this interpretation is correct.
- The one area that is of concern is the AG's decision that basic training of new employees in occupations which are generally designated as emergency will continue. This training, although necessary to bringing on new hires, would not appear to be directly associated with the protection of life or property. The training appears to be only indirectly related to this purpose if you assume the new hires are needed to protect life and property.

Agency Funding Hiatus Contingency Plan

AGENCY: DEPARTMENT OF LABOR

DATE PLAN EXPECTED:

Plan received September 13th.

Transmittal states that the Solicitor still is reviewing the requests of several agencies to increase the number of excepted positions.

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

Essential Staff. The plan designates 394 staff of 18,040 positions as essential. This is about 2.2% of total employment. The majority of the essential staff is in the Solicitor's Office, financial management, and in the enforcement agencies. The number of essential staff is about 100 fewer than under the Department's previous plans.

Excepted Staff. DOL classifies 6,681 staff as excepted. About 4,800 are in four enforcement agencies (OSHA, Mine Safety, Employment Standards, and the Pension benefit Guaranty Corporation) and another 1,100 in the Bureau of Labor Statistics. The excepted staff account for 37% of DOL's employment. This is roughly 2,000 more staff than were considered excepted under the previous plan.

CHANGE FROM PREVIOUS PLAN:

As noted above, essential staff are lower than before; excepted staff much larger. The increase in excepted staff is primarily due to the BLS keeping staff on-board to process the employment, producer, and consumer price reports, and OSHA's decision to have its safety inspectors at work. Under the previous plan, 24% of DOL staff was essential or excepted; the current plan classifies about 39% in these categories.

RMO ASSESSMENT:

Staff believe the DOL has been far too loose in its interpretation of excepted staff. The RMO would propose to return this plan to the DOL with guidance that BLS staff, and most of the enforcement agency inspectors in OSHA, Mine Safety, and Employment Standards are not excepted. In addition, on a much smaller scale, many of the agency plans classify such employees as public affairs and audio-visual staff, many support staff, and others in overhead functions as excepted. The RMO disagrees with these decisions by the DOL.

Agency Funding Hiatus Contingency Plan

AGENCY: Department of State

DATE PLAN EXPECTED: The State Department plan will be in two parts - domestic and overseas. The domestic plan was submitted on September 5, 1995. The overseas plan likely will not be available until after September 12, 1995.

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

Domestic

- List of essential employees includes those necessary for emergencies involving the safety of human life or the protection of property, those necessary for activities essential to the national security, including the conduct of foreign relations essential to the national security, and those otherwise authorized by law.
- Of approximately 7,800 domestic positions, the State Department determined that 1,440 positions, or 19%, involve excepted functions that must continue in the event of a lapse of appropriations.

Overseas

- The plan includes a copy of a cable sent to all Chiefs of Mission that provides shutdown guidance and requests that they prepare shutdown plans for each post and transmit them back to Washington not later than September 12. Chiefs of Mission are expected to coordinate their responses with all agencies represented at post.

CHANGE FROM PREVIOUS PLAN

Domestic

- Essentially no change from previous plan.

Overseas

- The overseas shutdown planning process is new. Previous planning simply left shutdown issues to the Chief of Mission with no requirement to submit plans to Washington. No central repository was maintained to document Chief of Mission decisions.

RMO ASSESSMENT (DOMESTIC ONLY)

- The Department's plan is not unreasonable given the Secretary of State's interpretation of the 1981 Justice opinion relating to obligations necessarily incident to exercise of the President's constitutional powers, such as the "activities essential to the national security, including the conduct of foreign relations essential to the national security." An argument could be made that, on a position by position basis, this concept may have been applied too broadly in the Department's plan. However, identification of only 19% of positions indicates that a serious effort was made to apply the "essential" requirements as interpreted by the Department.

AGENCY FUNDING HIATUS CONTINGENCY PLAN

AGENCY: Department of Transportation

DATE PLAN EXPECTED: N/A

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- The Department of Transportation Plan, in fact, represents several different plans for each transportation mode. As a result a variety of different strategies for each mode has been developed (attached are plans for each mode). The Transportation Branch will continue work with the Department and the individual modes in order to develop a comprehensive, consistent shutdown plan.
- Large FTE, high-operations modes such as Coast Guard and FAA have the least developed shut down plans. In both cases, the modes recommend that large numbers of staff be deemed essential. For example, the Coast Guard recommends all 37,000 military FTE be considered essential.
- DOT has nearly 102,000 FTE (civilian and military) approved for FY 1996; of this total nearly 80,000 are estimated by the Department to be either essential or paid for with non-appropriation-dependent funding sources, i.e. Federal Highway Administration.

CHANGE FROM PREVIOUS PLAN: No previous plan.

RMO ASSESSMENT:

- Much additional work needs to be done to assess the actual number of essential DOT employees.
- DOT has many life and property safety related activities, including air traffic control (FAA) and search and rescue (Coast Guard). These are large, nation-wide operations which require high levels of staff and staff support.
- Organizations such as the Coast Guard and the Federal Railroad Administration used broad definitions of life and property safety in deciding which jobs were essential.
- Many DOT programs have either carry-over funds sufficient to maintain operations, or receive funding through trust funds (contract authority) and therefore require no appropriations to operate.

AGENCY FUNDING HIATUS CONTINGENCY PLAN

MODE: OFFICE OF THE SECRETARY OF TRANSPORTATION

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- The plan does not contain a definition of how personnel will be determined to be essential. It is very detailed in terms of what actions need to be taken to shutdown.

RMO ASSESSMENT:

- The plan is not clear in terms of who will be retained. We have asked for clarification.

AGENCY FUNDING HIATUS CONTINGENCY PLAN

MODE: FEDERAL AVIATION ADMINISTRATION --PRELIMINARY

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- The FAA is still finalizing the details of its plan. It should be available by the end of this week. This assessment is based on a preliminary version. As the draft plan stands, about 35,000 employees are considered exempt and 10,000 are considered non-exempt.
- All employees directly involved in the operation of the National Airspace System (NAS) are designated as essential. This includes air traffic-controllers and the technicians that maintain and run the system (about 28,700 people).
- All personnel directly involved in security are exempt. This includes personnel involved in preventing air piracy and those that protect FAA facilities (about 760 people).
- Personnel involved in enforcing FAA safety rules are considered exempt. This includes the inspectors at maintenance facilities, at airports, and aboard airplanes (about 4,100 people).
- The costs for contract employees that perform any of the functions described above are also considered essential. This adds about 10,000 people to the FAA personnel described above.

RMO ASSESSMENT:

- The plan seems reasonable. The FAA does not appear to have "overreached" in defining essential personnel. We have posed a number of questions to the FAA to clarify some portions of the plan, but the final version should not change significantly.
- This plan does not vary significantly from prior plans.

AGENCY FUNDING HIATUS CONTINGENCY PLAN

MODE: United States Coast Guard

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- All military personnel are designated essential - approx 36,000. The justification is based on National security and immediate threat to life or property.
- Civilians involved in safety and security activities, i.e. vessel traffic system operators, will be designated essential. This number will be approximately 300.
- Where multi-year appropriation are available, civilians will continue to work until apportioned funds are depleted.

RMO ASSESSMENT:

- Not all military personnel should be considered essential according to BRD. This makes the CG's plan overly broad in its designation of essential personnel. CG Personnel Office is currently developing a protocol for determining which military personnel will be essential.
- The contingency plan is similar to previous plans with the addition guidance to continue Environmental Compliance and Restoration projects based on the protection of life and property. This latter designation is for environmental remediation projects that need immediate/timely attention.
- Plan does not indicate actions if the duration is longer than one week. Coast Guard has been told to develop such a plan. Coast Guard does not deem some supply and maintenance personnel as essential, but if the absence of funding continues, CG expects that they will have to bring additional personnel back as essential.

AGENCY FUNDING HIATUS CONTINGENCY PLAN

MODE: Federal Railroad Administration

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- FRA used a three-tiered system for designating essential employees. Essential employees were either A) those whose jobs effected life and property safety; B) those whose salaries could be paid either through unobligated balances carrying over or permanent/indefinite funding such as trust funds or receipts; and C) those who would be needed to shut-down various functions of FRA including processing personnel actions.
- FRA used a broad definition of safety-related jobs, an assumption which we are currently discussing with them.
- Currently, FRA assumes 516 safety-related retentions, and 34 carry-over funded or shut-down activity related retentions. FRA identified 272 of the 722 on-board staff for furlough.

RMO ASSESSMENT:

- This plan may over-assess the number of safety-related personnel. In particular, it appears that too many headquarters and support staff related to rail safety functions are included as essential.
- Almost the entire rail safety function is deemed essential to life and property safety, although the function is largely an inspection function. It seems that this function would approximate that of the automobile maintenance activity described as non-essential in the DOJ opinion.

AGENCY FUNDING HIATUS CONTINGENCY PLAN

MODE: National Highway Traffic Safety Administration

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- NHTSA applied a straight-forward methodology in determining essential employees. In fact, few employees, other than those necessary to process furlough-related paper work and liaise with the Secretary, Congress and the media relative to shut down were maintained.
- NHTSA did include two staffers for the auto safety hot-line as essential as well. We will discuss the rationale behind this decision with them.
- Currently, NHTSA assumes 26 shutdown activity related retentions, of 640 staff on-board.

RMO ASSESSMENT:

- This plan appears to be well put together.
- We are working with NHTSA to ascertain the relevance of one function, mentioned above.

AGENCY FUNDING HIATUS CONTINGENCY PLAN

MODE: Federal Transit Administration

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- FTA has no ongoing programs which, if interrupted, would threaten the safety of human life or the protection of property. Therefore, FTA's contingency plan designates no "essential" employees. After the orderly shutdown of operations, all FTA employees (except for one Presidential appointee) would be furloughed.
- Twenty five FTA employees are required for the orderly termination of FTA's operations, including 15 at headquarters and one in each regional office. These 25 employees are expected to accomplish all shutdown activities in not more than one-half day after the lapse in appropriations.

RMO ASSESSMENT:

- Compared to FTA's previous contingency plan, which designated about 15 employees as "essential," this plan is more conservative.
- The plan does not distinguish between the impact of short and extended shutdowns.
- The plan requires all employees to report to work at their regularly scheduled time on Monday, October 2, in order to receive furlough notices. All employees, except for the 25 needed to shutdown the agency, would then be directed to leave the office. An unresolved issue is whether it is necessary for all employees to report to work.

AGENCY FUNDING HIATUS CONTINGENCY PLAN

MODE: Maritime Administration (MARAD)

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- Marad designates 580 of 1050 employees as essential based on National Security grounds. Ready Reserve Fleet/National Defense Reserve Fleets, NATO planning, civil emergency planning, and personnel to operate the Communications and Operations Center are examples.
- Marad also asserts that the Operating-Differential Subsidy (ODS) program and the Title XI Ship Financing Guarantee program require ongoing contract administration to ensure smooth private sector business operations.
- Marad has carryover funding for approximately 10 working days.

RMO ASSESSMENT:

- The Maritime Commission adequately justifies the need for some employees being designated as essential, however further investigation is underway to see if over half of the employees fit this description. Specifically, it is not clear that those employees associated with the ODS and Title XI programs are essential.
- A question has arisen over whether Merchant Maritime Academy cadets remain at the Academy at Kings Point absent an appropriation. Depending on the length of delay, MARAD would have to determine whether the cadets could remain on campus.

Agency Funding Hiatus Contingency Plan

AGENCY: Financial Crimes Enforcement Network (FinCEN)

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- Categories that FinCEN designate as essential include excepted and partially-excepted employees. Prior to implementation of the shutdown plan, there will be approximately 170 FinCEN employees, 44 detailees, and 50 contractors on board.
- **Excepted employees:** There will be seventy (70) employees retained because they are engaged in military, law enforcement, or direct health care activities; or, their compensation is financed by other than annual appropriations. Personnel will also be retained to address dissemination issues, to handle administration and congressional inquiries, and to provide support to the excepted function.
- **Partially-excepted employees:** Employees will be retained for the purpose of bringing about the orderly close down of non-excepted activities. This will include securing and storing equipment, records, files, and work in progress. All partially-excepted employees retained to perform shutdown activities are prohibited from performing services other than those involved in the orderly suspension of agency operations. Estimated time to complete the shutdown of non-excepted activities is four (4) hours. Four (4) employees will be retained after the shutdown, for the purpose of overseeing critical budget, personnel, payroll actions and employee notification matters, and taking inventories of property, if necessary. These personnel will remain on duty until shutdown operations are complete.
- The plan does not distinguish between the impact of short (2-3 days) and extended shutdowns on FinCEN's operations.

CHANGE FROM PREVIOUS PLAN:

- No Change Noted.

RMO ASSESSMENT:

- FinCEN's funding hiatus contingency plan is generally consistent with the Anti-Deficiency Act, 31 U.S.C. 1341 and 1342, which restricts the conduct of business by agencies during a lapse of appropriations. But there are problems which need to be clarified in light of the updated Department of Justice (DOJ), Office of Legal Counsel, August 16, 1995, opinion related to the Anti-Deficiency Act. For instance:
- FinCEN does not state that the seventy (70) excepted employees who are engaged in military, law enforcement, or direct health care activities are needed because their

absence would result, "in an imminent threat to the safety of human life or the protection of property." This needs to be stated.

- FinCEN's contingency plan indicates that an unspecified number of other employees will be retained to address dissemination issues, to handle administration and congressional inquiries, and to provide support to the excepted function. According to the DOJ opinion these employees should not be considered essential because they are not performing activities the absence of which would result, "in an imminent threat to the safety of human life or the protection of property."

Agency Funding Hiatus Contingency Plan

AGENCY: United States Mint

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- **Excepted Employees:** The U.S. Mint maintains that all activities and employees are excepted from shutdown. On October 1, 1995, approximately 2,247 employees will be on board at the Mint.
- **Justification:** The Mint argues that a shutdown of its circulating coinage would cause severe disruption to the nation's coin supply, with attendant economic disruption and loss. The Mint contends that this is exactly the type of interruption to the private economy which the Assistant Attorney General, in his opinion of August 16, 1995, indicates is appropriate for exemption from shutdown.
- In addition, the Mint reports that coinage inventory levels at the Mint and the Federal Reserve System are currently below the Federal Reserve's minimum inventory levels. The Mint has been battling potential coin shortages for much of this year and last. Despite operating with three (3) shifts, five (5) days a week, plus extensive weekend overtime, the Mint has less than a two-week supply of coins in its inventory. The proposed shutdown would occur at a time of year when coinage demand traditionally accelerates. The October/November period is normally one of high coin demand, with the Thanksgiving period being the heaviest.

CHANGE FROM PREVIOUS PLAN:

- No Change Noted.

RMO ASSESSMENT:

- The Mint's funding hiatus contingency plan is consistent with the Department of Justice (DOJ), Office of Legal Counsel, August 16, 1995, opinion in that total shutdown of its operations would result in severe disruption to the economy. But there are problems which need to be addressed. For instance:
- All of the Mint's employees are not directly involved in the production of coinage and therefore, are not essential, (i.e., public relations personnel, office staff, analysts). In addition, the Mint claims that the August 16, 1995, opinion permits it to except all of its employees because shutdown of coinage production would disrupt the economy. However, it is not clear that this is the intent of the DOJ's opinion. Therefore, OMB counsel will have to make the final recommendation.

- **The Mint needs to state exactly how many employees are essential, and to specify how many employees will be maintained to perform shutdown activities for non-essential employees.**
- **(The Mint has indicated that they would revise their plan based on this assessment.)**

Agency Funding Hiatus Contingency Plan

AGENCY: Bureau of Public Debt (BPD)

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- Bureau of Public Debt has designated all bureau employees and operations excepted. BPD has statutory authority to use indefinite appropriation funding to finance all "necessary expenses (including rent) for an issue of Treasury obligations." (31 U.S.C. Section 3129). The authority provides for an indefinite appropriation of not more than 0.2 percent of the amount of bonds and notes issued in the fiscal year prior to the year of the lapsed appropriation. According to BPD's calculation, more than \$1 billion would be available to continue its Treasury securities operations during a FY 1996 funding hiatus. The bureau's proposed FY 1996 funding mark is \$170 million.
- BPD has not submitted a shutdown plan. Instead, the Commissioner forwarded to main Treasury an opinion by the bureau's General Counsel supporting the use of the indefinite appropriation to fund all of the bureau's expenses in the event of a funding hiatus. The summary table of Treasury Department shutdown impacts indicates that the bureau expects to have 1,840 employees on board throughout the funding hiatus.

CHANGE FROM PREVIOUS PLAN:

- No change is noted.

RMO ASSESSMENT:

- BPD is in a unique situation because it has statutory authority for indefinite appropriation funding to cover its necessary expenses for issuance of Treasury obligations. In that case, it seems appropriate for the bureau to except all employees and operations from termination during a funding hiatus. It can be argued, however, that those employees associated with the marketing of savings bonds are not essential to issue Treasury obligations and should therefore not be excepted. The savings bonds division comprises a small percentage of the bureau's total operations, 10%, and for human cost reasons, should probably still be excepted.

Agency Funding Hiatus Contingency Plan

AGENCY: Internal Revenue Service (IRS)

DESIGNATION OF EXCEPTED/NON-EXCEPTED EMPLOYEES:

- Employees are categorized as excepted, partially-excepted, or non-excepted. Those classified as excepted or partially-excepted are considered essential for at least some portion of the funding hiatus. Prior to implementation of the shutdown plan, IRS expects to have 120,000 employees on board. After the shutdown IRS plans to have 4,753 on board, which is 4.0% of the total employees. The shut-down of non-excepted activities would take no more the half a day.
- **Excepted Employees:** Excepted employees will devote their efforts solely to closing down operations, protecting human life and health, protecting government property, and performing essential operations for outside agencies whose operations must continue, such as the Social Security Administration. Employees may only work on these specific tasks. Employees working on routine operations already in process at the time the lapse begins should carry the process forward to completion, or to a point where the operations can safely be interrupted, in order to avoid losing the investment in the work which has already started. The invested work is considered a form of government property which should be protected from loss. In addition, employees are required to fully secure all equipment, records, and magnetic tape files because they are considered government property. Some employees will be retained to continue computer operations in order to prevent the loss of data in process. Also, employees will be excepted to process tax returns which include remittances. Throughout the funding hiatus 204 employees will be excepted.
- **Partially-Excepted Employees:** Partially-excepted activities include the retention of essential staff to perform excepted activities. For example, Information Systems support is needed to perform many of the excepted activities. Partially-excepted employees will also perform personnel processing, timekeeping, accounting, and payroll operations. Throughout the funding hiatus 4,549 will be partially-excepted.
- Non-excepted employees are not exempted from total dismissal during the shutdown.

CHANGE FROM PREVIOUS PLAN:

- Not available.

RMO ASSESSMENT:

Although the IRS' funding hiatus contingency plan is generally consistent with the Anti-Deficiency Act, 31 U.S.C. 1341 and 1342, there are several areas which should be further addressed.

- There should be justification as to why all the division chiefs are classified as partially-excepted in the Office of the Chief Counsel. Because some of their divisions appear to be non-essential, it may be possible that a select few in the Personnel Branch could implement the shutdown and reactivation procedures.
- The justifications given for maintaining many of the employees in the Office of the Chief Financial Officer do not qualify as essential operations. Activities such as the handling of Administrative and Congressional inquiries regarding appropriations and funding issues are not essential. It is questionable whether the handling of budget formulations and execution matters related to the lapse in appropriations, performing ERIS system duties, and planning manager duties are essential. Those employees who are involved in preventing the loss of accounting data, maintaining system support, and paying prior year bills are probably legitimately classified as partially-excepted.
- Overseas Operations are categorized as partially-excepted, the justification being that all personnel assigned to foreign posts are considered essential. This is incorrect, as foreign personnel should be dealt with using the same criteria as those used for domestic personnel. Only those employees whose activities fit the definition of essential should be categorized as partially-excepted. Also, the IRS plan states that all personnel assigned to overseas reimbursable positions are considered excepted. This may be true, however the Service has to verify that the reimbursement is not subject to the shutdown.

Agency Funding Hiatus Contingency Plan

AGENCY: U.S. Customs Service

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- Categories that Customs designate as essential include excepted and partially-excepted employees. Prior to implementation of the shutdown plan, there will be 17,183 employees expected to be on-board.
- **Excepted employees:** Customs will retain 10,487 employees because they are engaged in military, law enforcement, or direct health care activities. Customs will retain an additional 1,049 employees that would not otherwise be excepted to protect life and property.
- **Partially- excepted employees:** Customs will retain additional employees (as “partially-excepted”) to bring about the orderly close down of non-excepted activities. This will include securing and storing equipment, records, files, and work in progress. While it is noted that this shutdown-related work will take place over 4 days, the plan does not indicate how many employees will be retained for this purpose.
- The plan does not provide any information on the impacts of a short versus lengthy shutdown on Customs’ operations.

CHANGE FROM PREVIOUS PLAN: N/A.

RMO ASSESSMENT:

- The plan provides a set of procedures and a schedule for an orderly shutdown of Customs’ non-essential operations.
- The plan designates entire functions as excepted, partially-excepted, or non-excepted, but gives no specifics about numbers of affected personnel. No justification is provided for retaining all administrative and other support staff in “excepted” functions.
- The plan is minimally acceptable, but requires additional detail to buttress the designation of excepted employees and partially-excepted employees.

Agency Funding Hiatus Contingency Plan

AGENCY: Bureau of Alcohol, Tobacco and Firearms

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- ATF has designated employees at all eight functional activities within the Bureau as partially excepted from shutdown.
- 1) Office of the Director: 12 of the 32 employees are proposed to be excepted. The excepted employees are deemed necessary to perform the following tasks, also 15 of 23
 - Oversee legislative activities in Congress which “have direct implications on the protection of life and property.” The kinds of legislative activities include: anti-terrorism legislation, crime bill, FY1996 Appropriations Bills, Waco Oversight Hearings, Ruby Ridge Oversight Hearings
 - Office of Legislative Affairs does casework to resolve problems which directly affect constituent’s business activities and the private economy. Full function of Legislative Affairs to continue to allow transfer of information between Congress and Director.
 - Office of Assistant Director performs the following vital functions: protect the Director, communicate with other Treasury and law enforcement organization as part of the decision-making process for ongoing criminal investigations, process FOIA requests with skeleton staff, handle calls from media and general public which could be tips for ongoing investigations, or information on contaminated alcoholic beverages, respond to Congressional inquiries that directly affect criminal investigations.
 - 2) Office of Chief Counsel: 22 of 73 employees are excepted to perform the following functions:
 - Provide legal advice to ATF special agents who serve warrants, provide advice to United States attorneys, provide advice on appropriations law, provide legal advice on firearms laws to field agents.
 - 3) Office of Inspection: 35 of 48 employees are excepted to perform the following functions:
 - Staff must be available to conduct “shooting reviews”
 - Staff must address allegations affecting the integrity of the Bureau
 - Provides protection to the Bureau Director

4) Office of Management: 52 of 238 employees are to be excepted to perform the following vital functions:

- Support ATF's portion of the Treasury Hot Line
- Safeguard ATF property
- Prevent loss of financial data
- Support continuation of ATF criminal investigations and undercover activities

5) Office of Enforcement: 2314 of 3435 employees are to be excepted to perform the following vital functions::

- Enforce criminal statutes, regarding criminal misuse of firearms, explosive and the Anti-Arson Act
- Collect special occupational and excise taxes
- Regulate the commerce of alcohol, tobacco, and firearms industries

All functions of the Office of Enforcement will continue. Excepted positions include all special agents engaged in enforcement activities as outlined below and technical and clerical personnel who provide direct support to enforcement functions, including the field districts.. Enforcement staff in Office of Associate Director is excepted. Arson and Explosives Division; Firearms Division; Special Operations Division; Intelligence Division; Field Divisions;

With Regulatory Enforcement, the following Divisions are involved: Firearms and Explosives; Industry Compliance; Alcohol and Tobacco Programs:

6) Office of Science and Information Technology: 141 of 237 employees are excepted to perform the following vital functions:

- Maintain information systems
- Coordinate NCIC activities
- Forensic analysis
- Provide expert testimony
- On scene fire investigations and audit support for ongoing arson investigations

7) Office of Training and Professional Development: 38 of 72 employees are excepted to perform the following vital functions:

- Training of law enforcement officials for 1996 Olympics
- GREAT program

CHANGE FROM PREVIOUS PLAN: N/A.

RMO ASSESSMENT: For the most part, ATF's plan makes acceptable distinctions. Even so, their analysis is weak in several areas.

ATF has designated employees in the General Counsel's office staff as excepted because they need to provide legal advice to agents who serve warrants. ATF has designated its public affairs employees as excepted because they occasionally receive law enforcement tips from the public. Staff engaged in processing FOIA requests are excepted by ATF because of statutory deadlines for processing requests. Each of these designations has a limited nexus with the showing of imminent danger to human life or property loss.

ATF has asked to be able to train its employees during the hiatus. Those employees needing immediate training for deployment in critical protective situations might be excepted. The remainder, including personnel to train for the 1996 Olympics do not present the immediate need necessary for exception.

Agency Funding Hiatus Contingency Plan

AGENCY: Federal Law Enforcement Training Center

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- o The FLETC has designated ten of its 586 employees as essential.

CHANGE FROM PREVIOUS PLAN:

- No Change Noted.

RMO ASSESSMENT:

- * FLETC plan is excellent. FLETC has designated a limited number (ten) of personnel as essential. Three of these are involved in activities related to law enforcement, the remainder would be protecting property.

Agency Funding Hiatus Contingency Plan

AGENCY: Financial Management Service (FMS)

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- The Bureau's shutdown plan offers a functional breakdown of those employees that are designated excepted, partially-excepted or non-excepted. However, the plan does not provide specific employee figures per function. The summary table of shutdown impacts provided to OMB by main Treasury does indicate that FMS expects to have 2,162 employees prior to implementation of the shutdown plan and to retain 1,100 employees to protect life and property during the shutdown.
- The FMS plan indicates that the processing of payments to Social Security recipients, payments of interest on the debt, and building management and facility security operations, and maintaining government wide accounting activities are essential functions. Such guidelines were used to determine which employees would be designated excepted.
- FMS estimates that three hours will be needed for the immediate shutdown of non-essential operations.

CHANGE FROM PREVIOUS PLAN: No change is noted.

RMO ASSESSMENT:

- The plan provides a detailed set of procedures and a schedule for an orderly shutdown of the bureau's non-essential operations.
- The plan, however, does not specifically identify numbers of excepted and partially-excepted employees to be retained in the event of a shutdown. The summary table indicates that the bureau consider about 50% of its employees non-essential.

Agency Funding Hiatus Contingency Plan

AGENCY: Departmental Offices (DO)

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- The Bureau's shutdown plan provides a functional breakdown of those employees that are designated excepted, partially-excepted or non-excepted. However, the plan does not provide specific employee figures per function. The bureau's summary table of shutdown impacts indicates that DO expects to have 1,367 employees prior to implementation of the shutdown plan and to retain 126 employees during the shutdown.
- DO justifies excepting the 126 employees for two reasons: 1) they are engaged in military, law enforcement or direct health care activities (10 employees) or 2) they are necessary to protect life and property (116 employees). However, the bureau's functional breakdown of the shutdown is difficult to follow to actually do a full blown assessment of who is doing what and if that function should, in fact, be partially-excepted or excepted.

CHANGE FROM PREVIOUS PLAN: No change is noted.

RMO ASSESSMENT:

- The plan provides a detailed set of procedures and a schedule for an orderly shutdown of the bureau's nonessential operations.
- In the case of Departmental Offices, it appears that most of the employees that are to be retained during a funding hiatus have been designated partially-excepted. There functions within Departmental Offices are not directly related to protecting life and property. However, most are at the Assistant Secretary level and their support staff and are considered essential to assist the Secretary of Treasury in executing Treasury policy functions which is considered essential during a funding hiatus.

Agency Funding Hiatus Contingency Plan

AGENCY: Office of Inspector General (OIG)

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- While the plan indicates that minimal excepted and partially-excepted staff will be retained, no specific figures or other detail is provided.
- **Excepted employees:** The OIG plans to classify as “excepted” the investigators who are working on the “Good Old Boys Round-Up” investigation. No specific number of employees is identified for this purpose. The plan also indicates that 4 employees will be retained to “protect life/property.” In contrast, the Departmental summary table indicates that 15 employees will be retained for this purpose.
- **Partially- excepted employees:** The OIG will retain additional employees (as “partially-excepted”) to bring about the orderly close down of non-excepted activities. This will include securing and storing equipment, records, files, and work in progress. The plan does not indicate how many employees will be retained for this purpose.
- The plan does not provide any information on the impacts of a short versus lengthy shutdown on Customs’ operations.

CHANGE FROM PREVIOUS PLAN: N/A.

RMO ASSESSMENT:

- The plan provides a set of procedures and a schedule for an orderly shutdown of Customs’ non-essential operations.
- The plan does not provide a cogent justification for retaining as “excepted” employees, those staff working on the “Good Old Boys Round-Up” investigation. The justification provided (i.e., the need to meet the Secretary’s deadline for the investigation) is insufficient to warrant retention of these staff.
- The plan is unacceptable, as it does not clearly identify numbers of excepted and partially-accepted employees to be retained in the event of a shutdown and provides insufficient justification for those who would be retained..

Agency Funding Hiatus Contingency Plan

AGENCY: United States Secret Service

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- o The Secret Service has designated all its employees as essential.

CHANGE FROM PREVIOUS PLAN:

- No Change Noted.

RMO ASSESSMENT:

- * The Secret Service excepts all of its personnel, including support and administrative staff. This argument is not supported by the materials submitted. The Secret Service has not provided a compelling explanation for why its entire support staff and certain management positions should be deemed essential. There are a number of functions, including long range planning, budget review, regulation formulation, public affairs, and secretarial services which need a stronger basis to support their exemption. To assert that all these management, planning, and support staff are needed to assist in maintaining protective details strains credulity. The Secret Service will be able to perform its functions to protect our leaders, foreign dignitaries, seek out counterfeit notes and battle financial fraud without public affairs specialists, secretaries, planners and related occupations.

SUMMARY OF SHUTDOWN IMPACTS

TREASURY DEPARTMENT

06-Sep-95

| | Accounts with Annual Appropriations | | | | | | | | | | | | Non-Annual Approp. Accts | | | Treasury |
|---|-------------------------------------|--------|--------|---------|--------|--------|---------|--------|--------|-----------|--------|-----------|--------------------------|--------|--------|-----------|
| | DO | OIG | FinCEN | FLETC | FMS | ATF | USCS | Mint | BPD | IRS | USSS | Subtotal | BEP | OTS | OCC | Total |
| (1) Estimated time to complete shutdown of non-excepted activities. | 4 hrs. | 3 hrs. | 4 hrs. | 8 hrs.* | 3 hrs. | 4 hrs. | 1/2 day | N/A | N/A | < 1/2 day | N/A | < 1/2 day | N/A | N/A | N/A | < 1/2 day |
| (2) No. of employees expected to be on board prior to implementation of shutdown plan. | 1,367 | 307 | 170 | 460 | 2,162 | 4,158 | 17,813 | 2,247 | 1,840 | 120,000 | 4,671 | 155,195 | 3,016 | 1,558 | 3,721 | 163,490 |
| (3) Number of employees to be retained under the plan because: | | | | | | | | | | | | | | | | |
| (a) They are engaged in military, law enforcement, or direct health care activities or; | 10 | 0 | 70 | 2 | 0 | 2,615 | 10,487 | 238 | 0 | 204 | 4,671 | 18,297 | 0 | 0 | 0 | 18,297 |
| (b) Their compensation is financed by other than annual appropriations. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,205 | 1,840 | 0 | 0 | 3,045 | 3,016 | 1,558 | 3,721 | 11,340 |
| (4) No. of employees, not otherwise exempt, to be retained to protect life and property. ** | 116 | 15 | 4 | 103 | 1,100 | 14 | 1,049 | 804 | 0 | 4,549 | 0 | 7,754 | 0 | 0 | 0 | 7,754 |
| Percent line 4 is to line 2 - lines 3(a)+(b) | 8.5% | 4.9% | 4.0% | 22.5% | 50.9% | 0.9% | 14.3% | 100.0% | 0.0% | 3.8% | 0.0% | 5.8% | 0.0% | 0.0% | 0.0% | 5.8% |
| Total on board after shutdown | 126 | 15 | 74 | 105 | 1,100 | 2,629 | 11,536 | 2,247 | 1,840 | 4,753 | 4,671 | 29,096 | 3,016 | 1,558 | 3,721 | 37,391 |
| Percent - total on-board after shutdown | 9.2% | 4.9% | 43.5% | 22.8% | 50.9% | 63.2% | 64.8% | 100.0% | 100.0% | 4.0% | 100.0% | 18.7% | 100.0% | 100.0% | 100.0% | 22.9% |
| Total to be sent home after shutdown | 1,241 | 292 | 96 | 355 | 1,062 | 1,529 | 6,277 | 0 | 0 | 115,247 | 0 | 126,099 | 0 | 0 | 0 | 126,099 |

* FLETC shutdown will take longer than 1/2 a day, because it will have approximately 2,000 students that will have to be sent home after shutdown notification.

** Justifications: (If item (4) exceeds 5% of line 2 minus lines 3(a) & (b).)

DO: Employees remaining on board are necessary to ensure an orderly shutdown and for executive direction. In the event of an extended lapse in funding, some of the remaining on board employees that were kept to ensure an orderly shutdown, will also be required to go home.

FLETC: Employees remaining on board are necessary to ensure an orderly shutdown and for executive direction. In the event of an extended lapse in funding, some of the remaining on board employees that were kept to ensure an orderly shutdown, will also be required to go home.

FMS: Employees are engaged in processing payments for the elderly and disabled, maintaining government-wide accounting systems, managing projects funded by no-year dollars, building and facility security or limited policy/executive direction. Some on the aforementioned functions are considered exempt by necessary implication, since they support the Social Security Administration's functions.

USCS: Employees remaining on board are necessary to support law enforcement functions, ensure an orderly shutdown and for executive direction. In the event of an extended funding lapse, some of the on board staff remaining to ensure an orderly shutdown will also be required to go home.

Mint: All employees are excepted either because of funding other than annual appropriations or because of "safety of life or protection of property or because of the impact to the "private economy."

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Agency: Department of Veterans Affairs

Date Plan Submitted: September 6, 1995

Designation of Essential/Non-Essential Employees: The Department's plan calls for 34,516 employees, or 14% of its total employment, to be furloughed immediately upon lapse of appropriation and an additional 58 employees to be furloughed upon completion of tasks necessary to shut-down the agency's non-essential operations. The remaining 213,377 employees are designated as essential:

- 266 VA central office employees are designated as essential to provide management and oversight of essential services, while 3,453 will be furloughed;
- 211,934 Veterans Health Administration (VHA) employees involved in direct patient care and those support activities needed to assist care providers and maintain medical care service to all patients are designated as essential;
- 429 Veterans Benefit Administration (VBA) employees--representing a 6-7 person staff at each regional office to determine eligibility for medical care and burial services--are designated as essential. According to the plan, no new claims for entitlement benefits will be processed and no recurring benefits will be paid. However, the VA's General Counsel is still reviewing whether the loan guaranty program must be continued; and
- 429 National Cemetery System (NCS) employees who provide and supervise interment operations and protect national cemetery property are designated as essential, while administrative and maintenance support at these field facilities will be furloughed.

Change from previous plan: Unknown.

RMO Assessment: RMO has no objections to VA's plan. VA does not distinguish between short- and long-term shutdowns, which could produce a different reckoning of Veterans Health Administration employees deemed essential. However, it is best to accept the department's judgment of which employees are needed to ensure the health and safety of patients in VA's 172 medical centers nationally regardless of the length of shutdown. VA excepts most of its non-appropriated fund employees, including some which are paid out of the Supply Fund revolving fund that is reimbursed by appropriated accounts. These employees provide VHA with drugs and other medical supplies needed for patient care. VBA's plan to except only 3% of its employees from furloughs appears reasonable.

OMB Contact: Jeff Blaylock or David Zavada, 5-4500.

September 6, 1995

Agency Funding Hiatus Contingency Plan

AGENCY: Environmental Protection Agency

DATE PLAN EXPECTED: Draft received 9/5; Final plan expected 9/25

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- Shutdown personnel - staff designated for the orderly shutdown of the Agency (for a period of up to 5 and one-half days)
- Excepted personnel: Further work is underway to refine classifications of excepted personnel.
- The plan provides some distinctions between the impact of short and extended shutdowns (e.g., staff funded from carryover funds, certain payroll functions).

CHANGE FROM PREVIOUS PLAN:

- The plan for the first time differentiates between shutdown and excepted personnel.

RMO ASSESSMENT:

EPA's plan is adequate, although EPA is working to refine its descriptions of essential and non-essential employees. EPA has historically been very good about limiting the staff designated as essential, and changes made in this plan further limit such staff designations.

Agency Funding Hiatus Contingency Plan

AGENCY: General Services Administration

DATE PLAN EXPECTED: Received 9/5/95

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- GSA's plan does not include FTE estimates for the number of essential personnel.
- Excepts the Administrator, Deputy Administrator and all Regional Administrators and Deputy Regional Administrators. Excepts finance staff needed to support continued operation of the National Electronic Accounting and Reporting (NEAR) System and minimum Central Office personnel needed to process shutdown activities. Excepts minimum Inspector General staff required to conduct investigations essential to protect life and property.
- Federal Buildings Fund: Excepts the Commissioner, Deputy Commissioner, Controller, and Associate Commissioners of the Public Buildings Service and minimum contracting and procurement activities needed to support ongoing customer requirements . Also excepted are minimum personnel needed to support life and safety activities including all Federal Protective Service personnel and contract guard.
- General Supply Fund: Excepts the Commissioner and Controller of the Federal Supply Service and the minimum staff needed to support essential and emergency supply, procurement, transportation, Fleet and property management requirements. Activates the Emergency Coordination Center (ECC) to support emergency priority group I requirements of Federal Agencies (primarily DOD).
- Information Technology Fund and FTS 2000: In general, regional and Central Office personnel financed by the IT Fund will remain on duty at minimum levels needed to support funded customer activities and to maintain essential telecommunications. Local and long distance voice and data telecommunications will continue to be provided with the minimum level of personnel necessary.

CHANGE FROM PREVIOUS PLAN:

- Previous plans excepted all personnel not funded by direct appropriations (the non-appropriated IT Fund and General Supply Fund). The change reduces the number of GSA personnel that will remain on duty during a lapse period.

RMO ASSESSMENT:

- It is not clear why GSA is now proposing to change the previous policy of excepting all personnel not funded by direct appropriations. We believe that if an entity has funding it should operate.
- In addition, we have requested GSA to provide estimates of the number of essential FTE.

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E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

07-Sep-1995 03:09pm

TO: Betty I. Bradshaw
TO: Chris Fairhall

FROM: Dennis E. Smith
 Office of Mgmt and Budget, ESD

CC: Jack D. Fellows
CC: Sarah G. Horrigan

SUBJECT: BDR 95-93

Agency Funding Hiatus Contingency Plan

AGENCY: National Aeronautics and Space Administration

DATE PLAN EXPECTED: Received September 6, 1995

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

- Over 92% of NASA employees would be determined non-essential and would be subject to furlough.
- Essential employees identified by Field Installation Directors. Essential functions include those necessary to assure safety of human life or the protection of property.
- Essential personnel also required to support potential launch/operation of the space shuttle set for Sept 28. Estimates show that it is less expensive to fly the shuttle than to ground it. Precedent was set during 1990 hiatus when a shuttle was launched during the shutdown.

CHANGE FROM PREVIOUS PLAN: None

RMO ASSESSMENT:

Plan consistent with precedent and represents the lowest cost approach to the government while protecting essential functions. RMO recommends acceptance of NASA proposal.

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Agency Funding Hiatus Contingency Plan

AGENCY: U.S. Office of Personnel Management

OMB EXAMINER: Albert Seferian, X51041

DATE PLAN EXPECTED: Received September 5, 1995

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

OPM has identified 2,908 employees determined to be "exempted from furlough" for operations of the agency. These are subdivided as follows:

- Orderly suspension: 88
- Excepted activity: 984
- Exempted: Revolving Fund [782], Trust Fund [875], Other Funds [26]: 1683
- Support (for exempted and excepted employees): 153

OPM has identified 1,634 employees that are determined to be non-essential and therefore subject to furlough.

CHANGE FROM PREVIOUS PLAN:

According to OPM, no previous plan was available.

RMO ASSESSMENT:

1. Bottom line: RMO has serious concerns about the overall large number (2,908 out of 4,542 -- 64 percent) of employees designated as "excepted from furlough".
2. OPM has carefully chosen to structure its plan not by simply differentiating between (a) essential and (b) non-essential personnel, but by dividing personnel "not subject to furlough" into (i) orderly suspension activity, (ii) excepted activity, (iii) exempted activity (further categorized by revolving, trust or other fund sources), and (iv) support activity.
3. The number of excepted activity employees (984) appears large, given the mission and functions of the agency. OPM is including 975 who work on a part-time or intermittent basis as test examiners in support of a reimbursable Department of Defense aptitude testing program for potential military inductees, and some personnel who provide for benefit payments, even though that designation is again included under a different category of exempted personnel.
4. Exempted employees counted under Revolving Fund operations (training and investigations) are funded by reimbursements from other agencies. RMO questions

whether this is based on orders on hand (that might be funded out of FY 1995 appropriations and thus available) or expected business from other agencies which might not be available due to a lapse in those agencies' appropriations.

5. Trust Funded employees, who administer the retirement and health and life insurance programs, are considered by OPM to be exempted because OPM believes Trust Funds will automatically be available to finance them in the event Congress fails to enact a limitation. RMO has asked OMB's GC for its views on this matter.
6. RMO also questions the large number (153) of "support" employees required to sustain program operations. OPM states it requires strong assistance for the programs subject to privatization (training and investigations). We believe additional justification is necessary to defend that allegation. Privatization of training as already been completed for the most part. Investigations, funded from the Revolving Fund (see #4, above) might have funds available. We would be concerned about retaining a large number of support personnel, to be paid for with these funds and will seek details.
7. OPM states in a footnote that, in the event of an extended furlough, it might be necessary to recall furloughed employees to provide manpower for Voting Rights Act compliance (for local elections at the direction of the Department of Justice). RMO questions whether this activity falls under the definition of ensuring the safety of human life or the protection of property to some significant degree.

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Agency Funding Hiatus Contingency Plan

AGENCY: Small Business Administration

DATE PLAN EXPECTED: Initial submission received 9/5/95. Plan needs additional information, which is anticipated by week of 9/11/95.

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES: Initial submission contains no information on designation of essential and non-essential employees. SBA reports this is still under review at the agency and should be decided within a week.

CHANGE FROM PREVIOUS PLAN: SBA anticipates keeping most of the procedures from their 1990 plan, but they are reviewing designations of essential personnel to ensure consistency with Justice Department guidance. We will be able to make a better comparison once the new plan is completed.

RMO ASSESSMENT: SBA seems to be considering the right questions, but as is typical, they are a week late in their process.

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AGENCY FUNDING HIATUS CONTINGENCY PLAN

AGENCY:

Social Security Administration (SSA)

DATE PLAN EXPECTED:

Initial Plan Received September 6, 1995.

DESIGNATION OF ESSENTIAL/NON-ESSENTIAL EMPLOYEES:

The SSA initial plan distinguishes between short (up to 14 days) and long (over 14 days) appropriation hiatus. The first phase of the contingency plan would last up to 14 days and would provide the minimum amount of activity necessary to assure the continued issuance of OASDI and SSI payments to those already entitled. This would include the retention of 3 employees per field office and an additional 160 employees in other positions, for a total of 4,780 staff designated as essential (out of 66,195 personnel, or 7%).

The second phase of the staffing plan would go into effect on the 15th day of the hiatus and continue until a resolution is reached. SSA believes that after the 14th day, the majority of its personnel would be required to be on duty to prevent a "fiscal and health/medical crises for a large and particularly fragile segment of the American public". All field facilities would be fully operational and all necessary operations to process new claims for benefits would be activated. SSA believes that this second phase will require designating 54,495 personnel as essential (82%).

CHANGE FROM PREVIOUS PLAN:

The current two phase plan differs from previous plans. In their earlier plans, SSA (then part of HHS), focused on short term funding hiatuses and interpreted the Attorney General's opinion narrowly, calling for designating only those staff that are necessary to maintain benefits to current beneficiaries as essential. Under the new plan, after a two week period, SSA would essentially resume full operations.

RMO ASSESSMENT:

The first phase of SSA's initial plan would follow previously accepted guidelines: only those personnel required to maintain benefits would be retained. SSA field operations would largely be shut down, and SSA's 800 telephone service would become inoperative. Claims processing and appeals would also be frozen, and new claims would not be accepted. This first phase appears to follow the guidelines established by the Attorney General and accepted by previous administrations.

The second phase of SSA's initial plan invokes a new policy. Based on an opinion by their General Counsel, SSA plans, on the 15th day of a hiatus, to restart most SSA operations. In their initial plan, SSA justifies this action by claiming that the health and financial being of a large and vulnerable segment of the population is at stake. In conversations with SSA staff, however, SSA has indicated that they believe the section of the Attorney General's opinion regarding the "authority to obligate that is necessarily implied by statute" gives SSA the authority to maintain current payments during a short hiatus also would give them the authority to process new claims when a hiatus is of long duration. This policy is a broad interpretation of the Attorney General's opinion and appears to break new ground. It is not clear that processing new claims is justifiable under the Attorney General's opinion.