

National Archives and Records Administration

Interim Guidance 103-1

September 27, 2013

SUBJECT: NARA 103-1, Operations in the absence of appropriations

1. Purpose

This interim guidance provides instructions for actions NARA will take in the event that Congress does not provide regular appropriations or a continuing resolution, resulting in an interruption of funding for NARA appropriated functions.

2. Summary of NARA activities under a lapse in appropriations

a. All operations funded by annual appropriations will be suspended. In the event of an appropriations lapse, NARA will immediately suspend all appropriated activities. This includes programs – such as the NHPRC grants program – that are funded by sources other than annual appropriations but are performed by employees funded from annual appropriations. Except as authorized by this contingency plan, no activities that require action by or the on-site presence of a Government or contractor employee or otherwise requires the obligation of annual appropriations will be permitted.

b. All NARA archival facilities and Presidential Libraries will be closed. Except as authorized by this contingency plan, all NARA archival facilities and Presidential Libraries will be closed to employees, the public, and non-Federal occupants and will be secured for the duration of a funding lapse.

(1) NARA-operated portions of Presidential Libraries will close, but facilities controlled by a private Library Foundation may remain open. Where a Presidential Library shares control of a facility with its Foundation, the NARA-operated portion of a facility must be closed and secured. NARA will not provide the Foundation any janitorial services during a funding lapse; and shared security or facility operations services will not be provided beyond the minimum specified in this plan.

(2) NARA Federal Records Centers will remain open. Where a Federal Records Center shares occupancy with archival or other appropriated operations, the portion of the facility used exclusively for appropriated activities will be closed to employees and the public and will be secured. Shared spaces will be available only to employees and contractors supporting Federal Records Center Program (FRCP) activities.

c. Most NARA employees are non-exempt and will be furloughed. Except for employees identified as “excepted” under this contingency plan and employees paid from sources other than an annual appropriation (e.g., FRCP employees), all NARA employees will be furloughed for the duration of a lapse in appropriations. Non-excepted employees

will not be permitted to work, even by remote access, during a funding lapse. NARA will provide appropriate notice to furloughed employees and the Union.

- (1) Number of employees expected to be on-board before implementation of the plan: 3,184
- (2) NARA requires 1/2 day to complete a shutdown. The FRCP will perform a phased shutdown, which will occur over a longer period due to its status as an exempt funding source (see, 44 USC § 2901 *note*).

Note: The Records Center Revolving Fund is not immediately affected by a lapse in appropriations, as its operations are funded through fees collected from customer agencies for goods and services provided. Employees of the FRCP who are funded by the Revolving Fund will be retained to complete open orders against obligations incurred prior to the funding lapse. The FRCP may also accept new orders to support exempt and excepted activities during a funding lapse.

- (3) Total number of employees to be retained under the plan because (1) they are engaged in military, law enforcement, or direct provision of health care activities: 0; or (2) their compensation is financed by a resource other than annual appropriations: 1,212

Note: The National Archives Trust Fund does not require the enactment of annual appropriations. However, because the conduct of Trust Fund business is interconnected with appropriated operations, most Trust Fund operations will be suspended in the absence of appropriations. Unless otherwise notified by the Trust Fund Secretary, all Trust Fund employees nationwide will be in furlough status.

- (4) Number of employees, not otherwise exempt, to be retained to protect life and property: 40

d. Some employees may be recalled to duty in cases of emergency. In the event of an emergency that occurs during a lapse in annual appropriations, employees who were initially designated as "non-excepted" may be temporarily recalled from furlough to perform emergency functions.

e. Most contracts will be suspended. Except for contracts identified as excepted or exempt by both Acquisitions Services (BCN) and General Counsel (NGC), all contractual services for janitorial, landscaping, and repair and restoration (R&R appropriation) activities will be suspended for the duration of a funding lapse. Excepted and exempt contracts (such as utility and telecommunication service contracts) will maintain the "minimum" level of contract service necessary to protect life and property.

f. Emergency listings will be kept current. All NARA organizations will

periodically review appropriate emergency listings to ensure that these listings are current.

3. Funds control in the absence of appropriations

If appropriations lapse, the following authorities and directives will govern operations. They reflect laws and regulations enacted by Congress, OMB, the Office of Personnel Management, and other authorities.

- a. The Antideficiency Act, 31 U.S.C. §§ 1341 and 1342, requires agencies to stop their ongoing, regular operations in the absence of appropriations. Under the Antideficiency Act:
 - (1) An officer or employee of the Government “may not make or authorize an expenditure or obligation for the payment of money exceeding an amount available in an appropriation or fund.” (31 U.S.C. § 1341(a)(1)(B))
 - (2) An officer or employee of the Government may not enter into a contract or incur an obligation “for the payment of money before an appropriation is made unless authorized by law.” (31 U.S.C. § 1342)
 - (3) Agencies may not accept voluntary services from agency employees. The term “emergencies involving the safety of human life or the protection of property” specifically “does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.” (31 U.S.C. § 1342)
- b. Violations of the Antideficiency Act can result in administrative and criminal penalties. An officer or employee of the United States who violates the Act may be suspended from duty without pay or removed from office. (31 U.S.C. § 1349) Violations that are knowing and willful in nature can result in criminal sanctions, including a fine of not more than \$5,000 (per violation), imprisonment for up to two years, or both. (31 U.S.C. § 1350)
- c. During a lapse in appropriations, the Antideficiency Act requires that agency heads must “limit obligations to those needed to maintain the minimum level of essential activities necessary to protect life and property.” (OMB Circular A-11, § 124.3) An activity or function is necessary to protect life and property when there is some reasonable likelihood that the safety of human life or the protection of property would be compromised “in some significant degree” by delay in the performance of the function.¹

¹ See Opinion of the Office of Legal Counsel, Department of Justice, Government Operations in the Event of a Lapse in Appropriations, 1995 WL 17216091 (Aug. 16, 1995) at pp. 3-4 (“1995 OLC Opinion”); *Effect of Appropriations for Other Agencies and Branches on the Authority to Continue Department of Justice Functions During the Lapse in the Department’s Appropriations*, 19 Op. O.L.C. 337, 1995 WL 917146 (Dec. 13, 1995).

d. The Antideficiency Act permits non-excepted activities to incur obligations only as necessary for orderly termination of an agency's functions and to protect life and property, but funds will not be disbursed.² Although agencies are permitted to incur obligations for excepted activities and for shutting down operations, expenditures cannot be made against lapsed appropriations: New appropriations must be enacted before any otherwise acceptable payments can be made, including salary payments for excepted employees.

e. Agency functions that are funded under multi-year, no-year, or mandatory appropriations may continue to incur obligations during a lapse in annual appropriations without violating the Antideficiency Act.³ For this reason, the Federal Records Centers Program (FRCP) and the National Archives Trust Fund may continue to operate during an funding lapse (to the extent and in the manner authorized by this contingency plan) However, these funds must still comply with the Act's rule that an officer or employee of the Government "may not make or authorize an expenditure or obligation for the payment of money exceeding an amount available in an appropriation or fund" (31 U.S.C. § 1341(a)(1)(B)), which means that these Fund accounts must maintain a positive cash balance at all times.

f. The Antideficiency Act permits agencies that have sustained a lapse in appropriations to accept voluntary services from employees *for emergencies involving the safety of human life or the protection of property*. In order to meet this standard:

- (1) "There must be some reasonable and articulable connection between the function to be performed and the safety of human life or the protection of property"; and
- (2) "There must be some reasonable likelihood that the safety of human life or the protection of property would be compromised, in some [significant] degree, by delay in the performance of the function in question."⁴

g. The Antideficiency Act requires that the routine activities and operations of the agency that are funded by annual appropriations must be suspended in the event of a lapse in appropriations. Within these guidelines, the Archivist of the United States may determine which activities funded by annual appropriations may continue to be performed either because the activities are required to protect life or property, because the activities necessarily support such lawful functions, or because monies were properly obligated under an existing contract from appropriations available prior to the funding lapse.⁵

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

³ Opinion of the Attorney General, Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations, 43 Op. Att'y Gen. 293, 298 (Jan. 16, 1981). *Accord* 1995 OLC Opinion at p. 3.

⁴ 43 Op. Att'y Gen. at 302, *as modified by* 1995 OLC Opinion, 1995 WL 17216091, p. 6.

⁵ *See* 1995 OLC Opinion at p.3.

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

The following is the general framework for responding to a temporary lapse in appropriations. Although "temporary" is defined as 30 consecutive days or less for adverse employee actions, in this part it means only the relatively short period, often only a few days or less, normally required for Congress to provide funds. If a lapse is extended or an activity is terminated, additional instructions will be issued.

- a. Unless notified otherwise, all employees should report to work on the first business day of a temporary lapse. Once all employees have completed shut down operations, personnel are released from duty, except for those required for excepted functions. Par. 5 of this document identifies excepted functions.
- b. Employees who perform excepted activities must report for duty as directed throughout the lapse period. During an appropriations lapse, excepted employees are still in a paid status, but are working for delayed pay: They are not rendering gratuitous services and must report to work.
 - (1) All employees will be provided with notice of their status as excepted or non-excepted employees. If it is not possible or practical to provide written notice, oral notice is acceptable (5 CFR 752.404 (d)(2)).
 - (2) Supervisors will inform excepted employees of their designation, and inform those employees that they are required to report for duty during the lapse in appropriations. Excepted employees will be excused from duty only in emergency circumstances.
- c. On the first business day after the lapse in appropriations, non-excepted employees will be provided notice of furlough, additional instructions, and will be released from duty no later than 12:00 PM that day. Released non-excepted employees are placed in non-duty, non-pay status by use of furlough under the adverse action procedures in title 5 of the Code of Federal Regulations (CFR) part 752.
 - (1) Non-excepted employees will not be permitted to work, even by remote access, during a funding lapse. Non-Excepted employees will be strongly advised prior to going on furlough of this prohibition and of the potential penalties for violating it. NARA expects non-excepted employees to stay current with the status of the funding hiatus by checking the OPM website (www.opm.gov), checking the NARA Operating Status line at (301) 837-0700, or following local news outlets.
 - (2) The Office of Human Capital (H) will take all actions required by law or regulation to notify the Union of potential and/or actual requirements for furlough caused by a lapse in appropriations, subject to any shutdown guidance issued by OMB or OPM.

- (3) The Office of Human Capital will issue furlough notices to individual employees and document actual furloughs in Official Personnel Folders. Upon returning to work after a furlough due to a funding lapse, supervisors will document furlough periods on each full and part-time employee's time and attendance records, and ensure this information is appropriately documented in Quicktime.
 - (4) Annual or sick leave may not be used by employees in place of furlough. In the event of an appropriations lapse, annual, sick, court, bone marrow, and organ donation leave is canceled. Military leave will continue to be charged even though furlough days are considered non-work days. Employees serving as witnesses or jurors would be able to retain all moneys received from the court. Canceled or interrupted annual or sick leave is not forfeited, and can be used later.
- d. Persons on official travel when funds lapse will be handled case-by-case.
- (1) Travelers performing excepted functions, or supported by funds not affected by the lapse, remain on duty.
 - (2) Non-excepted travelers are placed on furlough. Although some obligations for travel costs are incurred before a funding lapse, the employees must be recalled to duty station because there is no authority to incur new per diem obligations.
- e. All NARA archival facilities and Presidential Libraries will be closed and secured for the duration of a funding lapse. This prohibition includes, without limitation, all public research rooms, museum exhibition areas, and public rental, use, or visitation areas located in NARA facilities, as well as all employee, contractor, and volunteer office and work areas. The Rotunda and other areas of Archives I comprising the National Archives Experience will close under this paragraph, as will the Presidential Library museums, education and public outreach spaces and the grounds and public areas that are operated, maintained, and protected by NARA at Presidential Libraries.
- (1) In the event of an appropriations lapse, NARA will immediately suspend all ongoing, regular operations funded by annual appropriations. Except as authorized by this contingency plan, no activities that require action by or the on-site presence of a Government or contractor employee, or otherwise requires the obligation of annual appropriations will be permitted. This ban on operations includes, without limitation, all education, exhibit, museum, public program, public use, research, training, and visitor or volunteer activities at the National Archives at Washington, DC (Archives I), the National Archives at College Park (Archives II), the Presidential Libraries, the National Archives at Atlanta, and leased facilities.

- (2) Where a Presidential Library shares control of a facility with a private Library Foundation (i.e., where NARA does not own the facility and surrounding grounds, but has a right to use and control a certain portion of a facility owned by a Foundation or university), the NARA-operated portion of the facility must be closed and secured. NARA may not provide the Foundation with any janitorial services during a funding lapse; and will not provide security or facility operations services beyond the minimum specified in this plan. This applies to the Presidential Libraries of former Presidents Nixon, Carter, Reagan, George H.W. Bush, Clinton, and George W. Bush.
- (3) A Foundation may, at its discretion, contract directly for security and janitorial services to support building rentals and other Foundation activities that are conducted in Foundation-exclusive or joint-control areas that the Foundation has the right to use pursuant to legal agreement with the United States. Foundations are required to use cleared NARA contractors and contractor personnel for such services in joint-control areas and are encouraged to do so for Foundation-exclusive areas during a funding lapse and must include provisions in the contract that require the contractor to continue to apply NARA contractual requirements.
- (4) NARA Federal Records Centers will remain open. Where a Federal Records Center shares occupancy with archival or other appropriated operations, the portion of the facility that is used exclusively for appropriated activities will be closed to employees and the public and will be secured. Shared spaces will be available only to employees and contractors supporting FRCP activities.
- (5) The child development center located in the Archives II building will be closed during any funding hiatus, as the Archives II facility will be closed.
- (6) Table A of this plan contains a current list of NARA facilities, including leased facilities.

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

g. Goods and services may not be purchased under lapsed appropriations except when required to support excepted activities or when purchased with funds that are exempt from a lapse in appropriations.

- (1) New contracts may not be awarded except in support of excepted activities or when using an exempt funding source. Contract options for additional quantities or to extend the term of the contract may not be exercised unless it is determined that the additional goods or services are absolutely

necessary to continue or support excepted activities or if the options may be exercised without an obligation of funds or if funded by an exempt funding source.

- (2) Prior to the onset of a funding lapse, Acquisitions Services (BCN) and General Counsel (NGC) will review and advise on the legality of continuing with performance of all existing contracts during the lapse, regardless of whether performance will be full or partial performance. Acquisitions Services and the Contracting Officer in the Facility and Property Management Division (BFS) will work with Contracting Officer Representatives and program offices to identify existing contracts and notify vendors of the status of each contract during a funding lapse.
- (3) Contracting Officers will provide preliminary notice to all contractors that their contract may be suspended or severely curtailed as a result of the potential lapse of appropriations. As part of orderly shutdown, Contracting Officers will issue the appropriate documentation to effectuate total or partial suspension of work. These documents should be prepared in advance, but without signature, to facilitate prompt transmittal.
- (4) Contracts for supplies or services that are validly executed with current or prior-year appropriated funding sufficient to cover performance during the period of funding hiatus will not be automatically suspended unless continued performance requires access to either Government sites or Government personnel funded by annual appropriations. Those contracts that require access to either sites or personnel funded by annual appropriations will be suspended, even if funded, except as required to protect life or property. For example, acceptance of all routine deliveries, service calls, or changes to existing service will be suspended during the funding lapse.
- (5) All recurring contractual services for janitorial, landscaping, and repair and restoration activities (including from the R&R appropriation) will be suspended for the duration of a funding lapse. A minimum level of IT services will be maintained under the NARA IT and Telecommunications Support Services (NITTSS) contract to support the IT requirements of excepted staff. NITTSS support is also required to monitor and to protect government IT equipment from power or HVAC outages that could force emergency shutdowns. NITTSS support will be provided at the Archives II data center only. No help desk support will be available during a shutdown.
- (6) All contracts, regardless of funding, will be suspended if the involvement of appropriated personnel becomes necessary beyond that required to protect life or property or support exempt activities.

- (7) Decisions with respect to contracts funded by exempt FRCP and Trust Fund accounts will be made on a case by case basis depending, at least in part, on whether a particular facility is operating during the funding lapse.
- h. The Archivist of the United States will notify OMB when NARA initiates agency shutdown activities in anticipation of or response to a funding lapse.

5. Excepted Functions

- a. A limited number of activities (“excepted functions”) funded by annual appropriations may continue to be performed during a funding lapse, because the activities are required to protect life or property, because the activities necessarily support such lawful functions, or because monies were properly obligated under an existing contract from appropriations available prior to the funding lapse and the contractor is able to perform work during the lapse period without access to Government facilities or personnel funded by annual appropriations.
 - (1) Executives and Staff Directors will determine the minimum number of employees necessary to perform the excepted functions, if any, of their Office or Staff, subject to the Archivist’s approval. As a general principle, NARA will minimize the number of Executive, management, and supervisory personnel designated as “excepted”, and instead focus on employees delivering excepted services.
 - (2) A complete listing of approved, excepted personnel must be provided to the Archivist, the Chief Operating Officer, the Chief Human Capital Officer, the Executive for Business Support Services, the Chief Financial Officer, and the NARA Emergency Coordinator (BX) no later than close of business on the last business day before current appropriations expire.
 - (3) While the nature of an "excepted" function determines the maximum permissible staffing levels, managers may have several employees "share" an excepted position.⁶ For example, where the function requires two FTE of effort, and five employees are fully qualified to perform the function, each of the five could be placed in a duty status for four days a pay period and furloughed the other six days. Where several employees will be "sharing" an excepted function, the written notice should inform each employee of the specific day(s) that they will be in a required duty status, and the specific day(s) they will be in furlough status. The total numbers of hours in a furlough status of each employee must be documented in Quicktime/FPPS at the end of the appropriations lapse period, and accurate records must be maintained for the on-duty periods.

⁶ If a continuous furlough exceeds 30 calendar days, or discontinuous furloughs total 22 work days, RIF procedures must be used in selecting the employees that would continue to work in support of an excepted function.

- (4) In addition to “excepted” employees, Executives and Staff Directors may also identify employees who are to be in an “on call” status during a lapse in annual appropriations. A complete listing of approved, on-call personnel must be provided to the Archivist, the Chief Operating Officer, the Chief Human Capital Officer, the Executive for Business Support Services, the Chief Financial Officer, and the NARA Emergency Coordinator (BX) no later than close of business on the last business day before current appropriations expire.
- (5) Supervisors will inform on-call employees in writing of their designation, and inform those employees that they are required to remain within a reasonable call-back radius (i.e., must be available to report to duty within 2 hours of receiving a call) during the lapse in appropriations.
- (6) On-call employees are considered “non-excepted” unless specifically called to perform an excepted function. If recalled to duty, an on-call employee will be compensated for the time it takes to complete the assignment or two hours, whichever is greater. Once the assignment is complete, the employee will once again be placed on furlough. It is essential that accurate records be maintained for the on-duty periods.

b. This section defines excepted functions and personnel levels that continue during a lapse in appropriations. Activities not discussed are not excepted within the meaning of the law. If there are organizational changes, these instructions apply to the organizational unit that has been newly assigned the functions.

- (1) The Archivist of the United States (N): The Archivist is statutorily excepted from furlough. (1 FTE)
- (2) The Office of the Federal Register (F): Department of Justice legal opinions clarifying and expanding upon the Antideficiency Act assume the continued operation of both the private economy and Governmental functions such as law enforcement, oversight of financial markets, food and drug inspection programs, and air traffic control during a lapse in annual appropriations. Consistent with that guidance, NARA will publish an edition of the Federal Register each work day that includes only those documents related to the protection of life and property.

The Director of the Federal Register is authorized to use the services of such members of his staff as are deemed necessary to maintain this limited function. The Director of the Federal Register is further authorized to temporarily recall from furlough additional minimal staff to respond to unanticipated or emergency issues related to the publication of the Federal Register on a case by case basis. (Estimated to be approximately 13 FTE)

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

- (4) Facility and Property Management Division (BF) and Presidential Libraries (LP) Facility Managers: A minimal number of facility managers may be excepted in order to ensure the protection of Government property during a lapse in appropriations. Facility Managers will perform normal contractor oversight – including oversight of security contractors – within the hours allocated for oversight of facility operations. Among other duties, facility engineers and facility managers are responsible for periodically monitoring the condition of original records held in archival storage bays and (where applicable) in display cases in museum exhibition galleries.

The National Archives at Washington, DC, may use up to a total of forty (40) hours per week of Government Facility Manager and/or Contract Work Inspector services and up to fifty-six (56) hours per week of contracted building engineer services. The National Archives at College Park may use up to a total of forty (40) hours per week of Government Facility Manager and/or Contract Work Inspector services. Each Presidential Library facility (including the Ford Museum) and the National Archives at Atlanta may use up to a total of forty (40) hours per week of Government Facility Manager services. (2 FTE in Washington, DC; 15 FTE in facilities outside of Washington, DC);

- i. Emergency Operations. In the case of closed facilities, NARA may continue to incur obligations for utilities, building operations, and security services at the minimum level necessary to protect NARA buildings, records, and other property, including without limitation NARA-owned buildings, leased facilities that NARA controls, and, for those Presidential Libraries not owned by NARA, the portion of a facility that is under NARA's control (i.e., the portion considered the "presidential archival depository" for purposes of 44 U.S.C. § 2112(a)). The authority to incur obligations includes the minimum costs necessary⁷ to support excepted employees working at NARA facilities.

⁷ The word "necessary" here is used in accordance with the "necessary expense doctrine." Government Accountability Office, Principles of Federal Appropriations Law, 3rd Ed., Vol. I, pp. 4-19 to 4-30.

- ii. Minimum level of service. In general, the "minimum" level of contract service to be provided is that level routinely maintained on the midnight shift. However, if building operations services are normally provided only on the day shift, a minimum level of preventative maintenance and systems monitoring may continue. For Archives I and Archives II, this means twenty-four hours per day, seven day per week coverage by one DC third-class building engineer per shift at Archives I; and one first-class building engineer plus one third-class engineer per shift at Archives II. Security staffing should be limited to the most restrictive staffing level generally employed (either the midnight shift or the Christmas Day shift).

(5) Security Management Division (BX): The Security Management Division will maintain a Primary and an Alternate Emergency Control Center twenty-four hours per day, seven days per week. Each Emergency Control Center may use up to a total of forty (40) hours per week of Security Specialist services. (Estimated to be 2 FTE).

- i. Unless otherwise designated as excepted pursuant to this contingency plan, previously designated Information Security Program Managers and their designated alternates will be designated as on-call employees and will be authorized to perform services in the event of a potential or actual compromise of classified information under their responsibility.
- ii. Emergency Response Operations. In the event of actual or imminent emergency conditions adversely affecting any NARA-owned or occupied facility (e.g., fire, natural disaster, flood or water leak affecting documentary or museum holdings, confirmed security threat conveyed via law enforcement channels, etc.), the Facility Manager will follow established emergency protocols, for example, closing off valves, shutting off pumps, stopping the water flow in another manner if a pipe breaks, and contacting the Emergency Control Center and the on-call conservator.
- iii. As soon as practical, the facility manager will notify the NARA Emergency Control Center or the alternate Emergency Control Center of the nature of the emergency. If additional resources are needed to address the emergency, the officials listed below in this subparagraph may authorize the appropriate personnel to incur necessary obligations. This authority includes the ability to recall personnel from furlough and to work with warranted contracting officers and other procurement officials to contract for goods and services. This emergency authority to employ personal services also extends to other necessary personnel, including without

limitation staff of the Office of the CFO, the Office of Human Capital, and General Counsel.

- iv. With respect to Presidential Libraries, the authority in this subparagraph may be exercised by the Executive for Legislative Archives, Presidential Libraries, and Museum Services or the director of the affected library. With respect to all other facilities, the authority may be exercised by the Executive for Research Services or the Executive for Agency Services; the Director or Field Support Officer of the affected facility; the Director, Facility and Property Management (BF); or the NARA Emergency Coordinator (BX). The Archivist, Deputy Archivist, or Chief Operating Officer may also exercise the authority specified above with respect to any NARA facility.
 - v. Continuity of Operations and Implementation of NARA Continuity Plan. In the event of a continuity of government condition (COGCON) level change or continuity event disrupting the continuation of mission essential functions (MEFs), the Archivist of the United States, the Deputy Archivist, the Chief Operating Officer, or the NARA Emergency Coordinator are authorized to recall from furlough any and all mission-critical emergency employees deemed necessary to ensure continuity of operations, pursuant to NARA Interim Guidance 300-33. The period of such recall will be for either 30 days or until normal operations can be resumed and is to incur minimal (as regards the actual conditions) obligations for services and supplies.
- (6) Office of Human Capital (H): As required by the Department of Labor's memorandum of August 29, 1995, the Chief Human Capital Officer may designate one Human Resources Specialist as excepted to serve as the Agency's liaison with the Department of Labor for the coordination of Unemployment Insurance claims processes and to provide furloughed employees with documentation necessary to protect Federal employee unemployment compensation rights. (Estimated to be 1 FTE)
- (7) Information Services (I): The Chief Information Officer is authorized to use the services of such members of his staff as are deemed necessary to ensure continued operation and protection of the information infrastructure, which would include NARA-wide infrastructure operations support, and provide IT infrastructure support essential to maintaining excepted and exempt activities.
- c. Emergency Reference Service: The Executive for Research Services and the Executive for Legislative Archives, Presidential Libraries, and Museum Services are directed to maintain an "on-call" capability of providing excepted reference services in

support of carrying out the Constitutional duties of the Congress and the President (e.g., the National Defense, the conduct of foreign affairs), law enforcement activities, health and safety of life or property of the Government, response to natural or man-made disasters or similar necessary implications of supporting continuing Federal activities. In response to particular excepted reference service requests, these Executives are authorized to temporarily recall from furlough the minimal staff needed to respond to such requests from other Federal agencies on a case by case basis. All routine reference services will be suspended during the lapse in funding. (Estimated at not more than 2 FTE per week per office).

d. Federal Records Centers Program (FRCP): The FRCP is funded by a mandatory appropriation, the Records Center Revolving Fund, and is not subject to annual appropriations. The FRCP is, therefore, an “exempt” program that is authorized to continue operations during a funding lapse so long as it has access to all facilities housing FRCs; work to perform for agencies or parts of agencies not affected by the lapse in annual appropriations; and a sufficient cash balance available to cover current obligations. The FRCP is also authorized to service orders for other Federal agencies or components that are effected by the funding lapse, but only to the extent such orders are of an emergency nature or the agency customer specifically authorizes non-emergency work to be done.⁸

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

e. National Archives Trust Fund: National Archives Trust Fund operations, which include both gift fund and trust fund activities, do not require the enactment of annual appropriations, and is therefore considered an “exempt” program. Because the conduct of Trust Fund business is so interconnected with appropriated activities, most Trust Fund operations will be suspended during a funding lapse, including without limitation support for point of sale or revenue accounting systems that are located in NARA facilities that will also be closed.

Trust Fund operations that are not dependent on appropriated activities may continue off site to the extent there are tasks to be completed, including: required financial reports (e.g., monthly, quarterly, annual reports); support for Bureau of Public Debt accounts

⁸ NARA will identify how many total FRCP staff are needed during a funding lapse, once the agency is able to discuss with its customers if they will be fully functioning or operating at a reduced levels, what services they may seek, and if they authorize us to work cases with a promise to pay.

payable processing; financial analysis and investment reviews to support presidential library and Trust Fund investment portfolios (including support of additional monthly or one time investments, management of investment distributions, and monthly portfolio reports); and, support of procurement activities to the extent that contractor performance of fully funded contracts continues during a funding lapse. Unless otherwise notified by the Trust Fund Secretary, all Trust Fund employees nationwide will be in furlough status.

5. Required Preparatory Actions

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

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

c. Prior to a funding lapse, General Counsel (NGC) will catalog all active litigation matters, whether in Federal court or before administrative tribunals.

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

With respect to cases pending before administrative tribunals (e.g., EEOC, MSPB), NGC will coordinate with individual tribunals prior to the beginning of funding lapse about tribunal operations during the lapse and any information needed by a tribunal regarding pending cases.

6. Primary and Alternate Emergency Control Centers

- a. Primary Emergency Control Center
Security Control Center
Archives II (Room 1250)
Voice: (301) 837-2900
FAX: (301) 713-6297

- b. Alternate Emergency Control Center
Security Control Center
Archives I (Room G-6)
Voice: (202) 357-5023
FAX: (202) 357-5932

Table A:

Current List of NARA Facilities

	In State	Running Total
Alaska	1	1
<ul style="list-style-type: none">• Anchorage – National Archives at Anchorage, AK - Archives and Records Center 654 West Third Avenue, Anchorage, Alaska 99501-2145• Anchorage – Undeveloped land for new facility 40th and Denali Street, Anchorage, Alaska (not included in count)		
Arkansas	1	2
<ul style="list-style-type: none">• Little Rock - William J. Clinton Presidential Library and Museum 1200 President Clinton Avenue, Little Rock, Arkansas 72201		
California	5	7
<ul style="list-style-type: none">• Laguna Niguel - (no records storage) Chet Holifield Federal Building, 24000 Avila Road, 1st Floor, East Entrance, Laguna Niguel, California 92677-3497• Riverside – National Archives at Riverside, CA - Archives and Records Center 23123 Cajalco Road, Perris, California 92570• San Bruno – National Archives at San Francisco, CA - Archives and Records Center Leo J. Ryan Building, 1000 Commodore Drive, San Bruno, California 94066-2350• Simi Valley - Ronald Reagan Presidential Library and Museum 40 Presidential Drive, Simi Valley, California 93065• Yorba Linda – Richard Nixon Presidential Library and Museum 18001 Yorba Linda Blvd. Yorba Linda, California 92886		
Colorado	1	8
<ul style="list-style-type: none">• Broomfield - National Archives at Denver, CO – Archives and Records Center 17101 Huron Street, Broomfield CO 80021		
District of Columbia	2	10
<ul style="list-style-type: none">• National Archives at Washington, DC – Archives only 700 Pennsylvania Avenue, NW, Washington, DC 20408• The Federal Register – Offices of the Federal Register and the Office of Government Information Services (OGIS) 800 North Capitol Street, NW, Washington, DC		
Georgia	3	13
<ul style="list-style-type: none">• Atlanta - National Archives at Atlanta, GA - Archives only 5780 Jonesboro Road, Morrow, Georgia 30260		

	In State	Running Total
<ul style="list-style-type: none"> • Atlanta – Atlanta Federal Records Center – Records Center only 4712 Southpark Blvd., Ellenwood, Georgia 30294 • Atlanta - Jimmy Carter Presidential Library and Museum 441 Freedom Parkway, Atlanta, Georgia 30307-1498 		
Illinois	3	16
<ul style="list-style-type: none"> • Chicago – National Archives at Chicago, IL - Archives and Records Center 7358 South Pulaski Road, Chicago, Illinois 60629-5898 • Valmeyer – National Personnel Records Center Annex - Records Center only 1429 Boulder Boulevard, Valmeyer, IL 62295 • Great Lakes Naval Recruit Center – Palletized storage of records - Records Center only 3355 Illinois Street, Great Lakes, Illinois 60088 		
Iowa	1	17
<ul style="list-style-type: none"> • West Branch - Herbert Hoover Presidential Library and Museum 210 Parkside Drive, West Branch, Iowa 52358 		
Kansas	2	19
<ul style="list-style-type: none"> • Abilene - Dwight D. Eisenhower Presidential Library and Museum 200 Southeast Fourth Street , Abilene, Kansas 67410 (multiple buildings) • Lenexa – Lenexa Federal Records Center – Records Center only Meritex Lenexa Executive Park, 17501 West 98th Street, #31-50, Lenexa, Kansas 66219 		
Maryland	2	21
<ul style="list-style-type: none"> • College Park - National Archives at College Park, MD – Archives only 8601 Adelphi Road, College Park, Maryland 20740-6001 • Suitland - Washington National Records Center – Records Center only 4205 Suitland Road, Suitland, Maryland 20746-8001 		
Massachusetts	3	24
<ul style="list-style-type: none"> • Boston - John Fitzgerald Kennedy Presidential Library and Museum Columbia Point, Boston, Massachusetts 02125 • Pittsfield - Pittsfield Federal Records Center – Records Center only 10 Conte Drive, Pittsfield, Massachusetts 01201-8230 • Waltham – National Archives at Boston, MA –Archives and Records Center Frederick C. Murphy Federal Center, 380 Trapelo Road, Waltham, Massachusetts 02452-6399 		
Michigan	2	26
<ul style="list-style-type: none"> • Ann Arbor - Gerald R. Ford Presidential Library 1000 Beal Avenue, Ann Arbor, Michigan 48109 		

	In State	Running Total
<ul style="list-style-type: none"> • Grand Rapids - Gerald R. Ford Presidential Museum 303 Pearl Street NW, Grand Rapids, Michigan 49504-5353 		
Missouri	5	31
<ul style="list-style-type: none"> • Independence - Harry S. Truman Presidential Library and Museum 500 W. US Hwy. 24. Independence, Missouri 64050 • Kansas City – National Archives at Kansas City, MO – Archives only 400 West Pershing Road, Kansas City, MO 64108 • Kansas City – Kansas City Federal Records Center (Subtropolis) – Records Center only 8300 Northeast Underground Drive, Kansas City, MO 64161 • Lee's Summit – Lee's Summit Federal Records Center – Records Center only 200 Space Center Drive, Lee's Summit, Missouri 64064-1182 • St. Louis - National Personnel Records Center - Archives and Records Center 1 Archives Drive, St. Louis, MO 63138 		
New York	2	33
<ul style="list-style-type: none"> • Hyde Park - Franklin D. Roosevelt Presidential Library and Museum 4079 Albany Post Road , Hyde Park, New York 12538 • New York – National Archives at New York City, NY – Archives only Alexander Hamilton US Customs House, 1 Bowling Green, New York, NY 10004-1415 		
Ohio	3	36
<ul style="list-style-type: none"> • Dayton – Dayton Federal Records Center – Records Center only Moraine Business Center, 3150 Springboro Road, Dayton, Ohio 45439-1883 (buildings 2, 3, and 4) • Dayton – Kingsridge Federal Records Center – Records Center only 8801 Kingsridge Drive, Dayton, Ohio 45406 - Regional Records Center • Fairfield - Palletized Storage facility – Records Center only 		
Pennsylvania	2	38
<ul style="list-style-type: none"> • Philadelphia – National Archives at Philadelphia, PA – Archives only Robert N C Nix Federal Building, 900 Market Street, Philadelphia, Pennsylvania 19107-4292 • Philadelphia – Philadelphia Federal Records Center - Archives and Records Center 14700 Townsend Road, Philadelphia, Pennsylvania 19154-1096 		
Texas	6	44
<ul style="list-style-type: none"> • Austin - Lyndon Baines Johnson Presidential Library and Museum 2313 Red River St., Austin, Texas 78705 • College Station - George H. W. Bush Presidential Library and Museum 1000 George Bush Drive West, College Station, Texas 77845 		

	In State	Running Total
<ul style="list-style-type: none"> • Dallas – George W. Bush Presidential Library and Museum 2943 SMU Boulevard, Dallas, TX 75205 • Fort Worth – Fort Worth Federal Records Center – Records Center Federal Center Warehouse 9, 501 West Felix Street, Fort Worth, Texas 76115-3405 • Fort Worth – Fort Worth Federal Records Center – Archives and Records Center 1400 John Burgess Drive, Fort Worth, Texas 76140 • Fort Worth – National Archives at Fort Worth, TX – Archives only 2600 West 7th Street, Suite 162, Fort Worth, TX, 76107 		
Washington (State)	1	45
<ul style="list-style-type: none"> • Seattle – National Archives at Seattle, WA - Archives and Records Center 6125 Sand Point Way NE, Seattle, Washington 98115-7999 		
West Virginia	1	46
<ul style="list-style-type: none"> • Rocket Center – ABL 		