



Corporation for National and Community Service Plan for Agency Operations in the Absence of Appropriations

Executive Summary

The Corporation for National and Community Service (CNCS) will maintain the operations of the National Service Trust Fund and the VISTA Advance Payment Revolving Fund because payments from those accounts are not contingent on annual appropriations. Also, CNCS has determined that it is authorized by law to provide housing and subsistence for approximately 1,000 NCCC members on 5 campuses across the country, and sustain approximately 5,000 VISTA members. CNCS maintains approximately 583 on-board staff; only 33 FTEs will be exempted for purposes of supporting these functions and to provide emergency protection of property. The remaining staff will not be working as a result of the funding hiatus. This determination was based a legal sufficiency review. Previously awarded grants and cooperative agreements will not be affected by the absence of current appropriations (although there will be no CNCS oversight or assistance provided to grantees until normal operations resume or a long-term orderly shut down began). No new grants will be awarded during this period and program and grants staff will not be available to provide assistance to grantees. This plan was formulated to address a short-term temporary lapse in funding (1 - 30 days). In the event of a long-term or permanent lapse of funding the plan will be reevaluated.

Background

In the early 1980's, the Attorney General issued two opinions that concluded that the Anti-deficiency Act unambiguously prohibits agency officials from incurring obligations in the absence of appropriations. Federal officers may not incur any obligations unless such obligations are authorized by law, or meet an emergent need regarding either the safety of human life or the protection of property. Examples authorized by law include: activities which are funded from accounts not affected by a funding lapse, activities authorized by "necessary implication" from an agency's statutory authorities and responsibilities (both program functions that should continue because of their particular nature, and eventually carrying out orderly shutdown of programs because of an extended lapse in funding), and the services of officers holding offices established by law (e.g., PA's and PAS's).

Section 124 of OMB Circular A-11 requires agency heads to develop and maintain plans for an orderly shutdown in the event of an absence of appropriations. Plans should include an estimate of the time to complete shutdown, number of on-board employees before plan implementation and number of employees to be retained under the plan (based on exceptions listed above).

Under a shutdown, CNCS would not be able to issue grants, provide assistance to grantees or carry out most administrative activities or functions including travel, holding meetings or conferences, hiring consultants, etc. Approximately 93 percent of CNCS staff will be furloughed.

Functions and Personnel to be Maintained During a Temporary Funding Lapse

Based on the opinion of CNCS' Office of General Counsel, CNCS is authorized to maintain the following functions during a temporary lapse in funding:

Operation/Function	Authority/Rationale
<p><i>Trust</i></p> <p>Operation of National Service Trust</p>	<p>The National Service Trust Fund is a no-year account which disburses education awards, student loan deferral payments, summer of service awards and silver scholar awards. Operations to make disbursements of a fund that is not affected by a funding lapse are authorized by law.</p>
<p><i>VISTA</i></p> <p>Paying Living Allowance through VISTA Advance Payment Revolving Fund</p> <p>Paying Living Allowance for Non-grant, Non-cost Share VISTA Members</p>	<p>The VISTA revolving fund pays the VISTA support costs of VISTA members supported by cost-share agreements. The revolving fund receives reimbursements from cost-share participants which are not affected by a funding lapse. Operations of a program funded by non-appropriated sources are authorized by law.</p> <p>Under the Domestic Volunteer Service Act, VISTA members are required to be available for service at all times, without regard to normal work hours. This requirement is not affected by a temporary funding lapse. The living allowance will continue to accrue but not be paid until funding is restored.</p>
<p><i>NCCC</i></p> <p>Providing Housing and Shelter to NCCC members at NCCC Campuses</p> <p>Counseling at campuses</p> <p>Providing physical security at campuses</p>	<p>Under the National and Community Service Act, CNCS provides housing and subsistence to a corps of 18 -24 year olds at five campus locations. This requirement is not affected by a temporary funding lapse. The living allowance will continue to accrue but not be paid until funding is restored.</p> <p>Providing counseling/mental health support (including suicide prevention) for NCCC members located on their campuses. This requirement falls under the "protection of human life" exception.</p> <p>Providing physical security and loss mitigation services for valuable and pilferable CNCS equipment and property at NCCC campuses, field offices, and headquarters. This requirement falls under the "protection of property" exception.</p>
<p><i>Supporting Operations</i> (throughout funding lapse)</p> <p>Accounting, information technology, and administrative support</p>	<p>The accounting, information technology, administrative and other support functions necessary to carryout the limited operations and functions listed above. This requirement falls under the "functions necessary to carry out" exception.</p>
<p><i>Supporting Operations</i> (as needed during funding lapse)</p> <p>Reevaluate or modify CNCS operational plans during a funding lapse</p>	<p>The senior management, policy, legal, budget, and other functions as needed on an intermittent basis ("on call") to reevaluate or modify CNCS activities under this plan (for example, moving from short-term orderly suspension of activities to long-term shutdown of operations.) This requirement falls under the "functions necessary to carry out" exception.</p>

The following table reflects the minimum staff positions that are needed to carry out CNCS' authorized operations during a short-term, temporary lapse of its appropriations.

At start of temporary funding lapse (estimated to take 4 hours)		
Role/Position	FTE	Rationale/Functions To Be Performed
All Employees	583	<p>Orderly suspension of non-excepted operations during a temporary lapse in appropriations:</p> <ul style="list-style-type: none"> • Cancel meetings and other previously arranged business; • Document the status of projects so that they can be resumed, transferred, or otherwise appropriately handled when the funding situation is determined; • Perform those tasks necessary to protect confidential information, including listing all papers to be accorded confidential status; and • Take measures to secure files.

Excepted Employees (throughout the temporary funding lapse period)		
Functional Role	FTE	Rationale/Functions To Be Performed
Chief Executive Officer/ Acting Chief Executive Officer	1	Agency head. CEO holds office established by law and is a Senate confirmed Presidential appointment that is exempt from 5 U.S.C. Chapter 63. Acting CEO is appointed by the President to perform the duties of the CEO during a vacancy and is therefore necessary to oversee the execution of this Plan.
Budget Execution & Funds Control	1	Initiate and approve payments financed by National Trust, VISTA Advance Payments Revolving Fund and carry out related functions authorized by law.
Acquisition Management	1	Contract administration matters necessary to carryout authorized functions including emergency acquisition.
Property Management	1	Protect physical property and space access.
Information Technology	1	Network infrastructure and application necessary to carryout authorized functions.
Accounting & Accounting Systems	3	Contract administration matters necessary to carryout authorized functions, including emergency acquisition.
National Service Trust Payments/Redemptions	6	Process payments financed by the National Service Trust (an account not affected by a temporary funding lapse).
VISTA Support, Cost Share Payments, Billings & Collections	4	Support issuance and processing of payments for authorized functions (an account not affected by a temporary funding lapse).
NCCC Campus Support	15	Maintain health, safety and well-being of members in place at NCCC campuses; provide oversight, order, logistics for housing and food, and maintain medical information of members at 5 campuses around the country.
Public Affairs	On call	Communicating change to a long-term funding lapse period or to a resumption of operations.
COO, CFO, CHCO, GC & appropriate staff	On call	Consultative services regarding operations of excepted functions, reevaluation of plan and/or preparation for resumption of operations.

Program Operations During A Short-Term Lapse In Funding

Program Grants and Cooperative Agreements – Previously awarded program grants and cooperative agreements (including Training and Technical Assistance agreements) will continue to operate. Grantees should be able to draw down funds from the HHS Payment Management Service (PMS). Normal CNCS monitoring and technical assistance (Program Officers and Grants Management Officers) will not be available during a short-term lapse in funding. No new or continuation grants will be awarded during a temporary funding lapse.

NCCC – Members would remain on campus in a shelter in place mode until CNCS determines that a long-term shutdown of operations should occur. Members would receive lodging and subsistence but would not be deployed to perform service. Members would be eligible for health care under the existing contract.

VISTA – Members will continue to serve and will accrue living allowance during a temporary lapse of funding until CNCS determines that an orderly shutdown of operations should occur. Members would be eligible for health care and child care services under the existing contract.

Program Operations During a Long-Term Lapse In Funding

CNCS' plan for operations during a temporary funding lapse center around: (a) maintaining those functions and operations which are authorized by law to continue during a funding lapse; and (b) the orderly suspension the remainder of CNCS operations. As the period of a funding lapse expands, CNCS may determine that it is necessary to terminate some operations. For example, a temporary suspension of service by NCCC may eventually become untenable if the funding lapse lasts so long that the members could no longer complete their terms of service in the time allotted. Likewise, an extended period of not being able to disburse VISTA living allowances may make it impractical for VISTA members to meet their service availability requirements. Extended suspensions of Salaries and Expenses appropriations will require formal furloughs and eventually Reductions-In-Force of CNCS staff.

As determinations are made that programs and staff functions must be more formally terminated, CNCS will need to activate resources needed to carryout these functions. CNCS' Office of General Counsel has determined that the following functions would be authorized during a funding lapse in order to provide for the orderly termination of CNCS operations:

- Additional CNCS staff operations to protect CNCS' property until such protection can be arranged by another agency;
- Staff to implement general government-wide requirements related to the disposition of property;
- Staff to carryout the planned expiration or termination of outstanding contracts;
- OHC staff to appropriately carry out phased furloughs and Reductions In Force of staff;
- Actions in compliance with statutes providing for the rights of employees and the protection of government information;
- Ending the terms of service for all current NCCC members and VISTA volunteers, and providing them transport to their permanent residences (consistent with current practices);
- Maintaining staff to, or transferring the functions of, overseeing existing CNCS grants and VISTA cost share arrangements until completion and close-out under normal procedures; and

- Maintaining staff to, or transferring the functions of, the National Service Trust through the payment or expiration of all current Segal Education Awards, interest forbearance payments, summer of service awards, and silver scholar awards.

Certain staff resources not needed during a temporary suspension of operations may become necessary to carry out these and any other functions to terminate CNCS operations on a long-term or permanent basis. Accordingly, the plan will be reevaluated as CNCS deems appropriate.

Communications

A communication strategy will be developed and deployed in alignment with federal guidance. Planned information materials will include a message to staff, grantees and frequently asked questions (FAQs). Additionally, a message regarding temporary suspension instructions for managers and public messages (on agency public websites and call centers) will be developed and distributed.

Instructions for Orderly Suspension of Operations

If sufficient advance notice of an impending lapse of appropriations is available, orderly suspension activities will be completed by employees during their last regularly scheduled tour of duty prior to the lapse. It is expected that orderly suspension activities should be completed within four hours.

After the orderly suspension of activities, the only employees who are permitted to continue in a duty status are those employees designated in or pursuant to CNCS plan to conduct activities and functions authorized during a temporary funding lapse. Voluntary services from other employees may not be accepted.

Any employee on travel status should be contacted and told to return to duty station immediately.

Orderly suspension procedures are as follows:

- Supervisors will inform staff either orally or in writing that the only activities that they may engage in are those associated with an orderly suspension of agency operations. Such functions may include, but are not limited to:
 - Notify parties involved in agency matters of the suspension of normal business;
 - Cancel meetings and other previously arranged business;
 - Document the status of projects so that they can be resumed, transferred, or otherwise appropriately handled when the funding situation is determined;
 - Perform those tasks necessary to protect confidential information, including listing all papers to be accorded confidential status; and
 - Take measures to secure files.
- The Office of Human Capital will generate notices to be provided to employees. Notices will be disseminated to all employees who have not been determined to be necessary for operations authorized during a temporary funding lapse.
- As each employee's responsibilities for orderly suspension are completed, he/she will exit the government facility. Supervisors will ensure that appliances have been disconnected, equipment and lights have been turned off, and the physical area has been secured for those work sites which do not continue to carry out authorized activities.