Corporation for National and Community Service
Plan for Agency Operations in the Absence of Appropriations
Executive Summary – September 2016

The Corporation for National and Community Service (CNCS) will maintain the operations of the National Service Trust Fund, the VISTA Advance Payment Revolving Fund, National Civilian Community Corps, and FEMA Corps 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 476 NCCC members who will remain at their assigned locations or return to their respective campuses, operate FEMA Corps at 498 members, and maintain approximately 6,400 VISTA members in service.

CNCS has 656 on-board staff; only 34 FTEs will be excepted for purposes of supporting these functions and to provide emergency protection of property. An analysis performed by FEMA determined that certain FEMA Corps functions are excepted and an additional 39 FTE that support FEMA Corps are also excepted. The remaining staff will not be working as a result of the funding hiatus. This determination was based on a legal sufficiency review.

For the most part, 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 shutdown is begun). However, 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 (up to two weeks). In the event of a long-term or permanent lapse of funding, the plan will be re-evaluated.

Background

In the early 1980s, the Attorney General issued two opinions which 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 (program functions that continue because of their particular nature, and orderly shutdown of programs because of an extended lapse in funding); and,
- the services of officers holding positions established by law (e.g., PAs and PASs).

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 will not be able to issue grants, provide assistance to grantees or carry out most administrative activities or functions including travel, hold meetings or conferences, hire consultants, etc. Approximately 95 percent of CNCS staff will be furloughed.

Functions and Personnel 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
Trust Operation of the National Service Trust	The National Service Trust 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. The Trust intervenes in approximately 750 requests a week. Because there is no legal requirement that Trust inquiries be processed in a specific amount of time, processing these inquiries can be delayed. However, due to the high volume of requests that the Trust receives each week, a significant backlog would occur if all employees were furloughed during a lapse in funding of 5 days or more.
VISTA Pay Living Allowance through the VISTA Advance Payment Revolving Fund Pay Living Allowance for Non-grant, Non-cost share VISTA members	Under the DVSA, 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 funding lapse. 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. For non-grant, non-cost share VISTAs, the living allowance will continue to accrue but will not be paid until funding is restored.
NCCC Provide housing and shelter to NCCC members at NCCC campuses Provide housing and shelter to NCCC members on service assignments Provide counseling at NCCC campuses & sites Provide physical security at campuses FEMA Corps Unit of AmeriCorps NCCC	Under the NCSA, CNCS provides housing and subsistence to a Corps of 18-24 year olds at campus locations. This requirement is not affected by a temporary funding lapse. The living allowance will continue to accrue but will not be paid until funding is restored. Housing for NCCC members, while on assignment, is generally provided by the organization sponsoring the assignment. Members on assignments may continue to be housed in the sponsor-provided sites at no cost to the government and may continue to provide service because their service does not incur any additional obligation on the government. The members' meal allowance and stipend is the same regardless of whether they are on assignment or at their NCCC campus. Providing counseling/mental health support (including mitigating potentially life-threatening situations) for NCCC members located on campuses falls under the protection of human life exception. Under the protection of property exception, security and loss mitigation services may be provided for valuable, pilferable CNCS equipment and property at NCCC campuses, field offices, and headquarters. NCCC members' healthcare is provided by a contractor that has already been obligated. FEMA Corps is funded through Stafford Act no-year funding from the Department of Homeland Security. Operations of FEMA Corps are not affected by a funding lapse. Some staff at CNCS headquarters that are essential to support FEMA Corps in the field are excepted.

Supporting Operations Throughout funding lapse As needed during funding lapse	The accounting, information technology, administrative, and other support functions necessary to carry out the limited operations and functions listed above. This requirement falls under the functions necessary to carry out exception. The senior management, policy, legal, budget, and other functions as needed on an intermittent basis (on call) to re-evaluate or modify CNCS activities under the plan, such as moving from a short-term orderly suspension of activities to a long-term shutdown of operations. This requirement falls under the functions necessary to carry out exception.

Authorized operations during a short-term, temporary lapse of appropriations.

At Start of Temporary Funding Lapse (estimated to take 4 hours) **Role/Position**	**FTE**	**Rationale/Functions**
All Employees	656	Orderly suspension of non-excepted operations during a temporary lapse in appropriations: • 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 tasks necessary to protect confidential information, including listing all confidential records. • Take measures to secure files. • Leave out of office messages provided by management on voicemail and email. • Surrender government-issued smart phones and purchase cards (off-site staff should be instructed to discontinue use). • Submit timesheets for time during relevant pay period.
At Start of Temporary Funding Lapse (estimated to take 4 hours)		

Excepted Employees (throughout the temporary funding lapse period)		
Functional Role	**FTE**	**Rationale/Functions To Be Performed**
Office of the Chief Executive	3	Agency head; Presidential appointment and Senate confirmed position. Chief of Staff. General Counsel.
Budget Execution & Funds Control	2	Initiate and approve payments financed by the National Service Trust Fund, and the VISTA Advance Payments Revolving Fund, and carry out related functions authorized by law.
Acquisition Management	1	Contract administration matters necessary to carry out authorized functions including emergency acquisition.
Property Management	1	Protect physical property and space access.
Information Technology	1	Network infrastructure and applications necessary to carryout authorized functions.
Accounting & Accounting Systems	3	Process and account for payments financed by National Service Trust Fund, VISTA Advance Payments Revolving Fund and carry out related functions authorized by law.
National Service Trust Payments/Redemptions	4	Process payments financed by the National Service Trust (an account not affected by a temporary funding lapse).
VISTA Support, Cost Payments, & Collections	3	Support issuance and processing of payments for authorized Share functions (an account not affected by a temporary funding Billings lapse).
NCCC	16	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.
External Affairs	On call	Communicating change to a long-term funding lapse period or to a resumption of operations. All digital/website products under OEA.
Human Capital	On call	Process federal payroll for (up to 1 ½ days level of effort and timing depends on date of lapse)
Chief of Program Operations, Chief Operating Officer, Chief Financial Officer, Chief Human Capital Officer, Chief Information Officer	On call	Consultative services regarding operations of excepted functions and planning.
Total	**34**	

Excepted FEMA Corps Support Employees (throughout the temporary funding lapse period)		
Functional Role	**FTE**	**Rationale/Functions To Be Performed**
CNCS FEMA Corps	39	Continue operations of FEMA Corps program.

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. For example, AmeriCorps, Senior Corps, and Social Innovation Fund grants already awarded would 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 will remain on campuses or in sponsor-provided housing until CNCS determines that a long-term shutdown of operations should occur. Members will receive lodging and subsistence but will not be deployed to perform new service projects. Members on assignments will be allowed to perform service if the continued service does not require any government obligations which is the case for almost all missions. Members will be eligible for health care under the existing contract.

FEMA Corps – Members will continue to serve and a reduced staff level will remain on hand to support FEMA Corps members.

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. Cost share VISTAs' living allowance will not be affected by a funding lapse. Members will be eligible for health care and child care services under the existing contracts.

TRUST – All Trust employees will return to work one week (the 6th business day) after a government shutdown to avoid creating an excessive backlog.

Program Operations during a Long-Term Lapse in Funding

The CNCS plan for operations during a temporary funding lapse centers on maintaining those functions and operations which are authorized by law, and the orderly suspension of 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 as the members can no longer complete their terms of service. 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 to carry out these shutdown 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 carry out 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.
- 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.

Staff resources not needed during a temporary suspension of operations will be subsequently needed to carry out these and any other functions necessary to terminate CNCS operations on a long-term or permanent basis. Accordingly, the plan will be re-evaluated as CNCS deems necessary.

Payroll

Depending upon the actual day employees are placed on furlough, the Office of Human Capital will require one staff person to process payroll. This encompasses the review and certification of all time and attendance records, the transmission of those records to the payroll provider (the National Finance Center), and the review and correction of any error reports generated by the payroll provider.

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 by the Office of External Affairs.

All agency programs and units with external social media or digital assets (Facebook/Twitter) must provide pass codes and administrative materials to the Office of External Affairs to ensure uniform access to these channels should the need for streamlined communication arise. CNCS, under the leadership of the Office of External Affairs, will follow government-wide guidance on digital communication.

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 will be permitted to continue in a duty status are those employees designated in or pursuant to CNCS plans to conduct activities and functions authorized during a temporary funding lapse. Voluntary services from employees may not be accepted.

Any employee on travel status will be contacted and told to return to duty station immediately. Employees will be instructed that they are not permitted to use their government issued charge cards.

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.
    - Take measures to secure files.
    - Confirm contact information to supervisors.

- 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, government issued electronic devices and charge cards relinquished, and the physical area has been secured for those work sites which do not continue to carry out authorized activities.