

October 3, 2013

EXECUTIVE OFFICE OF THE PRESIDENT
Updated Contingency Shutdown Plan
Operations in the Absence of Appropriations

A. Introduction

In the absence of an appropriation for Fiscal Year 2014 or a continuing resolution, the Executive Office of the President (EOP) will implement a Contingency Plan for shutdown and furloughs. Until a continuing resolution (CR) or other spending authority is enacted, the EOP will be without authority to incur any financial obligations except for very limited activities.

This plan provides the general framework for responding to a temporary lapse in appropriations. The EOP's Contingency Plan for shutdown will be implemented as early as October 1, 2013, if there is a lapse in appropriations.

Approximately 468 employees will be designated as excepted or exempt to perform excepted functions. The remaining 1,239 (as of 9/30/13) will be placed in furlough status once they have concluded activities necessary to shut down their offices.

B. Shutdown Implementation

Once it has become clear that neither an appropriations bill nor a continuing resolution will be enacted, the EOP will notify its components to begin an orderly shutdown of unfunded functions. Employees on the EOP payroll will receive shutdown and furlough notices. Other government employees will be notified by their home agencies or employers.

On Tuesday, October 1, 2013, excepted staff will report for duty. Non-excepted staff will be expected to engage in orderly shutdown activities during the first four hours of the workday either in person or via telework, based on their management's discretion. Each EOP component will issue instructions to their employees for orderly shutdown.

Concerning excepted staff, the EOP has carefully reviewed its personnel needs to complete orderly shutdown activities and to ensure that the mission of EOP components is carried out without significant interruption. During and after completion of shutdown activities, EOP components will continue with a limited number of employees to sustain minimal excepted operations.

C. Specifics of EOP Agency Plans

White House Office (WHO)

Certain Presidential appointees on the White House and EOP staff are exempt from the provisions of the Annual and Sick Leave Act, *see* 5 U.S.C. 6301(2)(x)-(xi), 5 C.F.R. §630.211. As such, they are entitled to compensation based on their status as Officers, *see* 5 U.S.C. 5508, *United States v. Grant*, 237 F.2d 511 (7th Cir. 1956). This entitlement means that the government is “authorized by law” within the meaning of 31 U.S.C. 1341 to incur obligations for these officers’ pay, and such Officers may be paid “for work performed in the absence of funds.” *See Copyright Royalty Tribunal – Commissioners’ Pay During Funding Gap*, 61 Comp. Gen. 586 (1982). As such, the White House will maintain minimal staffing consistent with supporting the President in the discharge of his constitutional duties including staff required to work with the Congress in the enactment of appropriations. A total of 141 staff will be required [including a few staff from the Office of Policy Development (DPC and NEC, respectively)]. Other staff may be called in as necessary to assist in these functions.

Executive Residence (EXR)

The Executive Residence provides for the care and maintenance of the Executive Residence at the White House and for official expenses of the President. A total of 16 staff will be required to provide minimum maintenance and support.

Office of the Vice President (OVP) – Special Assistance to the President

The Office of the Vice President will require staff to support the Vice President in the discharge of his constitutional duties. A total of 12 staff will be required.

Official Residence of the Vice President

The 1 staff person who is responsible for the Vice President’s Residence will be required.

Council of Economic Advisors (CEA)

The Council of Economic Advisors will have the Chair, two Members, and one staff to carry out excepted activities of the organization. A total of 4 staff will be required.

Council on Environmental Quality (CEQ)

The Council on Environmental Quality will maintain staff to catalogue and secure official records and to oversee cancellation of non-essential activities. A total of 3 staff will be required.

National Security Staff (NSS)

The National Security Staff will retain only those employees required to support the President and coordinate U.S. government policy and actions on national security, foreign policy, and homeland security issues. A total of 42 staff will be required.

Office of Administration (OA)

The Office of Administration provides administrative support functions to all components of the EOP. All support activities will be suspended with the exception of the following basic services: 1) information systems and technology services (IT) to EOP components with designated excepted functions (IT will be at the minimum level required to provide secure IT services in support of the President and excepted activities of the EOP including PRA requirements); 2) receipt of mail, courier packages, parcels, and mail delivery of only excepted related correspondence (will be provided only to the extent necessary to support the President and other emergency activities of the EOP); and, 3) personnel related functions to ensure continued support for excepted personnel and dissemination of information related to furlough and shutdown. A total of 37 staff will be required.

Office of Management and Budget (OMB)

The Office of Management and Budget assists the President in the discharge of budgetary, management, and other executive responsibilities. OMB has identified an initial group of 122 staff required to secure enactment of appropriations and related measures and to assist in providing general direction to the Executive Branch for the duration of any shutdown. Other staff may be called in as necessary to assist in these functions.

Office of National Drug Control Policy (ONDCP)

The Office of National Drug Control Policy will retain staff to carry out duties related to national security, including the conduct of foreign relations essential to national security. A total of 8 staff will be required.

Office of Science and Technology Policy (OSTP)

The Office of Science and Technology Policy will retain staff to carry out responsibilities related to providing the President with scientific and technical advice that may be needed in time of crisis or emergency or to protect life and property. A total of 7 staff will be required.

United States Trade Representative (USTR)

The United States Trade Representative is responsible for developing, coordinating, and advising the President on U.S. trade policy; maintaining the national security through a range of activities in support of U.S. interests, chiefly in an international and foreign relations setting; and protecting federal property. A total of 75 staff will be required. This requirement may be adjusted upwards or downwards as necessary to assist in these functions.

EOP-Wide Shutdown Plan	Current FTE	Excepted		PAS or other exempt from the ADA	Other Funding	Staff During a Shutdown
Component	Total	Total	% of Total FTE	Total	Total	Total
WHO	438	24	5.5%	117	0	141
EXR	90	16	17.8%	0	0	16
OVP	25	2	8%	10	0	12
OVP Res	1	1	100%	0	0	1
CEA	24	1	4.2%	3	0	4
CEQ	19	1	5.3%	2	0	3
NSS	68	41	60.3%	1	0	42
OA	231	34	14.7%	3	0	37
OMB	456	113	24.8%	6	3	122
ONDCP	89	3	3.4%	5	0	8
OSTP	34	4	11.8%	3	0	7
USTR	232	71	30.6%	4	0	75
TOTAL	1707	311	18.2%	154	3	468