

American Battle Monuments Commission

Operations Plan in the Absence of Appropriations

Introduction

American Battle Monuments Commission funds are “no-year” funds that remain available until expended. If the Commission determines that sufficient prior year funding remains available to sustain core mission operations during a lapse in appropriations, Commission facilities and operations will remain open as long as available funds allow.

Operations in the Absence of Appropriations or Prior Year Funding

If the Commission determines that insufficient prior year funding remains for continuation of Commission operations during a lapse in appropriations, ABMC is limited to expending funds for only two reasons:

1. Work related to an orderly shut-down of ABMC operations.
2. Work required to protect ABMC property.

As long as ABMC does not have an appropriation or sufficient prior year funds, only employees engaged in one or both of these two activities will be declared excepted and allowed to work and be paid. There is a clear understanding that following this requirement will result in costs and inefficiencies that all of us recognize would be better avoided. However, we have no choice under the law.

All non-excepted employees are specifically reminded that they are prohibited from working during a shut-down. This means no working at home, no checking email, and no contact with our contractors. It is ABMC policy that employees will not be allowed to volunteer their services while in a non-pay status.

Public Access to ABMC Sites

In the absence of an appropriation or prior year funds and on the orders or notification of the President, OMB, or other competent authority, all of our sites worldwide must be closed to the public. This means that the gates to our cemeteries will be closed. Our operating position will be as when we are closed for Christmas and New Year’s. We understand that many visitors will be disappointed. However, superintendents are cautioned that despite their personal desire to help, they are not authorized to allow visitors on-site. The closure will continue until ABMC receives an appropriation.

Clearly visible signs should be placed at all public entry points in English and the host country language that read:

"Due to the U.S. Government shut-down this site is closed to the public.
We regret this inconvenience and hope you will visit us when we are able to reopen."

Shut-down Procedures

Superintendents should continually be thinking through property protection issues to assure that our sites are secured if a shut-down occurs. If visitors obtain unauthorized access to our cemeteries they will be asked to leave, but confrontation will be avoided and local authorities will be alerted, if required.

In the Cemeteries

All cemeteries will be closed to the public for the duration.

The following actions may be taken to protect the site:

1. One or two employees as determined by the Deputy Secretary for Overseas Operations may be designated excepted and will remain in pay status to provide a presence onsite during normal business hours. The Deputy Secretary for Overseas Operations may authorize higher staffing at any specific site that in his judgment requires a more robust presence to assure property protection.
2. Our sites are horticulture intensive and long term lack of care to our horticulture features could result in significant degradation of these heritage asset sites. Therefore, with the approval of the Deputy Secretary for Overseas Operations, minimal care and maintenance may be authorized to protect these assets. This provision may not be interpreted as authorizing normal operations. Operations must be carefully limited to recall to pay status only those required to protect against significant degradations. Authorization for the work must be documented in writing.
3. While this approach will serve at nearly all of our sites, the Commission recognizes that at some of its sites additional contracted security is present and will need to be continued due to the presence of significant risk of compromise of those facilities. In addition, should exigent circumstances present such risks to other facilities, the Deputy Secretary for Overseas Operations may incur obligations to obtain contract guard services or assign Commission employees as required to protect such at risk overseas facilities.

ABMC will follow the guidance of the Chief of Mission (COM) on whether we may or may not furlough our locally engaged staff. This may result in treating locally engaged staff differently from country to country.

Locally engaged staff not covered by paragraphs 1, 2 or 3 above will be treated as follows:

1. If the COM determines that locally engaged staff may be furloughed, ABMC will follow the instructions of the COM as closely as practical. Generally, this will mean that employees will be placed in some form of leave without pay.
2. If the COM determines that locally engaged staff may not be furloughed, these employees will be placed on paid administrative leave and will not be allowed to work.
3. If the COM determines that locally engaged staff must remain on duty and must be paid, these employees will report for duty and will work and earn pay as they would under normal operating conditions.

In the Overseas Operations Office

The Deputy Secretary for Overseas Operations is deemed excepted and will remain in pay status for the duration of the shut-down. The Deputy Secretary may designate one additional GS employee as excepted to remain in pay status for the duration of the shut-down.

The Directors of Finance and Human Resources as well as up to a total of four additional support positions as determined by the Deputy Secretary for Overseas Operations may remain in pay status to assure that all personnel, payroll, or other shut-down actions are completed. Processing the shut-down actions will be completed as soon as possible but no later than one week after the shut-down process begins.

Services of other employees on an as needed basis may be required to assure the orderly shut-down of operations. For example, IT support may be required to assure connectivity to service providers for processing payroll and personnel actions, and contracting support may be required to issue stop work orders. Other requirements may present themselves. Therefore, specialist employees may remain in pay status at the discretion of the Deputy Secretary of Overseas Operations to complete the orderly shut-down. These specialist employees will be placed in furlough status as soon as possible.

All other Overseas Operations Office employees are deemed non-excepted and will be furloughed. As in the cemeteries:

1. If the COM determines that locally engaged staff may be furloughed, ABMC will follow the instructions of the COM as closely as practical. Generally, this will mean that these employees in the Overseas Operations Office will be placed in some form of leave without pay.
2. If the COM determines that locally engaged staff may not be furloughed, these employees in the Overseas Operations Office will be placed on paid administrative leave and will not be allowed to work.

3. If the COM determines that locally engaged staff must remain on duty and must be paid, these employees in the Overseas Operations Office will report for duty and will work and earn pay as they would under normal operating conditions.

In the Headquarters

The Secretary (including the Secretary's personal assistant if the Secretary is at the Headquarters) and the Deputy Secretary for Headquarters Operations are deemed excepted and will remain in a pay status for the duration of the shut-down. The Deputy Secretary may designate one additional GS employee as excepted to remain in pay status for the duration of the shut-down.

The Chief Financial Officer and the Chief of Human Resources as well as up to a total of four additional support positions as determined by the Deputy Secretary for Headquarters Operations will remain in a pay status to assure that all personnel, payroll, or other shut-down actions are completed. Processing the shut-down actions will be completed as soon as possible but no later than one week after the shut-down process begins.

The services of other employees on an as needed basis may be required to assure the orderly shut-down of operations. For example, IT support may be required to assure connectivity to service providers for processing payroll and personnel actions, and contracting support may be required to issue stop work orders. Other requirements may present themselves. Therefore, specialist employees may remain in pay status at the discretion of the Deputy Secretary for Headquarters Operations to complete the orderly shut-down.

All other Headquarters employees are deemed non-excepted and will be furloughed.

Contracts and Contractors

No contracts will be awarded after appropriations have expired except as needed to assure orderly shut-down or to protect ABMC property or safety at our sites.

No money will be obligated after appropriations have expired except as needed to assure orderly shut-down or to protect ABMC property or safety at our sites.

Purchase cards may not be used during the shut-down unless the purchase is related to orderly shutdown or to protect property or safety at our sites.

Contracts for professional services will be suspended with no new obligations incurred unless they are needed as part of an orderly shut-down process.

Contract work that is funded with funds that have been properly obligated may continue if the work may be properly supervised or the Contracting Officer's Representatives believe the work may continue unsupervised for a short period of time. However, no

employees may be deemed excepted solely or primarily to supervise contract work. As a practical matter this means that while contracts may continue for some short period of time, if the shut-down extends beyond a few days these contracts will need to be suspended simply because there will be no staff to supervise or give guidance to the contractors.

Travel

All travel must stop, other than returning employees on travel status at the time of the expiration of our appropriation to their duty stations. Travel may not continue after the expiration of our appropriation. Return to duty station must be as soon as possible.

Payments During Shut-down Period

1. All excepted employees – U.S. federal employees and locally engaged staff – remaining in or recalled to pay status during the shut-down period will earn pay for performance of excepted work, but will not receive their earned pay until an appropriation is enacted.
2. Obligations incurred by ABMC for authorized contract work during the shut-down period will not be paid to the contractor until an appropriation is enacted. ABMC recognizes that this may result in Prompt Pay interest charges.

Excepted Staffing Projection

Commission staff are located at a Headquarters office in Arlington, Virginia; an Overseas Operations Office in Garches, France; and at 25 overseas cemeteries.

1. The Commission expects that up to 52 staff worldwide may be placed in excepted status during the first week of a government shut-down, to ensure that all shut-down actions are completed, to protect ABMC property, and to respond to shut-down related communications and contingencies.
 2. The Commission expects that up to 30 staff may remain in excepted status throughout a government shut-down, to protect ABMC property and to respond to shut-down related communications and contingencies.
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