

# American Battle Monuments Commission

## Operations Plan in the Absence of Appropriations

<b>Lapse Plan Summary Overview</b>	
Estimated time (to nearest half day) required to complete shutdown activities:	<i>5 days</i>
Total number of agency employees expected to be on board before implementation of the plan:	<i>500</i>
<b>Total number of employees to be retained under the plan for each of the following categories:</b>	
Compensation is financed by a resource other than annual appropriations:	<i>500 *</i>
Necessary to perform activities expressly authorized by law:	---
Necessary to perform activities necessarily implied by law:	<i>12 **</i>
Necessary to the discharge of the President's constitutional duties and powers:	---
Necessary to protect life and property:	<i>43 **</i>
<p><i>* If the Agency has sufficient prior-year funds to sustain operations.</i></p> <p><i>** If the Agency does not have sufficient prior-year funds to sustain operations.</i></p>	
<b>Brief summary of significant agency activities that will continue during a lapse:</b>	
<ul style="list-style-type: none"> <li>- If sufficient prior year funds are available, the Agency will continue operations during a lapse, minimizing nonessential expenses.</li> <li>- If sufficient prior year funds are not available to continue operations during a lapse, Agency activity will be limited to 1) ensuring the safety and security of ABMC commemorative sites worldwide; 2) ensuring that horticultural features at these sites are not allowed to deteriorate and/or die; and 3) monitoring lapse developments and requirements in coordination with OMB and OPM guidance.</li> </ul>	
<b>Brief summary of significant agency activities that will cease during a lapse:</b>	
<ul style="list-style-type: none"> <li>- If sufficient prior year funds are available, the Agency will continue operations during a lapse, minimizing nonessential expenses.</li> <li>- If sufficient prior year funds are not available to continue operations during a lapse:               <ul style="list-style-type: none"> <li>- The most significant impact will be the closure of ABMC overseas cemeteries to visitation, potentially causing families of the war dead, veterans' groups, and other visitors to miss what may be once-in-a-lifetime opportunities to visit these overseas commemorative sites.</li> <li>- Normal facility and landscape maintenance will stop, with potential degradation to the architectural, artwork, and horticultural features of these historic heritage sites, as maintenance workers will be allowed only to prevent catastrophic failure of the memorials, chapels, battle maps, fine lawns, and plantings.</li> </ul> </li> </ul>	

## **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 to continue Commission operations during a lapse in appropriations, ABMC is limited to expending funds for only two reasons:

1. Work related to an orderly shutdown of ABMC operations.
2. Work required protecting 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 will have no choice under the law.

All non-excepted employees are specifically reminded that they are prohibited from working during a shutdown. This means no visiting ABMC offices, no teleworking, 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, monuments and visitor centers 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 shall be placed at all public entry points in English and the host country language that read:

"DUE TO THE UNITED STATES GOVERNMENT SHUTDOWN, THIS SITE IS CLOSED TO THE PUBLIC. WE REGRET THIS INCONVENIENCE AND HOPE YOU WILL VISIT WHEN WE REOPEN."

## **Shutdown Procedures**

Superintendents should continually be thinking through property protection issues to assure that our sites are secured if a shutdown 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 Chief Operations Officer (COO) may be designated excepted and will remain in pay status to provide a presence onsite during normal business hours. The COO 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 any long term lack of care to our horticulture features could result in significant degradation to these heritage assets. Therefore, with the approval of the COO, minimal care and maintenance may be authorized to protect these assets. This provision may not be interpreted as authorizing normal operations. Only those employees required to protect against significant degradations may be recalled to pay status. Authorization for the work must be documented in writing.
3. The Commission recognizes that contracted security personnel are present at all ABMC overseas cemeteries, and this security presence must continue due to the presence of significant risk of compromise of the facilities. In addition, should exigent circumstances present such risks to other facilities, the COO may incur obligations to obtain contract guard services as required to protect at risk overseas facilities.

ABMC will follow the guidance of the Chief of Mission (COM) on whether we may or may not furlough locally engaged staff. This may result in treating locally engaged staff differently from our Federal employees, and 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 COO and the Director of Security are deemed excepted and will remain in pay status for the duration of the shutdown. The COO may designate one additional GS employee as excepted to remain in pay status for the duration of the shutdown.

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

Services of other employees on an as needed basis may be required to assure the orderly shutdown 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 COO to complete the orderly shutdown. These specialist employees will be placed in furlough status as soon as possible, but no later than one week after the shutdown process begins.

All other Overseas Operations Office employees are deemed non-excepted and will be furloughed. As within 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 and Deputy Secretary are deemed excepted and will remain in pay status for the duration of the shutdown. The Deputy Secretary may designate one additional GS employee as excepted to remain in pay status for the duration of the shutdown.

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

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 shutdown or to protect ABMC property or safety at our sites.

No funds will be obligated after appropriations have expired except as needed to assure orderly shutdown or to protect ABMC property or safety at our sites.

Purchase cards may not be used during the shutdown 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 shutdown 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 Representative believes 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 shutdown 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 to their duty stations at the time of the expiration of our appropriation. Travel may not continue after the expiration of our appropriation. Return to duty station must be as soon as possible.

Payments during Shutdown Period

1. All excepted U.S. federal employees and locally engaged staff remaining in or recalled to pay status during the shutdown 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 shutdown 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 Paris, France; and at 26 overseas cemeteries.

1. The Commission expects that up to 55 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 43 staff may remain in excepted status throughout a government shutdown, to protect ABMC property and to respond to shutdown related communications and contingencies.

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Current as of:

**September 27, 2022**