



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(RESEARCH, DEVELOPMENT AND ACQUISITION)
1000 NAVY PENTAGON
WASHINGTON, DC 20350-1000

9 October 2013

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Class Deviation – Contract Obligations in Advance of Fiscal Year 2014 Funding

The attached Director of Defense Procurement and Acquisition Policy (DPAP) memorandum (same subject, dated October 9, 2013) provides that in order to obtain supplies and services necessary to carry out or support excepted activities in advance of the availability of FY 2014 funds, contracting officers shall use the attached clause when entering into contracts or modifications to existing contracts, issuing task and delivery orders, or exercising options. This deviation does not: (1) apply to actions using existing appropriations that are currently available for obligation and liquidation of obligations, such as prior year funds; or, (2) apply to or authorize actions under the Pay Our Military Act (POMA).

Amplifying and clarifying guidance is provided as follows:

- For DON contract actions, including Economy Act orders that will be fulfilled primarily through the award of a contract, task or delivery order, or those funded by working capital funds and that support an excepted activity, SECNAV approval is required for any action of \$1 million or greater. Only Heads of Contracting Activities, without the power of delegation, may approve actions that carry out or support excepted activities that are less than \$1 million but exceed the simplified acquisition threshold.
- The clause shall be bilaterally placed in all contractual actions anticipating the use of FY14 funding.

The DPAP memorandum implements authority that is unique to the current circumstance in which the Department is operating without an appropriation. Contracting officers are strongly encouraged to read, with extraordinary care, the attached DPAP memorandum as well as the Secretary of the Navy's memorandum entitled, "Supplemental Guidance for Continuation of Operations in Absence of Available Appropriations" dated October 5, 2013, also attached.

This class deviation is effective immediately and remains in effect until rescinded. It may, however, be amended if the Secretary of Defense makes a determination under the POMA with regard to contractors supporting the military.

SUBJECT: Class Deviation – Contract Obligations in Advance of Fiscal Year 2014
Funding

My point of contact for this deviation is Denise Randolph. She can be reached on (703) 614-9767 or via Denise.Randolph@navy.mil.


Elliott B. Branch
DASN(AP)

Attachments: As stated

Distribution:

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SUBJECT: Class Deviation – Contract Obligations in Advance of Fiscal Year 2014
Funding

Copy to (continued):

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DASN (C41 & SPACE)
DASN (RDT&E)
DASN (ELM)
DASN (IP)
DASN (M&B)



THE SECRETARY OF THE NAVY
WASHINGTON DC 20350-1000

October 5, 2013

MEMORANDUM FOR CHIEF OF NAVAL OPERATIONS
COMMANDANT OF THE MARINE CORPS

SUBJECT: Supplemental Guidance for Continuation of Operations in the Absence of Available Appropriations

Reference: (a) DEPSECDEF memo of 25 Sep 13
(b) Military Operations and Activities Necessary for National Security (As of September 20, 2013)

As you are aware, annual appropriations provided under the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 13-6) expired at 11:59 PM on Monday, September 30, 2013. I hope that as soon as possible the Congress will pass a continuing resolution (CR) or an appropriations bill for Defense activities during Fiscal Year 2014. In the interim, we must continue to take prudent steps to support our Sailors, Marines, their families, and civilians who continue to be committed in the ongoing war effort and otherwise provide for our national security and defense.

By reference (a), the Deputy Secretary of Defense provided instructions to the Secretaries of the Military Departments and others concerning the continuation of essential operations in the event of possible expiration of the Department's appropriations. As stated in the memorandum, the responsibility and authority for determining which functions are excepted from shutdown reside with the Secretaries of the Military Departments and Heads of the Department of Defense (DoD) Components. Unless previously approved by me or otherwise delegated in this memorandum, I shall determine which missions, functions, and activities are excepted from a lapse-in-appropriations shutdown.

Military Operations and Activities. In accordance with references (a) and (b) and unless otherwise limited by this memorandum, I am delegating to the Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC) the authority to determine which United States Navy (USN) and United States Marine Corps (USMC) military operations and activities, respectively, are excepted from shutdown. Such delegation shall not extend to the USN and the USMC activities, functions, and missions within the following categories in reference (a):

- Acquisition and Logistic Support; and
- Financial Management.

SUBJECT: Supplemental Guidance for Continuation of Operations in the Absence of Available Appropriations

The CNO and CMC must abide by the requirements set forth in this memorandum and references (a) and (b) with respect to excepted military operations and activities that require the need to enter into contracting actions, make exception determinations for civilians, or approve temporary duty (TDY/TAD) travel. The CNO and CMC may further delegate this authority as they deem appropriate but not lower than a Flag or General Officer or Senior Executive Service (SES) member.

Immediate Emergency Action. In the event of a man-made or natural disaster that poses a present threat to the safety of human life or the protection of property, the CNO and CMC, or their designees, may further delegate their authority under this memorandum. Such delegation shall expire after 48 hours, unless extended by me. Under these circumstances, and consistent with reference (a), contracting officers shall abide by their warrant levels, and their contracting actions in direct support of the excepted response shall not exceed a total of \$1 million for any single event. Approval authorities may also require the return to work of civilian personnel who are needed to directly support the response. Such civilian personnel shall be excepted to execute these emergency duties for a period not longer than 48 hours, unless extended by me.

In addition to the guidance provided in reference (a) regarding military personnel, civilian personnel, TDY travel, and contracts, the following additional guidance applies:

Military Personnel. I am delegating to the CNO and the CMC the authority to determine which non-TDY/TAD movement of military personnel is excepted from shutdown. The CNO and CMC may further delegate this authority as they deem appropriate but not lower than a Flag or General Officer or SES member.

Civilian Personnel. Initial reporting of civilian personnel in each of the excepted activities was previously provided by each Budget Submitting Office. I have delegated to Admiral John M. Richardson, Director, Naval Nuclear Propulsion Program, the authority to except any civilian DON employees necessary to support the Manual of the Judge Advocate General investigation of the events that occurred on September 16, 2013, in Building 197 on the Washington Navy Yard. Unless otherwise provided in this memorandum, I must approve all additional exceptions for civilian personnel assigned to the DON, its two uniformed services, its commands, its installations, and all other DON components.

Temporary Duty (TDY/TAD) Travel. Per reference (a), the only authorized TDY/TAD travel during the shutdown period is that which is:

SUBJECT: Supplemental Guidance for Continuation of Operations in the Absence of Available Appropriations

- Required for the direct return of personnel whose TDY/TAD has been terminated as part of an orderly shutdown;
- In direct support of the war in Afghanistan; and other named military operations and activities set forth in reference (b);
- Other travel directly related to safety of life and protection of property as set forth in reference (a); or
- Travel directly related to the foreign relations of the United States, e.g., negotiating international agreements.

I am delegating to the CNO and CMC the authority to approve in writing TDY/TAD travel that is in direct support of the war in Afghanistan and other named military operations and activities as set forth in reference (b); TDY/TAD travel that is required for the direct return of personnel whose TDY/TAD has been terminated; and, TDY/TAD travel that is directly related to training which has already been approved by me. The CNO and CMC may delegate this authority as they deem appropriate but not lower than officers in the rank of Vice Admiral or Lieutenant General, or SES member. All other TDY/TAD travel may be approved in writing only by me, in accordance with reference (a).

I retain TDY/TAD approval authority for all four- and three-star flag and general officers who are assigned to the DON, its two uniformed services, its commands, its installations, and all other DON components; travel related to ceremonies, social functions, or public speaking engagements, irrespective of source of funding, particularly since such travel as a general matter is not directly related to safety of life and protection of property; and, military personnel assigned to the Office of the Secretary of the Navy.

All travel and related expenses must be carefully scrutinized to ensure execution of only that travel which is absolutely necessary to achieve the mission. Prior to granting permission for TDY/TAD travel, the approving authority should specifically justify in writing whether the travel could be deferred and whether there are alternative means of achieving the mission. The size of travel parties should also be kept to an absolute minimum.

Contracts. The DON, including its two uniformed services, commands, installations, and other DON components, may continue to enter into new contracts, place task orders under existing contracts, and exercise options to obtain supplies and services necessary to carry out or support excepted activities even though there are no available appropriations. This authority, however, may be exercised only when determined to be

SUBJECT: Supplemental Guidance for Continuation of Operations in the Absence of Available Appropriations

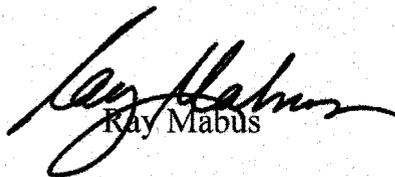
necessary, i.e., where delay in contracting would endanger national security or create a risk to human life or property. For DON contract actions, including those funded by working capital funds, that support an excepted activity, my approval is required for any contracting action of \$1 million or greater. Only Heads of Contracting Activities may approve contracting actions that carry out or support excepted activities that are less than \$1 million but exceed the simplified acquisition threshold.

This contracting process is intended to strike a balance between executing the Department's essential business, and stopping non-essential work. We will continuously monitor this policy during the government shutdown and adjust it if necessary.

With the delegations in the memorandum comes the responsibility for ensuring that all reports required by the DoD and/or the Department of the Navy (DON) are submitted in a complete and timely manner. I reserve the right to adjust the delegations based on a review of the submitted reports.

The DON Assistant for Administration is directed to issue guidance to implement the process for the consideration and approval of requests for exception determinations. Such guidance shall include reporting requirements.

Approval authorities shall strictly adhere to the letter and spirit of reference (a) and this memorandum. They are also encouraged to consult with personnel, comptroller, and legal experts to ensure such adherence and to minimize disruptions for our committed military and civilian personnel as well as the mission of the DON.


Ray Mabius

cc:

Assistant Secretary of the Navy (Research, Development and Acquisition)
Assistant Secretary of the Navy (Manpower and Reserve Affairs)
General Counsel
Assistant Secretary of the Navy (Financial Management and Comptroller)
Assistant Secretary of the Navy (Energy, Installations and Environment)
Department of the Navy Assistant for Administration
Director, Naval Criminal Investigative Service
Chief of Information
Chief of Legislative Affairs

SUBJECT: Supplemental Guidance for Continuation of Operations in the Absence of Available Appropriations

Chief of Naval Research

Chief Information Officer

Judge Advocate General

Inspector General

Auditor General

Director, Sexual Assault Prevention and Response Office

Director, Office of Small Business Programs



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

OCT -9 2013

In reply refer to
DARS Tracking Number: 2014-O0001

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION AND PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

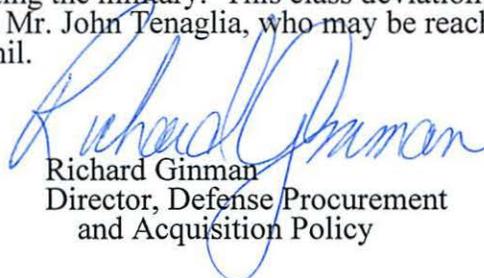
SUBJECT: Class Deviation—Contract Obligations in Advance of Fiscal Year 2014 Funding

Effective immediately, in order to obtain supplies and services necessary to carry out or support excepted activities in advance of the availability of FY 2014 funds, contracting officers shall use the clause at Attachment 1 when entering into contracts or modifications to existing contracts, issuing task and delivery orders, or exercising options. This deviation does not (1) apply to actions using existing appropriations that are currently available for obligation and liquidation of obligations, such as prior year funds, or (2) apply to or authorize actions under the Pay Our Military Act (POMA).

Contracting officers shall ensure that each action that is taken in advance of appropriations and that includes this clause conforms to the Deputy Secretary of Defense memorandum, Guidance for Continuation of Operations in the Absence of Available Appropriations, dated September 25, 2013, which includes the Department of Defense Contingency Plan Guidance for Continuation of Essential Operations in the Absence of Available Appropriations (Attachment 2) and any other applicable Military Department or other DoD Component guidance pertaining to the award of contracts in the absence of appropriations. All such contract actions including this clause must be appropriately authorized in accordance with Departmental or Component guidance. For those Military Departments or other DoD Components that have not issued separate guidance, all actions that include this clause must be authorized at a level not lower than the Head of the Contracting Activity (HCA).

Contracting officers shall ensure that any contract action using the attached clause is bilateral, reflecting the mutual agreement of the parties.

This deviation may be amended if the Secretary of Defense makes a determination under the POMA with regard to contractors supporting the military. This class deviation remains in effect until rescinded. My point of contact is Mr. John Tenaglia, who may be reached at 703-697-8334, or at john.m.tenaglia2.civ@mail.mil.


Richard Ginman
Director, Defense Procurement
and Acquisition Policy

Attachments:
As stated

**252.232-7998 Obligations in Advance of Fiscal Year 2014 Funding
(DEVIATION 2014-O0001)**

As prescribed in Class Deviation 2014-O0001, use the following clause:

**OBLIGATIONS IN ADVANCE OF FISCAL YEAR 2014 FUNDING
(DEVIATION 2014-O0001) (OCTOBER 2013)**

The Department of Defense has the authority to enter into this contractual action and to obligate the Government in advance of appropriations; however, appropriated funds are not currently available to make payments under this contract to liquidate this obligation. When appropriated funds become available, the Government will make payment in accordance with the terms of this contract, including the payment of interest where applicable under the Prompt Payment Act. This clause supersedes conflicting terms of any other provision in this contract dealing with contract payment or financing until funds are made available to the Contracting Officer for this contractual action.



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

SEP 25 2013

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
 CHAIRMAN OF THE JOINT CHIEFS OF STAFF
 UNDER SECRETARIES OF DEFENSE
 DEPUTY CHIEF MANAGEMENT OFFICER
 COMMANDERS OF THE COMBATANT COMMANDS
 DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION
 DIRECTOR, OPERATIONAL TEST AND EVALUATION
 GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
 INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
 ASSISTANT SECRETARIES OF DEFENSE
 DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER
 ASSISTANTS TO THE SECRETARY OF DEFENSE
 DIRECTOR, ADMINISTRATION AND MANAGEMENT
 DIRECTOR, NET ASSESSMENT
 DIRECTORS OF THE DEFENSE AGENCIES
 DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Guidance for Continuation of Operations in the Absence of Available Appropriations

Appropriations provided under the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 13-6) expire at 11:59 PM on Monday, September 30, 2013. The Administration does not want a lapse in appropriations to occur. The Administration is willing to work with the Congress to enact a short-term continuing resolution (CR) to fund critical Government operations and allow Congress the time to complete the full year 2014 appropriations. The Secretary and I hope that the Congress will provide the Department with a CR or an appropriations bill for Defense activities during Fiscal Year (FY) 2014. However, prudent management requires that Department be prepared for the possibility of a lapse in appropriation.

The attachment to this memorandum provides instructions for continuation of essential operations in the absence of appropriated funds. The Department will, of course, continue to prosecute the war in Afghanistan, including preparation of forces for deployment into that conflict. The Department must, as well, continue many other operations necessary for the safety of human life and protection of property, including operations essential for the security of our Nation. (A copy of military operations necessary for national security will be supplied separately.) These activities will be "excepted" from the results of a lapse in appropriations: all other activities would need to be shut down in an orderly and deliberate fashion, including – with few exceptions – the cessation of temporary duty travel.

All military personnel will continue in a normal duty status regardless of their affiliation with excepted or non-excepted activities. Military personnel will not be paid until such time as Congress



Class Deviation—Contract Obligations in Advance of Fiscal Year 2014 Funding

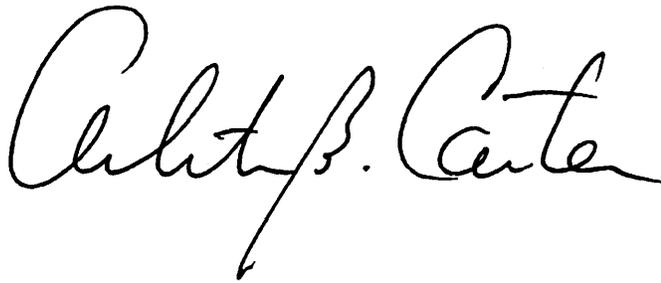
makes appropriated funds available to compensate them for this period of service. Civilian personnel who are engaged in excepted activities will also continue in normal duty status and also will not be paid until Congress makes appropriated funds available. Civilian employees not engaged in excepted activities will be furloughed, i.e., placed in a non-work, non-pay status.

The responsibility for determining which functions would be excepted from shut down resides with the Secretaries of the Military Department and Heads of the DoD Components, who may delegate this authority as they deem appropriate. The attached guidance should be used to assist in making this determination. The guidance does not identify every excepted activity, but rather provides overarching direction and general principles for making these determinations. It should be applied prudently in the context of a Department at war, with decisions guaranteeing our continued robust support for those engaged in that war, and providing assurance that the lives and property of our Nation's citizens will be protected.

This memorandum contains guidance to begin detailed planning. No shutdown actions are to be taken until you receive further notice.

Within the Office of the Secretary of Defense, the Under Secretary of Defense (Comptroller) will take the lead in preparing for operations in the absence of appropriations, assisted by other offices as necessary.

To repeat, the Secretary and I hope that Department of Defense will receive a CR or the appropriations bill. This guidance is intended to support prudent planning.

A handwritten signature in black ink, appearing to read "Robert B. Carter". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the left.

Attachment:
As stated

cc:
Director for National Intelligence

CONTINGENCY PLAN GUIDANCE
FOR CONTINUATION OF
ESSENTIAL OPERATIONS
IN THE ABSENCE OF
AVAILABLE APPROPRIATIONS
SEPTEMBER 2013

GENERAL INFORMATION

This document provides guidance for identifying those missions and functions of the Department of Defense that may continue to be carried out in the absence of available appropriations. The information provided in this document is not exhaustive, but rather illustrative, and is intended primarily to assist in the identification of those activities that may be continued notwithstanding the absence of available funding authority in the applicable appropriations (excepted activities). Activities that are determined not to be excepted, and which cannot be performed by utilizing military personnel in place of furloughed civilian personnel, will be suspended when appropriated funds expire. The Secretary of Defense may, at any time, determine that additional activities shall be treated as excepted.

Military Personnel

Military personnel on active duty, including reserve component personnel on Federal active duty, will continue to report for duty and carry out assigned duties. In addition to carrying out excepted activities, military personnel on active duty may be assigned to carry out non-excepted activities, in place of furloughed civilian personnel, to the extent that the non-excepted activity is capable of performance without incurring new obligations. As is always the case, military personnel may not exercise the functions of a Presidentially-appointed, Senate-confirmed official. See 10 U.S.C. section 973(b).

Reserve component personnel performing Active Guard Reserve (AGR) duty will continue to report for duty to carry out AGR authorized duties. Reserve component personnel will not perform inactive duty training resulting in the obligation of funds, except where such training directly supports an excepted activity, and may not be ordered to active duty, except in support of those military operations and activities necessary for national security, including fulfilling associated pre-deployment requirements. The list of excepted military operations will be provided separately. Orders for members of the National Guard currently performing duties under 32 U.S.C. 502(f) will be terminated unless such duties are in support of excepted activities.

Movement of military personnel will be limited as follows:

- 1) Moves TO an excepted activity will continue.
- 2) Moves FROM an excepted activity will continue only to the extent the commander of the excepted activity determines it essential to mission (e.g., overburden of local infrastructure), or required to enhance support of excepted activities.
- 3) Accession and training moves associated with recruitment and initial entry training will continue, along with subsequent movement to first station when required by "1" above.
- 4) Movement to comply with separation instructions will continue.

Civilian Personnel

Civilian personnel, including military technicians, who are not necessary to carry out or support excepted activities are to be furloughed. Only the minimum number of civilian employees necessary to carry out excepted activities will be excepted from furlough. Positions that provide direct support to excepted positions may also be deemed excepted if they are critical to performing the excepted activity. Determinations regarding the status of civilian positions will be made on a position by position basis, using the guidance in this document. Determinations shall be made for all positions, including those in the Senior Executive Service or equivalent, as well as those located overseas.

Following the expiration of appropriations, a minimum number of civilian employees may be retained as needed to execute an orderly suspension of non-excepted activities within a reasonable timeframe.

Senate-confirmed officials appointed by the President are not subject to furlough. Their immediate office personnel necessary to support excepted activities may be excepted from furlough at the discretion of the appointee.

Foreign national employees paid with host country funds are exempt from furlough. Additionally, foreign national employees governed by country-to-country agreements that prohibit furloughs are exempt from furlough.

Civilian personnel whose salaries are reimbursed from a non-DoD source (e.g., the Foreign Military Sales Trust Fund) are not exempt from furlough solely on that basis; if the appropriation account into which reimbursements are to be made has lapsed, such employees will be furloughed unless they are working on excepted activities. Personnel whose salaries are paid from a DoD appropriation or fund that has sufficient funding authority (e.g., multiyear appropriations with available balances from prior years) will not be subject to furlough. Heads of activities may, on their authority, require the return to work of civilian personnel in the event of developments (natural disasters, accidents, etc.) that pose an imminent danger to life or property.

Temporary Duty (TDY) Travel

In the absence of appropriations, TDY travel scheduled to begin after the shutdown occurs should be cancelled, except as noted below. Any TDY travel that began prior to the shutdown should, except as noted below, be terminated as quickly as possible, but in an orderly fashion.

All TDY travel in direct support of the war in Afghanistan and other travel directly related to safety of life and protection of property, as well as foreign relations (e.g., negotiating international agreements), may be undertaken or continued only if approved, in writing, by the appropriate approval authority listed below and only in the most limited circumstances. The approval authority (which may be delegated to appropriate senior officials) for any such TDY travel is the:

- Secretary of a Military Department for personnel assigned to that Military Department
- Head of a Defense agency for personnel assigned to that Defense agency

- Chairman of the Joint Chiefs of Staff for personnel assigned to the Joint Staff
- Combatant Commander for personnel assigned to that combatant command
- Principal Staff Assistant (PSA) for personnel assigned to that office

Notwithstanding the approval authority stated above, all TDY travel by Presidential Appointed – Senate Confirmed (PAS) personnel must be approved by the Deputy Secretary of Defense.

Approving officials will implement a mechanism within their organizations for approving such travel.

Contracts

Contractors performing under a fully funded contract (or contract option) that was awarded prior to the expiration of appropriations may continue to provide contract services, whether in support of excepted activities or not. However, new contracts (including contract renewals or extensions, issuance of task orders, exercise of options) may not be executed, nor may increments of funding be placed on incrementally funded contracts or to cover cost overruns, unless the contractor is supporting an excepted activity. No funds will be available to pay such new contract or place additional increments of funding on contracts until Congress appropriates additional funds.

The expiration of an appropriation does not require the termination of contracts (or issuance of stop work orders) funded by that appropriation unless a new obligation of funds is required under the contract and the contract is not required to support an excepted activity. In cases where additional funding is required and the contract is not required to support an excepted activity, the issuance of a stop work order or the termination of the contract may be required.

The Department may continue to enter into new contracts, or place task orders under existing contracts, to obtain supplies and services necessary to carry out or support excepted activities even though there are no available appropriations. It is emphasized that this authority is to be exercised only when determined to be necessary - where delay in contracting would endanger national security or create a risk to human life or property.

Additionally, when authorized by the Secretary of Defense, contracts for covered items may be entered into under the authority of the Feed and Forage Act.

**PROTECTION OF LIFE AND PROPERTY
 NATIONAL SECURITY**

<p>Excepted</p>	<ul style="list-style-type: none"> • Military operations and activities authorized by deployment or execute orders, or otherwise approved by the Secretary of Defense, and determined to be necessary for national security, including administrative, logistical, medical, and other activities in direct support of such operations and activities; training and exercises required to prepare for and carry out such operations. • Activities of forces assigned or apportioned to combatant commands to execute planned or contingent operations necessary for national security, including necessary administrative, logistical, medical, and other activities in direct support of such operations; training and exercises required to prepare for and carry out such operations. • Activities necessary to continue recruiting for entry into the Armed Forces during contingency operations (as such term is defined in 10 U.S.C 101(13)), including activities necessary to operate Military Entrance Processing Stations (MEPS) and to conduct basic and other training necessary to qualify such recruited personnel to perform their assigned duties. • Command, control, communications, computer, intelligence, surveillance, and reconnaissance activities required to support national or military requirements necessary for national security or to support other excepted activities, including telecommunications centers and phone switches on installations, and secure conference capability at military command centers. • Activities required to operate, maintain, assess, and disseminate the collection of intelligence data necessary to support tactical and strategic indications and warning systems, and military operational requirements. • Activities necessary to carry out or enforce treaties and other international obligations.
<p>Footnotes</p>	<p>Activities involving technical intelligence information collection, analysis and dissemination functions not in direct support of excepted activities (e.g., general political and economic intelligence unrelated to ongoing or contingency military operations, support of acquisition programs, support to operational test and evaluation, intelligence policy security promulgation and development, systems development and standards, policy and architecture) are not excepted activities.</p>

SAFETY OF PERSONS AND PROTECTION OF PROPERTY

Excepted	<ul style="list-style-type: none"> • Response to emergencies, including fire protection, physical and personnel security, law enforcement/counter terrorism, intelligence support to terrorist threat warnings, Explosive Ordnance Disposal operations, emergency salvage, sub-safe program, nuclear reactor safety and security, nuclear weapons, air traffic control and harbor control, search and rescue, utilities, housing and food services for military personnel, and trash removal. • Emergency repair & non-deferrable maintenance to utilities, power distribution system buildings or other real property, including bachelor enlisted quarters (BEQ), bachelor officers' quarters (BOQ), and housing for military personnel. • Repair of equipment needed to support services for excepted activities, including fire trucks, medical emergency vehicles, police vehicles, or material handling vehicles. • Monitoring and maintaining alarms and control systems, utilities, and emergency services. • Receipt/safekeeping of material delivered during shutdown. • Control of hazardous material and monitoring of existing environmental remediation. • Oil spill/hazardous waste cleanup, environmental remediation, and pest control, only to the extent necessary to prevent imminent danger to life or property. • Safe storage or transportation of hazardous materials, including ammunition, chemical munitions, photo processing operations. • Emergency reporting response and input to the National Response Team and coordinating with Environmental Protection Agency (EPA) and other agencies on fire, safety, occupational health, environmental, explosive safety for vector borne disease management. • Activities, both in the Continental United States (CONUS) and overseas, required for the safety of DoD or other U.S. Government employees or for the protection of DoD or other U.S. Government property. • Defense support to civil authorities in response to disasters or other imminent threats to life and property, including activities of the U.S. Army Corps of Engineers with respect to responsibilities to state and local governments that involve imminent threats to life or property. • Foreign humanitarian assistance in response to disaster or other crises posing an imminent threat to life. • Emergency counseling and crisis intervention intake screening and referral services. • Counseling and other services and support for victims of sexual assault. • Suicide and substance abuse counseling. • Counterdrug activities determined to be necessary for the protection of life or property. • Operation of mortuary affairs activities and attendant other services necessary to properly care for the fallen and their families. • Other activities authorized by the Secretary of Defense to provide for the safety of life or protection of property.
Footnote	<ul style="list-style-type: none"> • Activities in support of environmental requirements which are not necessary to prevent imminent threat to life or property are not excepted activities.

MEDICAL/DENTAL CARE

Excepted	<ul style="list-style-type: none"> • Inpatient care in DoD Medical Treatment Facilities and attendant maintenance of patient medical records. • Acute and emergency outpatient care in DoD medical and dental facilities. • Private Sector Care under TRICARE. • Certification of eligibility for health care benefits. • Veterinary Services that support excepted activities (i.e., food supply and service inspections).
Footnotes	<ul style="list-style-type: none"> • Contingency planning in medical command headquarters not immediately necessary to support excepted activities is not an excepted activity. • Elective surgery and other elective procedures in DoD medical and dental facilities are not excepted activities. • Surgery to continue recovery of function/appearance of Wounded Warriors is an excepted activity.

ACQUISITION AND LOGISTIC SUPPORT

Excepted	<ul style="list-style-type: none"> • Contracting, contract administration, and logistics operations in support of excepted activities. • Activities required to contract for and to distribute items as authorized by the Feed and Forage Act (e.g., clothing, subsistence, forage, fuel, quarters, transportation, and medical and hospital supplies). • Central receiving points for storage of supplies and materials purchased prior to the shutdown.
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EDUCATION AND TRAINING

Excepted	<ul style="list-style-type: none"> • Education and training necessary to participate in or support excepted activities. • DoD Education Activity (DoDEA) educational activities.
Footnotes	<ul style="list-style-type: none"> • DoDEA summer school activities generally are non-excepted activities unless required by law. • Installation education centers may continue to operate utilizing military personnel, so that private agencies such as colleges and universities may provide courses for which payment has already been made. • Civilian employees on TDY for training or education associated with non-excepted activities should be returned to their home stations as part of the orderly closedown of operations. • Civilian personnel on PCS orders attending training or educational activities should remain in place.

LEGAL ACTIVITIES

Excepted	<ul style="list-style-type: none"> • Litigation activities associated with imminent or ongoing legal action, in forums inside or outside of DoD, to the extent required by law or necessary to support excepted activities. • Legal support for excepted activities, including activities by special victims' counsel and legal assistance for military and civilian personnel deployed, or preparing to deploy, in support of military or stability operations. • Legal activities needed to address external (non-judicial) deadlines imposed by non-DoD enforcement agencies, to the extent necessary to continue excepted activities.
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AUDIT AND INVESTIGATION COMMUNITY

Excepted	<ul style="list-style-type: none"> • Criminal investigations related to the protection of life or property, including national security, as determined by the head of the investigating unit, and investigations involving undercover activities. • Counterterrorism and counterintelligence investigations.
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MORALE WELFARE & RECREATION/NONAPPROPRIATED FUNDS

Excepted	<ul style="list-style-type: none"> • Morale, Welfare, and Recreation (MWR) and Non-Appropriated Fund (NAF) activities necessary to support excepted activities, e.g., operation of mess halls; physical training; child care activities required for readiness.
Footnotes	<ul style="list-style-type: none"> • Activities funded entirely through NAF sources will not be affected. • Military personnel may be assigned to carry out or support non-excepted MWR activities, where deemed necessary or appropriate, to replace furloughed employees.

FINANCIAL MANAGEMENT

Excepted	<ul style="list-style-type: none"> • Activities necessary to control funds, record new obligations incurred in the performance of excepted activities, and manage working capital funds. • Activities necessary to effect upward adjustment of obligations and the reallocation of prior-year unobligated funds in support of excepted activities.
Footnote	<ul style="list-style-type: none"> • Preparation of financial reports, research and correction of problem disbursements, adjustments to prior-year funds (excepted as noted above) including those related to programs and contracts that do not support excepted activities, and approval of the use of currently available funds to pay obligations against closed accounts are not excepted activities.

WORKING CAPITAL FUND/REVOLVING FUNDS

<p>Excepted</p>	<ul style="list-style-type: none"> • Defense Working Capital Fund (DWCF)/Revolving Fund (RF) activities with positive cash balances may continue to operate until cash reserves are exhausted. • When cash reserves are exhausted, DWCF/RF activities must continue operations in direct support of excepted activities. • DWCF/RF activities may continue to accept orders financed with appropriations enacted prior to the current fiscal year or unfunded orders from excepted organizations. Unfunded orders will be posted to accounts receivable and not actually billed until appropriations are enacted.
<p>Footnotes</p>	<ul style="list-style-type: none"> • DWCFs/RFs are not directly impacted by a lapse in annual appropriations. • Management actions should be taken to sustain operations and minimize operational impact resulting from late approval of annual appropriations. • Management actions which could be taken to conserve cash reserves include: delay of training, minimal travel, reduction in supplies, and other actions consistent with management objectives. • Inter-DWCF/RF billings will continue unless a suspension request is approved by the Office of the Under Secretary of Defense (Comptroller). • Approval may be requested for advance billing of funded customer orders. • Plan guidance for excepted activities is applicable to DWCF/RF internal operations.