

DOE 5500.6B
5-18-92

THIS PAGE MUST BE KEPT WITH DOE 5500.6B, SHUTDOWN OF DEPARTMENTAL OPERATIONS UPON FAILURE OF CONGRESS TO ENACT APPROPRIATIONS.

DOE 5500.6B, SHUTDOWN OF DEPARTMENTAL OPERATIONS UPON FAILURE OF CONGRESS TO ENACT APPROPRIATIONS, HAS REVISED DOE 5500.6A TO REFLECT ORGANIZATIONAL TITLE, ROUTING SYMBOL, AND OTHER EDITORIAL REVISIONS TO INCORPORATE CHANGES REQUIRED BY SEN-6. NO SUBSTANTIVE CHANGES HAVE BEEN MADE. DUE TO THE NUMBER OF PAGES AFFECTED BY THE REVISIONS, THE ORDER HAS BEEN ISSUED AS A REVISION.

U.S. Department of Energy

Washington, D.C.

ORDER

DOE 5500.6B

5-18-92

SUBJECT: SHUTDOWN OF DEPARTMENTAL OPERATIONS UPON FAILURE BY
CONGRESS TO ENACT APPROPRIATIONS

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1. PURPOSE. To establish the procedure for the orderly shutdown of Department of Energy (DOE) operations in the absence of needed appropriations during a fiscal year.
 2. CANCELLATION. DOE 5500.6A, SHUTDOWN OF DEPARTMENTAL OPERATIONS UPON FAILURE BY CONGRESS TO ENACT APPROPRIATIONS, of 9-6-85.
 3. REFERENCES.
 - a. The Anti-Deficiency Act, 31 United States Code (U.S.C.) 1341, 1342 (formerly known as 31 U.S. C. 665), which states that no Federal officer or employee may authorize Government obligations or expenditures in advance of or in excess of an appropriation, unless otherwise authorized by law, and that no Federal officer or employee may accept voluntary services except as authorized by
 - b. DOE 2200.5B, FUND ACCOUNTING, Chapter 1, "Administrative Control of Funds," of 6-8-92, which prescribes Departmental policies, procedures, and responsibilities for the administrative control of all appropriated funds, revolving funds, trust funds, and any other funds made available for obligation.
 - c. DOE 3350.1, FURLOUGH IN THE SENIOR EXECUTIVE SERVICE, of 9-13-82, which establishes Departmental procedures for furlough of Senior Executive Service (SES) employees.
 - d. DOE 5160.1A, REPROGRAMMING, RESTRUCTURING, AND APPROPRIATION TRANSFER PROCEDURES, of 12-01-86 which establishes the Department's major policies, criteria, and procedures for initiating reprogramming, restructuring, and appropriation transfer actions related to the appropriation accounts of DOE.
 - e. General Accounting Office Report, "Funding Gaps Jeopardize Federal Government Operations," of 3-3-81, which addresses the problems created by late appropriations and fund interruptions; describes the factors that delay the enactment of legislation; and recommends action to prevent funding delays in the future.
 - f. Office of Management and Budget (OMB) Bulletin 80-14, as amended 8-20-82, "Shutdown of Agency Operations Upon Failure by Congress to Enact Appropriations," which provides policy guidance and instructions for actions to be taken when fund availability is interrupted by the failure by Congress to enact appropriations.

DISTRIBUTION:

All Departmental Elements

INITIATED BY:

Office of Chief Financial
Officer

- g. OMB Memorandum, "Agency Operations in the Absence of Appropriations," of 9-30-80, which states that in the absence of new appropriations, agencies may continue only those activities otherwise-authorized by law, and those necessary to begin phasedown of other activities.
- h. Opinion of the Attorney General, in a letter from Benjamin R. Civiletti to the President, of 4-25-80, which states that upon a lapse of appropriations, Federal agencies may incur no obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law. It further states that the Department of Justice would enforce the criminal provisions of the Anti-Deficiency Act in the case of future willful violations.
- i. Opinion of the Attorney General, in a letter from Benjamin R. Civiletti to the President, of 1-16-81, which provides the basis for OMB's guidance of 9-30-80 on agency operations during a lapse of appropriations and presents additional questions of interpretation.

4. BACKGROUND.

- a. The Attorney General issued an opinion on 4-25-80 concerning the effect of the Anti-Deficiency Act upon a Federal agency that experiences a prolonged lapse in its appropriations from Congress once its current appropriations have expired. The Attorney General determined that an agency is prohibited from incurring any obligation that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law. The Department of Justice shall actively enforce the criminal provisions of the Anti-Deficiency Act. However, the Attorney General determined that an agency may incur limited obligations during a prolonged lapse in funding if those obligations are necessary for the orderly termination of the agency's activities.
- b. The Office of Management and Budget subsequently provided policy guidance and instructions for actions to be taken by executive branch agencies when failure by the Congress to enact regular appropriations, a continuing resolution, or a needed supplemental appropriation results in interruption of fund availability. Each agency is required to develop a contingency plan for the orderly shutdown of operations. The OMB memorandum set out examples of essential activities that could be continued during these funding gaps because they involve the safety of human life and the protection of property.

- c. On 1-15-81, the Attorney General issued a second opinion on the effect of the Anti-Deficiency Act during funding gaps, which incorporated the OMB policy guidance. In this opinion, the Attorney General addressed the effect of the Anti-Deficiency Act upon an agency whose funds have expired during a period of a temporary funding lapse (i.e., no prolonged lapse in agency appropriations is anticipated). The Attorney General opined that if the funding lapse is anticipated to be temporary, an agency whose appropriations have expired could incur only those obligations involving activities related to the safety of human life or the protection of property. The categories of essential activities contained in the OMB memorandum were expressly approved by the Attorney General. No approval was given for obligations involving orderly termination activities during a temporary funding lapse.
5. OBJECTIVE. During a lapse of appropriations, it is the objective of DOE to maintain all essential activities currently performed by the Department which are authorized by law or which protect life and property, and upon exhaustion of all appropriated funds, to commence the orderly shutdown of all activities deemed nonessential, as defined by OMB guidance and the opinions of the Attorney General.
 6. RESPONSIBILITIES.
 - a. The Secretary (S-1) shall:
 - (1) Notify OMB, the Office of Personnel Management (OPM), the Department of the Treasury, and the General Services Administration (GSA) immediately upon initiation of shutdown activities.
 - (2) Notify Departmental Elements to begin orderly shutdown of operations not identified as essential when funding is depleted.
 - (3) Notify all personnel of possible fund interruptions and furlough actions.
 - (4) Designate one organization to coordinate activities associated with the shutdown plan.
 - b. Secretary or Deputy Secretary (S-2), as Chairman of the Executive Personnel Board, shall review recommendations on SES employee positions, including positions identified as necessary to maintain and continue essential activities and those needed to perform shutdown activities, and shall make the final determination on the furlough of SES appointees in accordance with the provisions of DOE 3350.1.

- c. Heads of Departmental Elements shall:
- (1) Identify those employees necessary to maintain and continue essential activities and those needed to perform shutdown activities.
 - (2) Designate single individuals within their respective organizations to serve as points of contact for instructions pertaining to the overall implementation of the shutdown plan and subsequent reactivation of Departmental operations.
 - (3) Prior to initiation of a shutdown mode of operations, appoint representatives from their respective organizations to act as a review committee. The review committee shall concur in all funding actions deemed by program managers to be essential in the absence of needed appropriations during a fiscal year. The review committee must have one member from the appropriate general counsel's office and one member from the organization's financial management group. At Headquarters, the financial management representative shall be a member of the Chief Financial Officer's staff. The signature of each of these reviewers must be affixed to every program release document or obligation document initiated during the funding hiatus.
 - (4) Notify appropriate bargaining agents of any proposed shutdown due to a lack of funds as soon as feasible after the decision has been made and prior to delivery of furlough notices to employees.
 - (5) Negotiate the impact and implementation of the shutdown of operations in accordance with DOE policy and Federal Personnel Manual regulations, if requested to do so by a properly recognized bargaining agent. The decision to shut down operations due to a lack of funds is not negotiable; therefore, negotiations shall not preempt a decision to shut down operations.
- d. General Counsel (GC-1) shall assist the Secretary in identifying the essential functions performed by the Department to ensure compliance with OMB guidance and opinions of the Attorney General.
- e. Chief Financial Officer (CR-1) shall notify the Secretary when funds for specific functions or organizations are depleted and shutdown procedures are to be implemented. CR-1 shall, upon direction from the Secretary:

- (1) Establish special accounts in the financial information system (FIS) to accumulate all obligations incurred in maintaining essential activities and terminating Departmental operations as funds are depleted.
- (2) Equitably redistribute unobligated, unexpired funds to meet urgent requirements and to delay, to the extent possible, the shutdown of functions and organizations. Notify the Director of Administration and Human Resource Management (AD-1), through the Director of Personnel (AD-50), when funds for specific organizations or functions remain for only 2 workdays. Payroll and related costs will be given the highest priority.

f. Director of Administration and Human Resource Management through Director of Personnel shall, upon direction from the Secretary:

- (1) Delegate to servicing personnel offices authority to issue furlough notices in the field elements.
- (2) Prepare examples of furlough notices consistent with OPM and DOE regulations and policies, and transmit the examples to the appropriate servicing personnel office(s).
- (3) Notify employees of their rights and benefits while they are in furlough status.
- (4) Take necessary actions to transfer custody of the Department's personnel records to OPM and GSA.

g. Heads of Contracting Activities shall:

- (1) Suspend acquisition and assistance awards pending validation of program award decisions.
- (2) Facilitate the deobligation of funds through contract modifications to maximize funds availability for essential activities.
- (3) Modify contracts in accordance with program determinations.

h. Program Managers at Headquarters and Field Elements who initiate program release documents that establish a commitment or an obligation of funds such as travel orders, payrolls, purchase orders, or procurement requests, shall:

- (1) Review all pending and active program release or obligation documents to determine whether the action should be continued or canceled.

- (2) Submit each program release document or obligation document to the appropriate review committee, established pursuant to paragraph 6c(3), which will review the action to determine whether the request appears to be for an essential function.
 - (3) Certify on each program release document that the commitment or obligation of funds is essential in accordance with the functions permitted in Attachment 1 of this Order.
- i. Servicing Personnel Office(s) shall prepare a specific furlough notice for each organization affected and shall transmit the letter to the point of contact designated under paragraph 6c(2).
7. ESSENTIAL ACTIVITIES TO BE CONTINUED DURING A LAPSE OF APPROPRIATIONS.
- a. OMB guidance provides for the continuation during a lapse of appropriations of those activities performed by the Department which are authorized by law or which are necessary to protect life and property. Such activities include those that provide for the national security and protect human life and property (e.g., medical care for inpatients; protection of Federal lands, buildings, and equipment; law enforcement; emergency and disaster assistance; preservation of the money and banking systems; production of power and maintenance of the power distribution system; and protection of research property). The activities described in Attachment 1 have been identified as the essential activities currently performed by the Department. However, the continuation of each of these activities during a lapse of appropriations could vary based upon the specific circumstances at that time. It must be recognized that these activities have been identified on a generic basis--not every action within an essential activity is necessarily protecting life or property. The Secretary, in conjunction with the General Counsel and appropriate Secretarial Officers, will make the final determination of which functions are to be continued. Obligations incurred in connection with those functions will be reviewed by the committee established pursuant to paragraph 6c(3).
 - b. Essential activities shall be performed at the minimum level possible. The minimum number of staff and support services may also be maintained to perform each of these essential activities.
 - c. At the direction of AD-1 the list of essential activities will be reviewed annually by the Head of each Headquarters Element to determine whether any activities should be deleted or new functions added. This information must be provided to AD-1 by 8-1 of each year.

8. EFFECT OF APPROPRIATION TYPE ON SHUTDOWN All activities not included in Attachment 1 must begin an orderly shutdown when all funds available for obligation are exhausted. The actual timetable for shutdown will depend upon the type and amount of funding available to the organization, function, program, or activity.
- a. Annual Appropriations. All Departmental Elements funded by annual appropriations will commence shutdown activities on the first day of the fiscal year if there has been no appropriation bill or continuing resolution enacted by Congress. Paragraph 10 describes the shutdown procedure.
 - b. No-Year or Multiyear Appropriations. Departmental Elements funded by no-year or unexpired multiyear appropriations shall continue to perform all activities at the minimum level possible until all available funding carried over from prior fiscal years has been exhausted. If there has been no appropriation bill or continuing resolution enacted by Congress at that time, those Departmental Elements shall commence shutdown activities. The timing of this may vary for each element depending on the amount of funds carried over. Each Departmental Element that has funds available should exercise prudence in making new obligations.
9. ACTION TO BE TAKEN PRIOR TO INITIATING SHUTDOWN ACTIVITIES.
- a. In the event of a funding lapse, every action should be taken to forestall, as long as possible, interruptions in activities funded by no-year and multiyear appropriations that have resources available as a result of carryover funds from prior fiscal years. Prior to the initiation of shutdown activities, all Departmental operations should be limited to the minimum essential activities to preserve the available funds and to continue all possible operations and functions. Available funds will be reallocated by the Chief Financial Officer to the extent permitted by law to forestall the fund interruption date. Reallocation of funds will be made as follows:
 - (1) Reallocation below the appropriation and fund account level may be accomplished by the Office of Budget through telephonic revisions to allotments. Such changes will be documented and immediately reflected in formal written revisions to DOE F 2260.2, "Advice of Allotment," as provided in Chapter 1 of DOE 2200.5B.
 - (2) In those instances where DOE has specific statutory authority to reallocate and transfer funds between appropriations and/or fund accounts, the transfers will be effected in accordance with the standard fiscal procedures contained in DOE 5160.1A. Such transfers generally will be effected on Standard Form (SF) 1151, "Nonexpenditure Transfer of Funds" (see OMB Circular No. A-n, "Preparation

and Submission of Budget Estimates," section 14.2, for a description of when expenditure transfers might be required).

- (3) As provided in OMB Bulletin 80-14, adjustments to amounts contained in OMB apportionments may be made without submission of a reapportionment request.
 - (4) After all available funds have been reallocated or transferred and the available resources finally exhausted, the organizations, functions, programs, or activities funded through the now depleted appropriations must begin the orderly shutdown of all activities not identified as essential.
 - (5) The Department may incur obligations for essential and shutdown activities once the funds have been exhausted, but no funds will be disbursed for these obligations without the enactment of an appropriations act or continuing resolution.
- b. Where funds are available for certain program operations to be continued, staff time should be used efficiently to carry out the functions for which funds are available. Thus, plans may be prepared to detail all possible personnel to organizations that have available funds. An implementation plan should be developed as soon as possible after the shutdown is initiated to assign detailed personnel to perform specific funded functions and work tasks. These resources should only be transferred to eliminate backlogs or accelerate accomplishments in those funded program areas.
 - c. To optimize use of Departmental resources, pending and ongoing contractual and assistance activities must be reassessed and validated by the program manager as soon as possible. Programmatic priorities under the specific circumstances will dictate which activities are to be continued or canceled. Funds should be deobligated from lower priority activities where feasible.
 - d. The review committee established pursuant to paragraph 6c(3) should develop operational procedures for the required obligational document review.
10. INSTRUCTIONS FOR SHUTDOWN OF NONESSENTIAL ACTIVITIES. No actions under this contingency plan are to be initiated without written notification from the Secretary that the plan is to be put into effect.

a. Immediate Shutdown (Days 1 and 2).

- (1) When a Departmental shutdown occurs, only those personnel designated as essential will report to work. The Heads of Departmental Elements shall identify the essential employees for their respective elements. Essential employees perform duties vital to the continuity of medical facilities, protection of life and property, public safety, national defense, or other crucial operations, and are required to be at work regardless of emergency situations or any general dismissal authorization. Only essential employees should remain on board during the immediate shutdown period. These employees will not be furloughed under the provisions of this Order and will not be dismissed or excused from work due to hazardous weather or emergency situations described in Federal Personnel Manual Supplement 990-2, Book 610, "Hours of Duty". The identification shall be by job title and each essential employee must be notified of his or her obligations. A list of essential employees by name and job title must be submitted to the Director of Administration and Human Resource Management for approval no later than 7-30 of each year.
- (2) If it appears likely that a funding lapse will occur, the Director of Administration and Human Resource Management shall authorize the Director of Personnel to transmit a sample notice of proposal to furlough to appropriate servicing personnel offices. These notices must be issued to employees affected by this action at least 30 days prior to the date the furlough is to be effected.
- (3) The affected servicing personnel office(s) shall prepare a specific furlough notice for each organization affected and shall transmit the letter to the point of contact designated under paragraph 6c(2).
- (4) The point of contact shall distribute copies of the specific furlough notice to each employee not designated essential. Since the notice must be issued prior to the actual depletion of funds, and since congressional action after working hours may negate the need for the furlough, employees must be given clear instructions as to how they are to determine whether the notice will take effect and, if it does take effect, how to determine when they should return to work. Employees must acknowledge receipt of the notice in writing; this may be done through the use of a list. The final list of all employees to whom notices have been issued will be submitted to the servicing personnel office so that the appropriate personnel actions may be effected.

- (5) The Chief Financial Officer shall notify the Director of Administration and Human Resource Management, through the Director of Personnel, when funds for specific organizations or functions remain for only 2 workdays.
 - (6) Members of the Senior Executive Service will be furloughed in accordance with DOE 3350.1.
 - (7) Individuals who were appointed by the President, and who are outside the Senior Executive Service and otherwise not subject to 5 U.S.C. 6301 and attendant regulations governing leave in the Federal service, are not subject to furlough.
 - (8) Individuals working under the provisions of the Intergovernmental Personnel Act may continue to work if:
 - (a) They are on leave without pay from their Federal jobs while working in a non-Federal organization;
 - (b) They are on detail to DOE and the total cost is being paid by the non-Federal organization; or
 - (c) They are on detail to DOE and the Department's share of the cost were obligated from prior appropriations.
 - (9) Temporary employees will be furloughed in the same manner as permanent employees.
 - (10) An employee on official travel will not be furloughed until either the period of travel ends or the provisions for a longer lapse in appropriations are implemented, unless it is determined by the Head of the Departmental Element or his or her designee that the cost of terminating the travel, returning the employee to his or her official duty station, and resuming the travel later, if necessary, is less than retaining the employee in a pay status.
- b. Day 3. Extended shutdown procedures begin if the Departmental Elements receive written notification from the Secretary that neither a continuing resolution nor an appropriation is forthcoming.
- (1) Employees required to complete shutdown activities and those additional employees required to maintain essential activities during the shutdown period will be recalled. Essential activities are those activities defined in paragraph 7a.

The status of essential employees will be identified as "nonpay duty." Such employees are advised that the United States will not contest its legal obligation to make payment for their services, even in an absence of appropriations.

- (2) Supervisors will inform employees (orally or in writing) that the only activities they may perform are those identified as essential activities or part of the shutdown of operations.
- (3) Supervisors shall contact any employee on travel status and advise the employee to return to the duty station immediately, unless the employee volunteers to be furloughed at the travel site and such arrangement is determined to be in the best interest of the Federal Government. Travelers should return in accordance with normal Federal travel regulations.
- (4) The activities of an orderly shutdown of operations include, but are not limited to:
 - (a) Canceling meetings, hearings, and other previously arranged business and notifying parties such as other Federal agencies, State governments, and private entities involved in Departmental matters of the cessation of normal business.
 - (b) Documenting the status of cases and projects so that they can be resumed, transferred, or otherwise appropriately handled when the funding situation is determined.
 - (c) Taking steps to plan, control, and maintain orderliness throughout the phasedown of operations.
 - (d) Performing the fiscal and accounting tasks required to maintain accountability, and reporting obligations and expenditures of all funds.
 - (e) Preparing files for permanent storage and preparing for the orderly transfer of property and records as directed by GSA and OPM. However, property and records are not to be transferred until 30 days after shutdown activities have commenced, and then only after determination that the funding interruption will be substantial or indefinite.
 - (f) Preparing inventories of property and records to ensure protection of the Government's interests and the claims of affected private entities and individuals.

- (g) Performing those tasks necessary to protect classified information, including listing all papers to be accorded classified status and securing all appropriate files and automatic data processing information.
 - (h) Performing requisite administrative functions, such as processing the payroll for the pay period through 9-30 of the previous fiscal year or the expiration of the previous continuing resolution, and continuing those functions with carryover funds until funds are exhausted.
 - (i) Conducting other functions that contribute directly to the orderly shutdown of the Department and give primary consideration to protecting life and safeguarding Government property and records.
- (5) Supervisors should continue to identify those employees or positions that are essential to perform the functions associated with the orderly cessation of activity. Essential employees will be utilized for the length of time necessary to complete shutdown activities. Identifications for shutdown activities should be based on:
- (a) Those employees or positions that are necessary for the orderly termination of an activity; and
 - (b) Special knowledge, skills, or abilities required in order to terminate activities.
- c. Day 4.
- (1) Employees shall continue those activities identified in paragraph 10b(4).
 - (2) The Director of Administration and Human Resource Management shall communicate final determinations on all shutdown or essential activities to the Director of Personnel.
 - (3) The Director of Personnel shall communicate any changes in the lists submitted to the servicing personnel offices.
- d. Day 5 and Beyond.
- (1) Employees shall continue those activities identified in paragraph 10b(4).

- (2) As an employee required to perform shutdown activities completes his or her assigned work, he or she will be placed in a furlough status. The employee's supervisor is responsible for promptly notifying the servicing personnel office through the organizational point of contact when the employee is placed on furlough so the proper documentation can be placed in the employee's official personnel folder.
 - (3) Each servicing personnel office is responsible for processing the required personnel actions and for maintaining retention registers in an up-to-date manner so that competitive procedures may be carried out for furloughs of over 30 days, if required. Competitive furlough procedures will be carried out in accordance with governing Departmental directives and statutory and regulatory requirements.
- e. All shutdown activities should be accomplished in a way that will facilitate reactivation of operations in an efficient manner when funds are made available. "

11. PROHIBITED ACTIVITIES.

- a. Except insofar as they are essential to the direct support of the essential activities listed in Attachment 1, the following will not be permitted after available funds are exhausted:
 - (1) Awards of grants, contracts, cooperative agreements, scholarships, and small purchases;
 - (2) Hiring of personnel or extending the appointment of personnel whose appointments have expired if doing so would result in unauthorized obligation of funds during a lapsing appropriations;
 - (3) Travel of persons and transportation of things; persons in travel status on the first day of no funds will return to their duty stations as soon as possible if appropriations are lacking, except as provided in paragraph 10a(10);
 - (4) Meetings, conferences, and seminars;
 - (5) New or continued employment of experts and consultants if such actions will incur a financial obligation;
 - (6) Training classes and other training activities;

(7) Use of equipment and utilities not related to authorized activities where their use creates liabilities for the Government beyond those existing on the date of the funding lapse; and

(8) Authorization of overtime.

- b. This listing should not be considered exhaustive. Management officials and those authorized to incur obligations must keep in mind the main thrust of the Attorney General's opinion and take actions consistent with it and subsequent OMB guidance. Questions of interpretation should be referred to the General Counsel.

BY ORDER OF THE SECRETARY OF ENERGY:



DONALD W. PEARMAN, JR.
Acting Director
Administration and Human
Resource Management

ESSENTIAL ACTIVITIES

1. OFFICE OF THE SECRETARY shall retain adequate staff support to maintain minimum essential operations during a lapse in appropriations.
2. BOARD OF CONTRACT APPEALS shall maintain law enforcement and criminal investigations, and shall provide for resolution of contract disputes between DOE and its contractors when the statute of limitations would expire or there would be irreparable damage to the rights of property.
3. OFFICE OF PUBLIC AFFAIRS. Under certain circumstances, personnel may be necessary to inform public quickly in the event of a national emergency.
4. CONSERVATION AND RENEWABLE ENERGY personnel oversee production of power and maintenance of the power distribution systems. The Southeastern Southwestern, and Alaska Power Administrations shall provide portions of the energy and power requirement for the areas they serve.
5. DEFENSE PROGRAMS.
 - a. To ensure public safety, the following programs shall be maintained:
 - (1) Waste operations program to provide safe handling and storage or disposal of radioactive waste;
 - (2) Community assistance municipal services, which provide fire protection and ambulance service for the city and county of Los Alamos, New Mexico.
 - b. To provide for the national security, the following activities shall be maintained:
 - (1) Inertial fusion program involving the application of nuclear fusion energy to national defense;
 - (2) Operation and maintenance of the United States' only nuclear weapons development and production complex, ;
 - (3) Nuclear materials production directed to the defense of the United States.
6. OFFICE OF SECURITY AFFAIRS shall ensure public safety provide for the national security by maintaining the follow programs:
 - a. Administrative components of the safeguards and security programs, including Departmental protection of classified information, special nuclear materials, and other Government property; and

- b. Administrative tasks necessary to protect restricted data and other classified information.
7. OFFICE OF ARMS CONTROL AND OFFICE OF INTELLIGENCE shall provide the national security by maintaining the verification and control technology program, which is supportive of broadbased defense, intelligence, and foreign relations activities essential to the national security.
8. OFFICE OF ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT shall ensure public safety by maintaining waste operations programs to provide safe handling and storage or disposal of radioactive waste.
9. ECONOMIC REGULATORY ADMINISTRATION shall continue law enforcement and criminal investigations and protect documents pertaining to oil companies and the litigation rights of the Federal Government in those cases where the statute of limitations could expire before final action is taken.
10. ENERGY INFORMATION ADMINISTRATION shall provide for the national security by safeguarding national security and company proprietary information located on computer files and housed on the Energy Information Administration computer.
11. ENERGY RESEARCH shall protect research property and maintain the following services:
 - a. Physical site security;
 - b. Maintenance of facilities in standby condition;
 - c. Fire protection;
 - d. Environmental and health protection from hazardous materials;
 - e. Surveillance of nuclear facilities and radioactive wastes;
 - f. Feeding and care of research animals; and
 - g. Medical treatment of human patients.
12. ENVIRONMENT, SAFETY, AND HEALTH shall protect Federal lands, buildings, and equipment and maintain staff to implement the emergency response capability in the event of a radiological incident.
13. FOSSIL ENERGY shall protect Federal lands, buildings, and equipment through the following activities:
 - a. Maintenance and protection of property related to the coal, gas, and petroleum programs.

- b. Services in protection of research property:
 - (1) Physical site security;
 - (2) Maintenance of facilities in standby condition;
 - (3) Fire protection; and
 - (4) Environmental and health protection from hazardous materials.
 - c. Maintenance of the Strategic Petroleum Reserve, which provides the nation's primary means of protection against severe oil supply interruptions.
 - d. Maintenance and protection of Naval Petroleum Reserves No. 1, 2, and 3.
14. GENERAL COUNSEL shall retain adequate personnel to provide the level of legal support required to continue the essential functions of the Department.
15. INSPECTOR GENERAL shall continue law enforcement and criminal investigations, and adhere to the statutory requirement to report to Congress any serious problems, abuses, or deficiencies relating to the administration of DOE's essential programs and operations.
16. DOMESTIC AND INTERNATIONAL ENERGY POLICY personnel must provide for the national security. In the event of a major disruption to oil supplies, this office would have a lead role in U.S. participation with our energy allies in the International Energy Agency to minimize vulnerability. This office also is responsible for implementing systems and facilities to coordinate communication and operations during energy emergencies.
17. ADMINISTRATION AND HUMAN RESOURCE MANAGEMENT staff and support services, such as personnel, organization, resources and facilities management, and administrative services, must be maintained at the minimum level necessary to ensure continued supply of utilities to essential services, telecommunications and computer functions, procurement, and executive secretary. Management of the above functions must be maintained at the level required to support the essential activities performed by the Department in the absence of an appropriation.
18. CHIEF FINANCIAL OFFICER staff and support services such as personnel, financial management systems and other administrative services, must be maintained at the minimum level necessary to ensure continued supply of essential services for payroll, budgeting and accounting function.

19. PROCUREMENT ASSISTANCE AND PROGRAM MANAGEMENT staff and support services, such as personnel, procurement management systems, and other administrative services must be maintained at the minimum level necessary to ensure continued supply of essential services for procurement, contracting, and project management functions.
20. NUCLEAR ENERGY shall:
 - a. Provide for the national security in those situations where cessation of functions would have an immediate and deleterious effect on the national defense. Examples of such functions include the naval reactors development and uranium enrichment programs, which provide essential technical support to the U.S. Navy.
 - b. Maintain activities that ensure production of power, such as uranium enrichment activities.
 - c. Protect Federal lands, buildings, equipment and classified information by maintaining the following:
 - (1) Adequate safeguards for facilities containing special Nuclear Materials;
 - (2) Minimum surveillance and maintenance to prevent radioactive contamination; and
 - (3) Security for classified information.
21. BONNEVILLE ADMINISTRATION AND WESTERB AREA POWER ADMINISTRATION shall maintain production of power and maintenance of the power distribution systems for the areas they serve.
22. OFFICE OF HEARING AND APPEALS shall continue to monitor foreign relations essential to the national security and to review applications under the standby mandatory international oil allocation regulations.
23. DEPARTMENTWIDE FACILITIES shall maintain:
 - a. All staff and support services needed to maintain essential activities at appropriate DOE facilities (e.g., protection of Departmental security interests, maintenance, payroll, fire protection, and emergency medical staff); and
 - b. Physical site security.