



Department of Veterans Affairs

VA Contingency Plan*

Agency Operations in the Absence of Appropriations

April 8, 2011

*As required by OMB Circular A-11

1. Introduction

VA is committed to supporting Veterans and their families even during limited operations in absence of appropriations, commonly known as a government “shutdown”. The Department of Veterans Affairs (VA) is revising its shutdown plan, in accordance with Office of Management and Budget (OMB) Circular A–11, Section 124 (dated July 21, 2010). Based on the instructions contained in Circular A-11, the Anti-Deficiency Act, and on guidance offered by VA’s Office of General Counsel, the attached document details VA’s analysis for a potential government shutdown. This contingency document is provided for a short-term shutdown. A long-term event will require further analysis and development.

This document outlines the activities being undertaken by VA in anticipation of a potential government shutdown due to a lapse in appropriations. This document is intended to ensure that VA can perform an orderly suspension of its programs and operations in the unlikely event of a shutdown.

This document outlines programs and resources necessary to ensure the shutdown of VA’s functions if normal operations are suspended. It also applies to all personnel and contractors assigned to or performing services for VA.

2. Shutdown Contingency Overview

The Department is pursuing a comprehensive approach for a potential shutdown, which includes identifying functions and programs for which there is a legal basis for exception, including those required by “necessary implication” and protection of life and property. VA Administrations and Staff Offices were asked to review their organizations and identify these specific functions and programs (and the employees required to support them). Their decisions were based on long-standing OMB and Justice Department guidance, and the legal opinions of VA’s Office of General Counsel (OGC). VA’s OGC has reviewed this document to ensure compliance with these criteria.

In its shutdown contingency deliberations, VA has consistently worked to establish which of its functions are legally excepted for carrying out services the Department is obligated to provide to the nation’s Veterans and their families. These include the provision of high-quality medical care, compensation and pension benefits, housing, and burial services.

Excepted functions that relate to the Department’s need to protect life and property including the Office of Information Technology (OI&T)’s information systems that support the provision of health services at the Veterans Health Administration (VHA)’s facilities.

During the 1995-96 government shutdowns, a number of VA functions were impacted by the lapse in appropriation:

- VHA did not have an advance appropriation – medical service, support and compliance and medical facilities were limited to those deemed excepted for protection of life and property.

- Some benefit activities and payments (e.g., Readjustment, Insurance) were delayed.
- Loan Guaranty certificates of eligibility and certificates of reasonable value were delayed.

However, in anticipating a potential shutdown in 2011, VA must take into account several factors that are different from the 1990s experience. The Department believes these factors provide ample justification for what will be a significant increase in the number of excepted VA employees and functions in the event of a shutdown. They include:

- Advance appropriations for VHA, which accounts for 86% of the VA's discretionary budget. VA believes that certain key functions that support VHA's research operations also qualify for exception for protection of life and property.
- Review by OGC and VA program offices determined that if there are balances in discretionary accounts (due to prior year carryover) this funding must be used to continue operations until the balances are depleted.

As a result, the Department's current projection is that 97 percent of VA employees would be required to perform excepted functions during a shutdown event. Approximately 278,592 FTE (out of a pre-shutdown total of 312,628) are VHA and funded by advance appropriations. Therefore, the number of employees to be retained under the plan meeting A-11, Section 124.2 criteria is 302,394 (of which 286,428 are funded), and number of employees, not otherwise exempt is 10,234.

Appendix A provides a summary table identifying impact of the shutdown on the workforce to each VA organization

Appendix B provides additional detail concerning VA's excepted functions along with the Department's current projected shutdown staffing totals

Appendix C provides a summary of suspended functions within VA

Appendix D provides a timeline of sequenced activities within VA leading up to and after a government shutdown

Appendix A. Impact of the Shutdown on the Workforce

VA ORGANIZATION	EMPLOYEES DURING NORMAL OPERATIONS	EXCEPTED EMPLOYEES	EMPLOYEES FOR WHICH FUNDING IS AVAILABLE	NUMBER OF NON-EXCEPTED EMPLOYEES
Veterans Health Administration (VHA)	278,592	278,592	278,592	0
Veterans Benefits Administration (VBA)	20,380	15,273	332	5,107
National Cemetery Administration (NCA)	1,671	759	1	912
Office of Information & Technology (OI&T)	6,921	5,421	5,421	1,500
Board of Veterans Appeals (BVA)	559	10	10	549
Human Resources & Administration (HRA)	677	395	383	282
Office of Acquisitions, Logistics, & Construction (OALC)	1,294	964	964	330
General Counsel (OGC)	762	202	170	560
Office of Management (OM)	723	491	471	232
Office of Public and Inter-Governmental Affairs (OPIA)	78	1	1	77
Office of Congressional and Legislative Affairs (OCLA)	45	1	1	44
Office of the Inspector General (OIG)	654	200	1	454
Office of Operations, Security, and Preparedness (OSP)	86	16	16	70
Office of Policy and Planning (OPP)	97	1	1	96
Office of the Secretary	89	68	64	21
Total Department	312,628	302,394	286,428	10,234

Appendix B. Effect of Lapse of Funding on VA Activities

ORGANIZATIONAL OVERVIEW		EXCEPTED FUNCTIONS				NON-EXCEPTED OPERATIONS
VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Veterans Health Administration (VHA) <ul style="list-style-type: none"> • Medical services • Medical support and compliance • Medical facilities • Medical and prosthetic research 	<ul style="list-style-type: none"> • Total: 278,592 • Excepted: 278,592 • Non-Excepted: 0 • Other support organizations required: OI&T, OGC, OALC <p>Note: Time & Attendance (T&A) included</p>	Medical services, Medical support and compliance, Medical facilities	Advance Appropriation	274,586	Funded	
		Medical and prosthetic research	Advance Appropriation Prior Year Balance	4,006	Funded through advanced appropriation and prior year funds. Some portion of this funding may be depleted after six weeks. At that point, a determination will be made concerning the number of employees required to maintain lab facilities (e.g., tissue samples, animals), conduct ongoing necessary research, provide for the well being of patients in trials and provide care for animals.	

ORGANIZATIONAL OVERVIEW		EXCEPTED FUNCTIONS				NON-EXCEPTED OPERATIONS
VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Employees	Rationale for Exception (Additional Comments)	VA Unit
Veterans Benefits Administration (VBA) <ul style="list-style-type: none"> • Compensation • Pension • Insurance • Loan Guaranty • Vocational Rehabilitation & Employment • Education 	<ul style="list-style-type: none"> • Total: 20,380 • Excepted: 15,273 • Non-Excepted: 5,107 • Other support organizations required: OI&T, OGC, OALC Note: Time & Attendance (T&A) included	Ongoing Processing & Payment; Compensation & Pension; Staff C&P National Call Centers	Protection of Property and Rights	14,181	Funding available in mandatory accounts	<ul style="list-style-type: none"> • No processing of education or vocational rehabilitation claims • No Overseas Military Coordinator • No Outreach • No Education Benefit Call Centers
		Process monthly recurring payments for education, and vocational rehabilitation; Receive and process payments to VA	Necessary implication	10	Funding available in mandatory accounts or loan financing accounts	
		Administer Home Loan Guaranty Program	Necessary implication	750	Guaranteed loan financing account funded through Veterans' fees	
		Administer Insurance Program	Funded	332	Funded thru Trust Fund Reimbursements	

ORGANIZATIONAL OVERVIEW		EXCEPTED FUNCTIONS				NON-EXCEPTED OPERATIONS
VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
National Cemetery Administration (NCA) <ul style="list-style-type: none"> Operate & protect national cemeteries Provide for interment of eligible service members Furnish headstones / markers Administer State Cemetery Grants Program Provide Presidential Memorial Certificates 	<ul style="list-style-type: none"> Total : 1,671 Excepted: 759 Non-Excepted: 912 Other support organizations required: OI&T Note: Time & Attendance (T&A) included	Burials	Protection of life and property	689	Includes cemetery interments, scheduling, and eligibility determinations	<ul style="list-style-type: none"> Processing applications for Presidential Memorial Certificates Activities at NCA Training Center NCA will conduct interments at a modified rate (i.e., not to exceed the average number of daily burials at a facility over the past year).
		Process applications for headstones, markers, medallions	Funding to process headstone applications provided by VBA Compensation & Pension	26		
		First Notice of Death Office	Protection of life and property	11	Link to VBA programs through discontinuation of benefits thereby preventing overpayments to program beneficiaries.	
		Oversight and Administration	Protection of life and property	33	Includes all excepted Central Office, MSN Directors, and HR at Central Office and the Field	

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of Information and Technology (OI&T) <ul style="list-style-type: none"> Quality, Performance & Oversight Information Protection & Risk Management Architecture, Strategy and Design Product Development Service Delivery and Engineering IT Resource Management 	<ul style="list-style-type: none"> Total: 6,921 Excepted: 5,421 Non-Excepted: 1,500 Other support organizations required: OALC, OM <p>*All employees will remain at work until FY2010 funds are expended then OI&T would move to furlough status Note: Time & Attendance (T&A) included</p>	Direct and indirect support to Administrations and Staff Offices as needed to maintain their excepted functions (e.g., all VHA functions)	Protection of life and property	4697 ¹ (3679 ²) *	Initially, all OIT employees will be funded. Number of excepted staff after FY2010 funds are expended	<ul style="list-style-type: none"> Oversight and compliance Policy functions Planning functions Correspondence management Congressional, GAO, IG, OMB inquires VA Directives, FOIA, Records Mgmt., System of Records Mgmt.
			Necessary implication			
		Network maintenance and protection (e.g., add patches for VISTA)	Protection of life and property	296 (232) *	Number of excepted staff after FY2010 funds are expended	
			Necessary implication			
		Information Security	Protection of life and property	544 (426) *	Number of excepted staff after FY2010 funds are expended	
			Necessary implication			
		Data Center Operations	Protection of life and property	346 (271) *	Number of excepted staff after FY2010 funds are expended	
			Necessary implication			

		Excepted Benefits functions	Protection of life and property	346 (271)*	Number of excepted staff after FY2010 funds are expended
			Necessary implication		
		Enterprise Infrastructure Operations	Protection of life and property	692 (542)*	Number of excepted staff after FY2010 funds are expended
			Necessary implication		

¹Number of employees that will report for work before FY10 funds are expended.

²Number of employees that will be excepted after FY10 funds are expended. The remaining employees will be converted to furlough status.

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Board of Veterans' Appeals (BVA) • Review benefit claims determinations made by local VA offices and issue decisions on appeals	• Total: 559 • Excepted: 10 • Non-Excepted: 549^ • Other support organizations required: OI&T, OGC, OALC Note: Time & Attendance (T&A) included ^ All employees will remain at work until FY2010 funds are expended then BVA would move to furlough status	COTRs for contract funded by OI&T for BVA Research Tools (1 day/week)	Protection of life and property	1		• Claims appeals will be discontinued.
		Move-related attendance to safeguard government property Protection of claims files and other records during building move	Protection of life and property	9		

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of Human Resources and Administration (HRA) <ul style="list-style-type: none"> Administration Corporate Senior Executive Mgmt Diversity & Inclusion Human Resources Management Labor-Mgmt Relations Resolution Management 	<ul style="list-style-type: none"> Total: 677 Excepted: 395 Non-Excepted: 282^ Other support organizations required: OI&T, OGC, OM <p>Note: Time & Attendance (T&A) included ^ All employees will remain at work until FY2010 funds are expended then HRA would move to furlough status</p>	Human Resources support for excepted operations and staff	Protection of life and property	2	2 persons to maintain building operations for the entire VACO campus	<ul style="list-style-type: none"> HR Policy Recruiting Hiring Staffing Training Labor-Management Relations ADR Diversity Classification VACO building maintenance support Veteran employment outreach
			Necessary implication	9	Maximum 10 persons to maintain HR support for VHA & other excepted functions in VACO Campus	
			Reimbursable funding (VHA)	383	Approximate number of HR employees in funded positions.	
		Oversight of Excepted HR Operations and Staff	PAS	1		

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of General Counsel (OGC) <ul style="list-style-type: none"> Identify and meet VA's legal needs Ensure just and faithful execution of the laws, regulations and policies Provide legal advice and assistance Represent the Secretary before courts and tribunals Issue legal opinions in appeals involving benefits 	<ul style="list-style-type: none"> Total: 762 Excepted: 202 Non-Excepted: 560^ Other support organizations required: OALC, OI&T Note: Time & Attendance (T&A) included ^ All employees will remain at work until FY2010 funds are expended then OGC would move to furlough status	Legal advice for funded programs (e.g., Medical care, Supply Fund, Canteen Fund, Insurance Trust Funds) and support to courts	Protection of life and property (to support VHA, VBA, and other funded programs)	32	Supervisors to oversee work of excepted employees, triage requests for the protection of life and property (e.g., guardianship requests, end-of-life decisions, etc.) and to decide whether other employees must be recalled.	<ul style="list-style-type: none"> Represent the Secretary before courts, including the US Court of Appeals for Veterans Claims, and other tribunals Routine legal services for VHA, VBA, NCA and Staff Offices regarding personnel law, ethics, torts, and other legal matters Note: Consistent with DOJ guidance, VA will seek continuance on civil cases.
		Legal advice with respect to orderly shutdown and limited continuation of VA operations, construction and other projects, security and preparedness, and information security	Revolving fund	170	Employees to continue work in support of programs for which OGC receives reimbursement from revolving funds.	

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of Acquisition, Logistics, and Construction (OALC) <ul style="list-style-type: none"> Office of Acquisition and Logistics Office of Construction and Facilities Management 	<ul style="list-style-type: none"> Total: 1,294 Excepted: 964 Non-Excepted: 330 Other support organizations required: OI&T, OGC, OM <p>Note: Time & Attendance (T&A) included</p> <p>^ All employees will remain at work until FY2010 funds are expended then OGC would move to furlough status</p>	Acquisitions and logistics	Revolving fund	964	Funded	<p>All major construction and facilities management functions will be suspended, specifically:</p> <p>Day to day oversight of \$13B major construction projects</p> <p>Land actions</p> <p>Development of design standards, criteria, and guides</p> <p>Technical architectural and engineering (A/E) consulting support</p> <p>Technical real property/architectural and engineering design support</p> <p>Cost estimating and A/E Selection</p>

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees ¹	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of Management (OM) <ul style="list-style-type: none"> Budget Financial Management Asset Enterprise Management Business Oversight Performance Management Energy & Greening 	<ul style="list-style-type: none"> Total: 723 24/7: 0 Excepted: 491 (most funded by a revolving fund) Non-Excepted: 232 ^ Note: Time & Attendance (T&A) included ^ All employees will remain at work until FY2010 funds are expended then OM would move to furlough status	Financial Services	Revolving Fund	333	Funded	<ul style="list-style-type: none"> Green/Energy programs Performance Management Asset Enterprise Management Financial policy and oversight Budget Formulation and analysis
		Business Oversight (Austin)	Revolving Fund	35	Funded	
		Debt Management Center - (99) (Minneapolis)	Revolving fund	103	Funded	
		OAEM VACO - (3)				
		Financial management (payroll, travel card); Contract Administration; Budget Oversight	Necessary Implication	20	Provide oversight of funded VA Programs that continue to operate. Provide operations support for FMS, PAID, payroll/DFAS, and policy guidance on matters directly impacting VA's operations (multi-year appropriations, travel, purchase card, OMB/Treasury, etc.).	

¹ Number of excepted employees covered under the legal basis provided for the exception.

Necessary by Implications – must indicate what funded activities **cannot** be performed successfully without this additional support.

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of Public & Intergovernmental Affairs (OPIA) <ul style="list-style-type: none"> • Consumer Affairs • Public Affairs • Intergovernmental Affairs • International Affairs • Homeless Veterans Programs • Online media 	<ul style="list-style-type: none"> • Total: 78 • Excepted: 1 • Non-Excepted: 77^ • Other support organizations required: OI&T <p>Note: Time & Attendance (T&A) included</p> <p>^ All employees will remain at work until FY2010 funds are expended then OPIA would move to furlough status</p>	Communicate with Veterans regarding availability and location of continued VA services.	PAS	1		<ul style="list-style-type: none"> • National programs and special events • Tribal Government Relations • National Veterans Awareness Campaign • Interaction with state and local government and inter-national visitors

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of Congressional and Legislative Affairs (OCLA) <ul style="list-style-type: none"> • Congressional relations • Communications with Congress • Veterans Legislation • Constituent Casework (Congressional Liaison Service) • GAO 	<ul style="list-style-type: none"> • Total: 45 • Excepted: 1 • Non-Excepted: 44^ • Other support organizations required: VACO (excepted), VHA, VBA, NCA <p>Note: Time & Attendance (T&A) included ^ All employees will remain at work until FY2010 funds are expended then OCLA would move to furlough status</p>	Limited communications with Confidential policy support to senior VA leadership Congress	PAS	1		<ul style="list-style-type: none"> • Congressional relations • Responding to congressional requests for information • Processing testimony and questions for the record • Congressional correspondence • Constituent casework • Advisory Committee Management • GAO • Office administrative functions

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of the Inspector General (OIG) <ul style="list-style-type: none"> • Investigations • Audits • Healthcare Inspections • Management & Administration 	<ul style="list-style-type: none"> • Total: 654 • Excepted: 200 • Non-Excepted: 454 • Other support organizations required: OI&T Note: Time & Attendance (T&A) included	Law Enforcement	Protection of Life and Property	152	200 persons in total including one PAS. Primarily to support ongoing criminal cases, investigations and prosecutions.	<ul style="list-style-type: none"> • Audits and Evaluations • Administrative Investigations • OIG Hotline • Healthcare Inspections • OIG Legal and Release of Information
		Support essential functions of excepted staff	Necessary implication	22		
		Inspector General (PAS)	Continuing Funding from Supply Fund	26		

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of Operations, Security, and Preparedness (OSP) <ul style="list-style-type: none"> Office of Security and Law Enforcement Office of Emergency Management Office of Personnel Security and Identity Management Office of Resource Management 	<ul style="list-style-type: none"> Total: 86 Excepted: 16 Non-Excepted: 70^ Other support organizations required: OI&T, VHA <p>Note: Time & Attendance (T&A) included</p> <p>^ All employees will remain at work until FY2010 funds are expended then OSP would move to furlough status</p>	Maintain the Integrated Operations Center and Provide Executive Protection	Funding and protection of life and property	16	Funding Available	<ul style="list-style-type: none"> National Security Planning and Operations Policy Program Inspections HSPD-12 Personnel Security and Suitability Resource Management

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of Policy and Planning (OPP) <ul style="list-style-type: none"> • Strategic Planning • Policy Development • VA Governance • Transformation • VA/DoD Collaboration • Multi-Year Programming • Program Analysis • Program Management and Oversight of Major Initiatives • Data Governance 	<ul style="list-style-type: none"> • Total: 97 • Excepted: 1 • Non-Excepted: 96^ • Other organizations required: None <p>Note: Time & Attendance (T&A) included</p> <p>^ All employees will remain at work until FY2010 funds are expended then OPP would move to furlough status</p>	OPP Leadership (Assistant Secretary)	PAS	1		<ul style="list-style-type: none"> • Strategic Planning • Policy Development • VA Governance • Transformation • VA/DoD Collaboration • Multi-Year Programming • Program Analysis • Program Management and Oversight of Major Initiatives • Data Governance

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VA Unit	# of Employees	Functions to be Performed	Legal Basis for Decision	# of Excepted Employees	Rationale for Exception (Additional Comments)	Functions to be Suspended
Office of the Secretary (OSVA)	<ul style="list-style-type: none"> • Total: 89 • Excepted: 68 • Non-Excepted: 21[^] Note: Time & Attendance (T&A) included [^] All employees will remain at work until FY2010 funds are expended then OSVA would move to furlough status	Orderly shutdown activities	Protection of life and property Necessary implication	10	Includes 6 exempt (2 PAS, 1 schedule C, 3 SES exempt) and 4 operational and support staff providing evaluations and decision on issues regarding matters of risk to life, safety, and protection of property and to facilitate an orderly shutdown	<ul style="list-style-type: none"> • Special program activities • Executive correspondence • Strategic planning and communications
		Adjudication of Discrimination complaints	Funded by reimbursable funds	25	Activity mandated by statute. Funded	
		Small Business Affairs	Funded by Supply Fund	33	Funded	

Appendix C – Suspended Functions in 2011

Organization	Functions to be Suspended
VHA	None
VBA	Overseas Military Coordinator; Outreach; Education Call Centers
NCA	Processing applications for Presidential Memorial Certificates; Activities at NCA Training Center; NCA will bring in contractors to accomplish interments at those national cemeteries already under contract. NCA will also restrict the number of interments at mid-range cemeteries to 8 per day.
OSVA	Special program activities; Executive correspondence and communication; Strategic planning and communications; protocol
OALC	Development of design standards, criteria, and guides; Technical architectural and engineering (A/E) consulting support; Technical real property/architectural and engineering design support; Cost estimating and A/E Selection; Administrative support functions for IT, space, human resources and financial administration
BVA	Claims appeals will be discontinued.
OCLA	All functions including: Congressional relations; Responding to congressional requests for information; Processing testimony and questions for the record; Congressional correspondence; Constituent casework; Advisory Committee Management; GAO coordination; Office administrative functions
OGC	Represent the Secretary before courts, including the US Court of Appeals for Veterans Claims, and other tribunals; Routine legal services for VHA, VBA, NCA and Staff Offices regarding personnel law, ethics, torts, and other legal matters
HR&A	HR Policy; Recruiting; Hiring; Staffing; Training; Labor-Management Relations; ADR; Diversity; Classification; VACO building maintenance support; Veteran Employment Outreach
OI&T	Oversight and compliance; Policy functions; Planning functions; Correspondence management; Congressional, GAO, IG, OMB inquires about VA Directives, FOIA, Records Mgmt., System of Records Mgmt., once FY10 funds are expended Approx. 4-6 weeks
OIG	Audits and Evaluations; Administrative Investigations; OIG Hotline; Healthcare Inspections; OIG Legal and Release of Information
OM	Performance Management; Asset Enterprise Management; Green/Energy programs ; Financial policy and oversight; Budget Formulation and analysis
OPIA	All functions including: National programs and special events; Tribal Government Relations; National Veterans Awareness Campaign; Interaction with state and local government and international visitors
OSP	National Security Planning and Operations; Policy Program Inspections; HSPD-12; Personnel Security and Suitability; Resource Management
OPP	All functions including: Strategic Planning; Analytics, Evaluations and Surveys; Management Systems Improvement; Major Initiatives oversight

Appendix D – Shutdown Activities Timeline

