

National Aeronautics and Space Administration



Office of the Chief Financial Officer

Mary W. Jackson NASA Headquarters

Washington, DC 20546-0001

August 1, 2023

TO: Office of Management and Budget

FROM: Margaret Schaus, Chief Financial Officer, NASA

SUBJECT: NASA Continuity of Appropriations Plan

Overview

Pursuant to the Office of Management and Budget (OMB) Circular A-11, Section 124, NASA is hereby submitting a revised contingency plan, superseding the plan dated June 9, 2021. The purpose of this plan is to ensure NASA can perform an orderly shutdown of activities in the event of a lapse in appropriations.

In the event of a lapse in appropriations and exhaustion of available balances, NASA will suspend regular agency operations; however, certain functions and activities that are considered to be “excepted” may continue. In this contingency plan, NASA includes:

- Summary of the significant agency activities that will continue, or will cease during a lapse
- An estimated number of personnel excepted from furlough during a short-term lapse (1-5 days) identified by Center/HQ Office.

Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	0.5 days
Total number of agency employees expected to be on board before implementation of the plan:	18,310
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	17,007
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	15
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	0
Necessary to the discharge of the President’s constitutional duties	0

and powers:	
Necessary to protect life and property:	1,288
Brief summary of significant agency activities that will continue during a lapse:	
<p>NASA recognizes there are two major operations, or classes of operations, as outlined below, that would require ongoing support in accordance with the definitions of excepted activities:</p> <p>Two Major Operations:</p> <ol style="list-style-type: none"> 1. International Space Station (ISS) Operations 2. Satellite Operations <p>Significant Agency Activities for Exception:</p> <ol style="list-style-type: none"> 1. Space launch hardware processing activities, which are necessary to prevent harm to life or property. 2. Tracking, operation, and support of the ISS and operating satellites necessary for safety and protection of life and property. 3. Completion or phase-down of research activities in cases where serious damage to property would result from temporary suspension of the activity. 	
Brief summary of significant agency activities that will cease during a lapse:	
<ol style="list-style-type: none"> 1. Educational Support – NASA instructors will not be working in schools. 2. Public Access to NASA Centers and Facilities – Tours and public education visits to NASA Centers will be canceled. 3. NASA Television/Web site – Citizens will not have televised access to NASA operations and programming or access to the NASA Web site. 	

Executive Committee for Shutdown

During a lapse in appropriations, NASA will convene an executive committee, chaired by the Agency Chief Financial Officer (CFO), that includes key leadership personnel across the agency and is responsible for overseeing planning for and operations during a lapse in appropriations. The executive committee will work with the NASA Centers and HQ Offices to review and approve excepted personnel (in coordination with the NASA Office of the General Counsel), ensure an orderly shutdown of activities occurs during a lapse; review the status of NASA's operations, and/or decide if further actions are needed to either reduce in-house or contract activity. Additionally, the executive committee will evaluate the need to recall additional personnel during any lapse that extends beyond a short-term period, or in response to any contingencies or emergencies that occur during the furlough.

Estimated Time to Complete Orderly Shutdown Activities

The estimated time to complete the shutdown for routine agency activities, which would include most NASA employees, contractor employees, and facilities, is approximately one-half day, or 0.5 days. Depending on when a shutdown occurs, certain specific activities (i.e., equipment tests and research that may be underway at the time of a hiatus) may require longer to conduct an orderly shutdown in order to eliminate any risk to personnel and preserve the Government property involved.

Excepted Activities During the Shutdown

Factors that influence the determination of excepted personnel and activities include:

1. The hazardous character of certain NASA operations
2. The threat to property involved in failure to provide the minimum level of security, safety, and reliability
3. The preservation of Government assets, for example, orbiting spacecraft including the ISS, requiring regular and frequent attention; and
4. The safety of human life.

NASA has developed guidelines for Centers and HQ Offices to follow in determining the minimum number of persons who may be excepted from the furlough. Specifically, NASA has instructed the Centers and HQ Offices to carefully construe the available exceptions in determining which activities may continue; and then except from the furlough only those employees who contribute directly to those activities. All other employees would be furloughed immediately after an orderly shutdown.¹

NASA's Major Operations

There are two major operations or classes of operations that would require ongoing support in accordance with the definitions of excepted activities identified above:

1. NASA currently is operating the ISS with a crew of astronauts and international space personnel, which has been in continuous operation since 1998. To protect the life of the crew as well as the assets themselves, we would continue to support planned operations of the ISS during any funding hiatus.² Moreover, NASA will be closely monitoring the impact of an extended shutdown to determine if crew transportation or cargo resupply services are required to mitigate imminent threats to life and property on the ISS or other areas.
2. If a satellite mission is in the operations phase, we will maintain operations that are essential to ensure the safety of that satellite and the data received from it. However, if a satellite

¹NASA will carefully evaluate the circumstances of each anticipated shutdown in regards to available funds when determining the date for commencing orderly shutdown of non-excepted activities for each account.

² The ISS is a continuous 24 hour, 7 days a week operation with on-orbit and ground control activities critical to protect life and property. A six-person, international crew is resident on orbit, working in a closed life support environment and maintaining operation and control of the large, orbiting national laboratory. Ground-based mission control functions are essential to monitor, maintain, and correct environmental conditions necessary to sustain life on board the spacecraft, and prevent loss of crew during unplanned system events or failures. A daily average of 1,000 commands are prepared, validated, and sent to the ISS from ground controllers to maintain operation. The ISS operates in the hazardous environment of low-Earth orbit populated by micrometeoroids and orbital debris (MMOD). Ground-based mission control functions are essential to monitor MMOD threats, and to analyze, plan and execute debris avoidance maneuvers necessary to prevent loss-of-spacecraft. NASA is fully engaged in several crew and cargo resupply launches to ISS. Other time-critical activities including those related to future ISS crew rotation and resupply activities will also continue at their full tempo. All of these activities are necessary to protect life and property.

mission has not yet been launched, unfunded work will generally be suspended on that project. The extent of support necessary and the time needed to safely suspend project activities will depend on whether any of the activities are of a hazardous nature (e.g., parts of the satellite may need to be cooled.³)

In each of the above cases, the ISS Programs and missions in operations, critical activities are conducted by closely integrated contractor and civil service workforces as a single unit. Through any funding hiatus, contractor activities will continue supporting necessary excepted activities and civil servant workforce essential for the protection of life and property

General Rules for Excepted Activities

As a general rule in applying these guidelines, no new travel or procurement action would proceed without an express determination that it is essential to carrying out excepted activities identified.

Procurement Actions

The following are prudent steps taken by NASA to minimize the incurrence of costs by contractors (including Jet Propulsion Laboratory (JPL) and its subcontractors), grantees, and partners in cooperative agreements performing excepted activities:

1. New contracts, grants, cooperative agreements, task orders, change orders, and other actions would not be issued during a funding hiatus, except those critical to meeting the requirements for excepted activities under this policy-and then only to the extent and amount necessary to meet those requirements.
2. Contract personnel may perform excepted activities, provided all the requirements governing excepted activities are met. For example, NASA contracts for most emergency services support and installation security services. Contractors may perform these excepted services, but only to the extent necessary.
3. Contractors may continue to perform under contracts for work for which funds were properly obligated prior to the lapse in appropriations, provided performance does not require the use of shutdown NASA facilities or other Government support which would be funded by a lapsed appropriation, including administrative, oversight, or other actions required of civil servants. For example, work on certain missions in development may continue if performance does not require the use of NASA civil servant or technical resources or other Government support. Contractors continuing to work under these circumstances will be instructed to preserve resources and limit contractual expenditures. When contract work on these projects reaches a point at which civil servant participation becomes necessary (e.g., inspections or funding actions), or past which continuation without civil servant participation would be imprudent (e.g., milestones or decision points), contractors will be instructed to suspend performance.
4. Contractors continuing to work under the provisions above will be instructed to preserve resources and limit contractual expenditures. Supplies that are not immediately needed to carry out the essential operations under this policy, overtime not critical to meeting the tasks still permitted under this policy, and similar costs should not be incurred.

³ In some cases, like past week-long thermal vacuum test of critical optimal flight hardware, tests will continue unabated as any disruption risks damage to hardware.

Travel Actions

1. Personnel at permanent duty stations overseas would remain at their stations, and excepted personnel on official travel in support of ongoing excepted space operations, such as the ISS, would remain on official travel. All other official travel would be terminated in an orderly manner, with extended temporary duty (ETDY) personnel permitted to remain at their ETDY location and all other personnel returned to their home station.
2. Contractor travel associated with excepted activities should occur only on an exception basis, and then only where it cannot be deferred without severe adverse impact on the remaining permissible effort.

Reimbursable Activities

Reimbursable activities that protect life and property may continue. Other reimbursable activities may only continue to the extent the full cost is being reimbursed (including increased incremental costs now required for operation under a partial shutdown), and the performance does not require the use of Government support that would be funded in part by a lapsed appropriation. Additionally, federal reimbursable activities must have confirmation from the requesting agency that the work is authorized to continue during the shutdown or that proper funding is available, and non-Federal reimbursable activities must have the full cost paid for in advance.

Actions Required to Resume Operations After the Shutdown

Communications and Procedures for a Return to Normal Operations

NASA employees are encouraged to monitor the operating status of the federal government during a shutdown through the [OPM Operating Status Web site](#) and reliable news and information outlets.

Upon notification from OMB to NASA leadership, the NASA Administrator or designee will formally notify all NASA employees about the conclusion of a lapse in appropriations and return to normal operations. Employees will be required to return to work at the beginning of their next regularly scheduled workday following the President signing a Continuing Resolution or full-year appropriations bill providing funding for federal agencies. If employees are unable to return to work on the next regular workday, it is the discretion of the supervisor to allow flexibilities to allow the employee the use of annual leave, compensatory time off, or credit hours. Further, Centers and HQ Offices may resume program activities consistent with all applicable NASA policies and procedures.

Compensation of Employees

NASA employees will be paid for the time they are affected by a shutdown furlough. In accordance with the Government Employee Fair Treatment Act of 2019 (S. 24), section 1341 of title 31, United States Code, was amended to provide retroactive pay for Federal employees affected by a lapse in appropriations that began on or after December 22, 2018, as soon as possible after the lapse in appropriations ends, subject to enactment of appropriations acts ending the lapse. At the conclusion of a lapse in appropriations, back pay will be granted; however, depending on the timing and length of a shutdown furlough event, receipt of back-

pay paychecks may be slightly delayed, may be processed over multiple pay periods and/or require corrective actions. The Agency will work with our payroll provider to ensure paychecks are received as quickly and with minimal issues as possible.

Sincerely,

A handwritten signature in cursive script that reads "Margaret V. Schaus". The signature is written in black ink and is positioned below the word "Sincerely,".

Margaret Schaus
Chief Financial Officer

Attachments:

Estimated NASA Excepted Personnel

Attachment A – Estimated NASA Excepted Personnel

Center	Civil Service Workforce (Regular Operations)	FTE			Head Count				
		Necessary to Protect Life and Property	Compensation is Financed by a Resource Other Than Annual Appropriations	Total FTE	Necessary to Protect Life and Property	Compensation is Financed by a Resource Other Than Annual Appropriations	Total Head Count	On Call Head Count	Furloughed Personnel
AFRC	586	78.2	-	78.2	89	-	89	169	497
ARC	1,322	44.1	-	44.1	79	-	79	176	1,243
GRC	1,523	12.5	-	12.5	34	-	34	180	1,489
GSFC	3,307	103.5	5.9	109.4	147	6	153	664	3,154
HQ (incl. NSSC & OIG)	1,929	32.3	1.2	33.5	83	1	84	241	1,845
JSC	3,122	367.7	6.0	373.7	287	6	293	1,180	2,829
KSC	2,022	273.3	-	273.3	415	-	415	291	1,607
LaRC	1,885	36.7	2.0	38.8	71	2	73	-	1,812
MSFC	2,333	162.4	-	162.4	72	-	72	713	2,261
SSC	281	5.1	-	5.1	11	-	11	95	270
Total	18,310	1,115.8	15.2	1,131.0	1,288	15	1,303	3,709	17,007

Source: BOBJ Employees as of Today Query (Date of query is July 3, 2023)