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NATIONAL RECONNAISSANCE OFFICE

14675 Lee Road
Chantilly, VA 20151-1715

13 February 2017

Mr. John Greenewald, Jr.



john@greenewald.com

REF: FOIA Cases F-2017-00031

Dear Mr. Greenewald:

This is in response to your request dated and received by the National Reconnaissance Office (NRO) on 13 December 2016. Pursuant to the Freedom of Information Act (FOIA), you are requesting **"records of the contingency plan for the NRO, should a government shutdown occur."**

Your request has been processed in accordance with the FOIA, 5 U.S.C. § 552, as amended. A thorough search of our files and databases located two (2) documents containing a total of seven (7) pages responsive to your request. One document consisting of two (2) pages is being released to you in full. One document consisting of five (5) pages is being released to you in part.

Material redacted is denied pursuant to FOIA exemption (b)(1) as properly classified information under Executive Order 13526, Section 1.4(c), and pursuant to FOIA exemption (b)(3), which is the basis for withholding information exempt from disclosure by statute. The relevant withholding statute is 10 U.S.C. § 424, which provides (except as required by the President or for information provided to Congress), that no provision of law shall be construed to require the disclosure of the organization or any function of the NRO; the number of persons employed by or assigned or detailed to the NRO; or the name or official title, occupational series, grade, or salary of any such person.

You have the right to appeal this determination to the NRO Appellate Authority, 14675 Lee Road, Chantilly, VA 20151-1715, within 90 days of the above date. You may also submit an appeal electronically by completing the form available on the NRO's public web site at <http://www.nro.gov/foia/AppealInput.aspx>. Please include an explanation of the reason(s) for your appeal as part of your submission. The FOIA also provides that you may seek dispute resolution for any adverse determination through the NRO FOIA Public Liaison and/or through the Office of Government Information Services (OGIS). Please refer to the OGIS public web page at <https://ogis.archive.gov/> for additional information.

If you have any questions, please call the Requester Service Center at (703) 227-9326 and reference case number F-2017-00031.

Sincerely,

A handwritten signature in cursive script that reads "Patricia B. Camerisi".

Patricia B. Camerisi
FOIA Public Liaison

Enclosure:

1. 2015-01 Director's Note - RIF (2 pgs.)
2. 2015-17 Announcement - RIF (5 pgs.)

UNCLASSIFIED**NATIONAL RECONNAISSANCE OFFICE**14676 Lee Road
Chantilly, VA 20151-1715**Office of the Director Note**

Number 2015-01

25 September 2015

PLANNING FOR POTENTIAL LAPSE IN FUNDING

In follow-up to my Director's Note on 11 September 2015, I wanted to provide you an update on our planning with regards to a potential lapse in appropriations at midnight on September 30th. The Administration continues to strongly believe that a lapse in funding should not occur. There is enough time for Congress to prevent a lapse in appropriations, and the Administration is willing to work with Congress to enact a short-term continuing resolution to fund critical Government operations and allow Congress more time to negotiate an agreement that invests in middle-class economic priorities and helps our entire economy grow. However, prudent management requires that we continue to prepare for all contingencies, including the possibility that a lapse could occur at the end of the month.

As part of our effort to keep employees apprised of planning efforts, we are providing further information on how a potential lapse will affect our staff and operations. As was the case in 2013, under a lapse in funding, our actions and decisions about what operations continue are governed by legal opinions issued by the Attorney General and the Office of Legal Counsel (OLC) of the Department of Justice.

In consultation with our Office of General Counsel, we have reviewed our contingency plan and made any necessary updates to our determinations of the activities that may continue under these legal requirements. Similarly, we have made any necessary updates to our determinations of the employees who would continue to report to work in the event of a lapse in funding, and the employees who would be placed on furlough. As we saw in 2013, should a lapse occur, and depending on the length of the lapse period, these determinations may change over time as circumstances evolve. Importantly, the categorization of employees and whether or not someone is furloughed is not a reflection on the quality of an employee's work, nor of his or her importance to our agency. It is merely a reflection of the legal requirements that we must operate under should a lapse occur.

Your directors will begin reaching out to you to provide additional detail on our contingency plans and your status under a potential lapse. These conversations are designed to provide clarity on how a potential lapse will affect you, but they do not constitute an official notice of furlough. Official furlough notices will only be issued on October 1st if a lapse in funding has occurred.

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UNCLASSIFIED**SUBJECT: PLANNING FOR POTENTIAL LAPSE IN FUNDING**

The uncertainty of the current circumstances puts our workforce in a difficult situation, and should a lapse occur, it could impose hardships on many employees as well as the people that we serve every day. We will work closely with all staff to do our best to support you throughout this period.

Thank you again for your hard work, dedication, and patience through this process, and for your continued service to the National Reconnaissance Office, the Nation, and the American people.



Betty J. Sapp
Director

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NATIONAL RECONNAISSANCE OFFICE

14675 Lee Road
Chantilly, VA 20151-1715

Office of the Director Announcement

Number 2015-17

11 September 2015

(U) PLANNING IN THE EVENT OF AN ABSENCE OF CONGRESSIONAL APPROPRIATIONS

(U) The following summarizes the planning guidelines and personnel resources required to deal with an absence of congressional appropriations as addressed in Office of Management and Budget (OMB) Circular A-11, Section 124. This plan has been reviewed by the National Reconnaissance Office (NRO) General Counsel and supersedes all previous direction on this topic.

(U) PLANNING GUIDELINES:

(U) This plan applies to all NRO personnel detailed or assigned to the NRO.

~~(S//NF)~~ In the event of a funding hiatus, the NRO will maintain [redacted] sustain core corporate decision-making capabilities, [redacted]. These functions will be defined as "essential." All others will be characterized as "non-essential." Government civilian personnel associated with non-essential activities will be furloughed or otherwise directed not to report to work. Contractors will follow the direction contained in the CONTRACTORS AND CONTRACTING paragraph below.

(b)(1)
(b)(3)

(U) NRO essential functions are defined to include:

a. (U) Maintain [redacted] services and products; and

(b)(3)

b. ~~(S//NF)~~ Maintain [redacted] capabilities to ensure the timely delivery of critical national reconnaissance data.

(b)(1)
(b)(3)

(U) Essential functions are further limited to:

a. (U) Activities and sites required to maintain [redacted]

(b)(3)

CL BY: [redacted]
DECL ON: 20400917
DRV FROM: INCG 1.0, 13 February 2012

(b)(3)

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SUBJECT: (U) Planning in the Event of an Absence of Congressional Appropriations

b. (U) Activities required to keep all NRO facilities, information, and assigned personnel to support the above functions;

c. (U) Assignment of minimal government staff required to oversee the above functions;

d. (U) A core corporate decision making body consisting of [redacted] directed as necessary to make and implement decisions; and

(b)(3)

e. (U) Activities required to support [redacted]

(b)(3)

(U) IN ADDITION:

a. (U) No travel will be authorized except as necessary to support essential functions;

b. (U) Special access control procedures will be implemented at all NRO facilities to enforce furlough staffing guidelines; and

c. (U) Development programs will be sustained to the extent they can be supported with already-obligated funds. However, all associated program management activities to include program status review, design reviews, and site visits will be postponed.

(U) MINIMUM-ESSENTIAL STAFFING REQUIREMENTS:

a. (U) See the Attachment for summary of NRO essential staffing requirements.

b. (U) Directorate and Office (D and O) Directors will identify essential personnel on a case-by-case basis based on the prevailing circumstances at the time the furlough is expected to start. Because military personnel are exempt from a furlough, Ds and Os should first check to see if appropriate military personnel are available to perform essential functions. Ds and Os recommended personnel, identified by name, position, and career service affiliation, will be forwarded to the Office of Strategic Human Capital for coordination and the NRO Front Office for approval. D and O Directors will provide justification if the number of retained civilian essential personnel exceeds [redacted] of the civilian personnel actually on-board at the start of the furlough.

(b)(3)

SUBJECT: (U) Planning in the Event of an Absence of Congressional Appropriations

(U) GENERAL GUIDANCE FOR THE GOVERNMENT WORKFORCE:

a. (U) All military personnel designated as supporting essential activities will report to their duty stations as assigned. Military personnel supporting non-essential activities will remain on call to support surge activities.

b. (U) Government civilians designated as essential will report to work as directed by their supervisors. All other government civilian personnel will be on furlough.

(U) CONTRACTORS AND CONTRACTING:

(U) During a funding hiatus, the NRO may enter into contracts, or place task orders under existing contracts, only when necessary to support essential activities. For existing contracts for which all funding has been exhausted, the NRO may continue to accept goods or services only if these deliverables support an essential activity. Contractors will not be paid for such obligations incurred during the funding hiatus until an appropriation is enacted. For existing contracts with available funding, work may continue regardless of whether the deliverables support essential activities, but no payments will be made during the funding hiatus.

(U) CONTINUING ACTIVITIES:

(S//NF) [redacted] as well as essential supporting functions will be sustained. These mission essential supporting functions include [redacted] as well as [redacted]. In addition, [redacted] will be maintained to preserve and protect NRO resources and to maintain a corporate decision making capability. [redacted] will be specifically exempted from furlough requirements.

(b)(1)
(b)(3)

(U) CURTAILED ACTIVITIES:

(U) Everything not characterized as essential.

(U) SUSTAINABILITY/IMPACT:

a. (U) Retained personnel should be sufficient to sustain essential operations for approximately three weeks of minimum operations. However, in the event of a crisis or major system anomaly, additional personnel will be designated essential.

b. (S//NF) Consistent with OMB guidelines, most routine acquisition management, contract administration, contractor oversight,

SUBJECT: (U) Planning in the Event of an Absence of Congressional Appropriations

and financial operations will cease as will most headquarters administrative functions. All non-mission-essential security operations to include [redacted] will also cease as will [redacted]. More importantly, [redacted]

(b)(1)
(b)(3)

[redacted] will largely cease. Due to the stand-down of most NRO contract administration and financial operations capabilities and the furlough of associated personnel, the backlog of undefinitized contract actions; and unprocessed contractor invoice payments will [redacted]

[redacted]. Depending on the length of the funding hiatus, major system acquisitions may eventually have to be delayed or even terminated which will result [redacted] as well as [redacted].

(U) ESTIMATED TIME TO IMPLEMENT A SHUTDOWN:

(U) All non-essential functions will be shutdown in one-half day or less.


Betty J. Sapp
Director

Attachment:

(U) Funding Hiatus Personnel Planning
Summary Retained Personnel (U)

Attachment
Funding Hiatus Personnel Planning Summary
Retained Personnel

Personnel Category		Personnel On-Board at the Start of the Shutdown	Personnel Designated as Essential	Percentage
1.	Military, law enforcement or provision of health care*		Exempted	Exempted
2.	Compensation financed other than by annual appropriations		None	NA
3.	Employees not otherwise exempt retained to protect NRO facilities, information, assigned personnel and to sustain mission-essential operations			

(b)(3)

(b)(3)

* Note: The NRO does not have law enforcement personnel or personnel involved in the direct provision of health care services.

** Note: Includes total government civilian personnel in all categories assigned to NRO as of 31 Aug 15.

EXPLANATION FOR RETAINED PERSONNEL:

The number of retained Category 3 personnel [redacted] sustain uninterrupted overhead reconnaissance operations to meet critical national intelligence and military operational support requirements; [redacted] and the decision to [redacted]

(b)(3)

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