



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

JAN 30 2026

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOW FIELD ACTIVITY DIRECTORS

SUBJECT: Guidance for Continuation of Operations During a Lapse of Appropriations

Many appropriations provided under the Continuing Appropriations Act, 2026 (Division A of P.L. 119-37) expire at 11:59 PM Eastern Standard Time on Friday, January 30, 2026. The Administration does not want a lapse in appropriations, which would require the Federal Government to shut down. The Administration will work with Congress to enact a short-term continuing resolution (CR), if necessary, to fund critical Federal Government operations and allow Congress the time to pass the full-year 2026 appropriations. The Secretary and I hope that Congress will quickly pass a full-year appropriations bill for Departmental activities. However, prudent management requires that the Department prepare for a possible lapse in appropriations.

The attachment to this memorandum is the Department's updated plan that provides instructions for continuing exempt or excepted operations in the absence of appropriated funds. This plan reflects the guidance in this memorandum. The Department will continue ongoing operations on the Southern border, in the Western Hemisphere, in the Middle East, and worldwide as necessary for the safety of human life or the protection of property. A list of current military operations satisfying this legal requirement, which the Department summarizes as necessary for national security, will be supplied separately. These activities will be "excepted" from the effects of a lapse in appropriations and will continue to be carried out.

Among the Department's highest priorities are efforts to support the following: Golden Dome for America, depot maintenance (shipyards and air logistics centers), shipbuilding, critical munitions, ongoing budget, audit and related financial oversight activities necessary to identify and mitigate threats to the Department. As in every case, efforts supporting these priorities may occur during a lapse when resourced with funds that remain available, to include funds provided in the One Big Beautiful Bill Act (OBBBA). Where costs for such efforts must be charged against a lapsed appropriation, Component and subordinate leaders will closely evaluate individual activities to determine whether they are "excepted" consistent with the attached planning guidance and continue or initiate them, as appropriate, when supported by the facts. Of note, activities may be excepted when their continuation or initiation during a lapse is necessarily implied from other authorized activities (*e.g.*, administration of a contract funded with amounts from the OBBBA, budget analyst work to build and finalize OBBBA spend plans, maintenance work on equipment required for use during the lapse for an excepted contingency operation). Activities necessary to discharge the President's constitutional duties, as determined by the President or his designee, are also excepted.

All other activities — including, with few exceptions, temporary duty travel — will need to be shut down in an orderly and deliberate fashion. Activities for which the factual circumstances did not exist to justify an exception at the start of a lapse will be reevaluated if the duration of a lapse becomes extended.



OSD070042-26/CMD001395-26

All military personnel performing active duty will continue in their normal duty status regardless of their affiliation with excepted or non-excepted activities. Military personnel will not be paid until such time as Congress appropriates funds available to compensate them for this period of service. Civilian personnel who are necessary to carry out or support excepted activities will continue in their normal duty status and will be paid following the lapse of appropriations.

Civilian employees paid from lapsed appropriations and who are not necessary to carry out or support excepted activities will be furloughed, i.e., placed in a non-work, non-pay status. Pursuant to the Government Employee Fair Treatment Act of 2019, all furloughed employees will be paid for the period of the lapse once Congress provides funding, and all excepted employees required to perform work during a lapse will be paid for such work.

Both military and civilian personnel detailed to other agencies on a reimbursable basis will coordinate with their sending organization and advising legal counsel to determine whether the detail may lawfully continue.

The responsibility for determining which activities meet the criteria for being excepted consistent with this guidance from shutdown resides with the Heads of the Department of War Components (as established in DoDD 5100.01), and Principal Staff Assistants (PSAs) to the Secretary of War with respect to activities carried out by personnel within their offices. Consistent with other authorities not specifically withheld, Component heads and PSAs may further delegate the authority in this paragraph as they deem appropriate. Notwithstanding the foregoing, the Assistant Secretary of War for Special Operations and Low Intensity Conflict is responsible for determining which activities wholly funded by Major Force Program-11 are excepted from shutdown. The attached guidance is not exhaustive; the Heads of the Department of War Components and PSAs to the Secretary of War, and delegees, should exercise their discretion in implementing the attached guidance. Decisions to continue an activity not expressly identified in the attached guidance should be made after consultation with the decisionmaker's legal advisor.

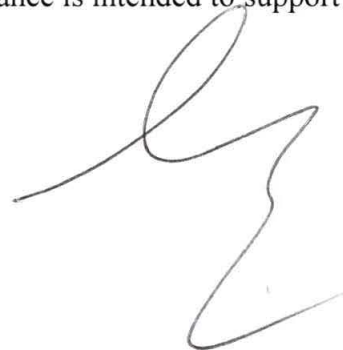
This memorandum contains guidance to begin detailed planning. No shutdown actions are to be taken without further notice.

Within the Office of the Secretary of War, the Under Secretary of War (Comptroller)/Chief Financial Officer of the Department of War will take the lead in preparing for operations in the absence of appropriations, assisted by other offices as necessary.

To repeat, the Secretary and I hope that Congress will pass a full-year funding bill and that the Department of War will avoid a shutdown. This guidance is intended to support prudent planning.

Attachment:
As stated

cc:
Director for National Intelligence

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line and a vertical line that curves back to the left.

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**CONTINGENCY PLAN GUIDANCE
FOR CONTINUATION OF
OPERATIONS
IN THE ABSENCE OF
AVAILABLE APPROPRIATIONS**

January 2026

Updated

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Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	<i>1/2 day</i>
Total number of civilian employees expected to be on board before implementation of the plan:	<i>741,477</i>
Total number of civilian employees to be retained under the plan for each of the following categories:	
Compensation is financed by a resource other than annual appropriations:	<i>182,684</i>
Necessary to perform activities expressly authorized by law:	<i>0</i>
Necessary to perform activities necessarily implied by law:	<i>0</i>
Necessary to the discharge of the President's constitutional duties and powers:	<i>0</i>
Necessary to protect life and property:	<i>223,889</i>
<ul style="list-style-type: none"> - <i>The figures above do not include 2,067,700 military personnel who continue to perform duties during a lapse in appropriation.</i> - <i>The figures above do not include 28,074 foreign indirect employees that are not included in the Department's FY 2026 President Budget.</i> - <i>These estimates are based on the FY 2026 President's Budget.</i> - <i>The number of employees retained will vary based on events and operations underway at the time of the lapse.</i> 	
Brief summary of significant agency activities that will continue during a lapse:	
<p>- The department will continue to defend the nation and conduct ongoing military operations. It will continue exempt activities funded with any available budgetary resources that have not lapsed (e.g., funds made available in Pub. L. 119-21 or Pub. L. 119-37), excepted activities such as those necessary for the safety of human life and the protection of property, and those activities necessarily implied to continue because a failure to do so would prevent or significantly damage the execution of an otherwise exempt or excepted activity. Significant activities that will continue during a lapse are summarized in this planning guidance document.</p>	
Brief summary of significant agency activities that will cease during a lapse:	
All activities chargeable to lapsed appropriations, not otherwise excepted, will cease.	

GENERAL INFORMATION

This document provides guidance for identifying those missions and functions of the Department of War (DoW) that may continue to be carried out during a lapse in appropriations. The information provided in this document is not exhaustive, but rather illustrative, and is intended primarily to assist in the identification of those activities that may continue notwithstanding the absence of available funding in the applicable appropriations (*i.e.*, excepted activities). Activities funded with available appropriations (*i.e.*, exempt activities) may continue, subject to prior apportionment and allotment of funds. Activities funded from lapsed appropriations that are

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determined not to be excepted, and which cannot be performed by utilizing military personnel in place of furloughed civilian personnel, will be suspended during the period of the lapse.

The responsibility for determining which activities meet the criteria for being excepted consistent with this guidance from shutdown resides with the Heads of the Department of War Components (as established in DoDD 5100.01), and Principal Staff Assistants (PSAs) to the Secretary of War with respect to activities carried out by personnel within their offices. Consistent with other authorities not specifically withheld, Component heads and PSAs may further delegate the authority in this paragraph as they deem appropriate. Notwithstanding the foregoing, the Assistant Secretary of War for Special Operations/Low Intensity Conflict is responsible for determining which activities wholly funded by Major Force Program-11 are excepted from shutdown. As mentioned above, this guidance is not exhaustive; the Heads of the Department of War Components and PSAs to the Secretary of War should exercise their discretion in implementing this guidance. Decisions to continue an activity not expressly identified in this guidance should be made after consultation with the decisionmaker's legal advisor.

Components should consult the Office of Management and Budget website (<http://www.whitehouse.gov/omb/>) and section 124 of OMB Circular A-11 (Preparation, Submission and Execution of the Budget) for the latest guidance issued on operations during a lapse in appropriation and the Office of Personnel Management website (<http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/#url=Overview>) for the latest guidance on civilian furloughs during a government shutdown.

Anti-deficiency Act Compliance

The Anti-deficiency Act (ADA) prohibits Federal agencies from incurring obligations that are in advance of, or that exceed, an appropriation. Thus, with certain limited exceptions, a federal agency may not incur obligations when the funding source for the obligation is an appropriation that has lapsed (*i.e.*, no longer available for new obligations). The ADA also prohibits the acceptance of voluntary services unless otherwise specifically authorized by law. Federal agencies generally may not accept services from employees, whose salaries are set by law, without the obligation of appropriations for their compensation, except for emergencies involving the safety of human life or the protection of property.

After operating appropriations have lapsed for new obligations, the Department may incur costs in advance of an appropriation *only* for those activities that have been designated as "excepted." The Department may incur such obligations for excepted functions, including when: (1) a statute expressly authorizes incurring obligations in advance of appropriations for the subject function; (2) the subject function addresses emergency circumstances where suspension of the function would imminently threaten the safety of human life or the protection of property; (3) the subject function is necessary to discharge the President's Constitutional duties and powers; and (4) the continuation of the subject function is necessarily implied from the authorized continuation of exempt or excepted activities. An activity may be excepted as "necessarily implied" only when its cessation would prevent or significantly damage the execution of the underlying exempted or excepted activity.

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Even if an obligation against a lapsed appropriation is properly incurred for an excepted function, no disbursements against lapsed appropriations may be made to liquidate such obligations incurred *until* Congress provides an appropriation to cover these obligations.

New obligations may be charged to appropriation accounts that do not expire for new obligation on September 30th to the extent sufficient unobligated balances exist. For DoW, unobligated balances may be available from mandatory appropriations (e.g., Pub. L. 119-21) and discretionary appropriations in accounts for procurement; research, development, test and evaluation; military construction; working capital funds; and other revolving and management funds.

Activities related to administering or making payments for an obligation are distinct *bona fide* needs of the fiscal year in which they occur. Accordingly, for an obligation properly incurred during an appropriation's period of availability, activities for administering or making payments may only occur during a lapse if those activities themselves are excepted, to include when they are necessarily implied for the continuance of the underlying exempted or excepted activity.

Military Personnel

Military personnel on active duty, including reserve component personnel on Federal active duty, will continue to report for duty and carry out assigned duties. This includes duty involving excepted and, to the extent they can be performed without incurring new obligations, non-excepted activities. Military personnel on active duty may be assigned to carry out non-excepted activities in place of furloughed civilian personnel only to the extent that the non-excepted activity is capable of execution without incurring new obligations. As is always the case, military personnel may not exercise the functions of a Presidentially-appointed, Senate-confirmed official. *See* 10 U.S.C. § 973(b)(2)(A).

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

Movement of military personnel associated with permanent change of station will be limited as follows:

- 1) Moves TO a duty station for an excepted activity will continue (e.g., activities identified in the tables on pages 11 and 12 of this guidance).
- 2) Moves FROM a duty station currently executing an excepted activity, to include moves required to carry out a servicemember's separation instructions, will continue only to the

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extent the commander of the excepted activity determines it essential to mission (e.g., overburden of local infrastructure), or required to enhance support of excepted activities.

3) Accession and training moves associated with recruitment and initial entry training will continue, along with subsequent movement to first station when required for an excepted activity.

4) Movement to comply with a Permanent Change of Station order between non-excepted activities, will continue *only* if an obligation of funds was incurred prior to the lapse in appropriations; no costs may be incurred in excess of what was previously included in an order.

Civilian Personnel

Civilian personnel, including military technicians, who are not necessary to carry out excepted activities, are to be furloughed using lapse in appropriations (often referred to as “shutdown”) procedures and guidance provided by the Office of Personnel Management. Only the minimum number of civilian employees necessary to carry out excepted activities will be excepted from furlough. Determinations regarding the status of civilian positions will be made on a position-by-position basis, using the guidance in this document. Determinations shall be made for all positions, including those in the Senior Executive Service or equivalent, as well as those located overseas.

Individuals who are needed to perform excepted activities generally should only work on excepted activity work. Once the excepted activity work is completed, the individual should be furloughed using shutdown procedures. If the excepted activity is to be performed intermittently during the day, management should consolidate excepted activities to the maximum extent possible for performance by the fewest number of employees. Management should determine if military personnel vice civilians can perform the excepted activity.

Following the lapse of appropriations, a minimum number of civilian employees may be retained as needed to execute an orderly suspension of non-excepted activities within a reasonable timeframe. *Reminder: at no time may contractors perform inherently governmental work; this includes during a lapse in appropriations.*

Individuals appointed by the President, with or without Senate confirmation, who are not covered by the leave system in 5 U.S.C. chapter 63, or an equivalent formal leave system, are not subject to furlough and, similar to military personnel on active duty, may perform both excepted and non-excepted work as assigned. Their immediate office personnel necessary to perform excepted activities may be excepted from furlough at the discretion of the appointee in consultation with the decisionmaker’s legal advisor..

Foreign national employees paid by a host country funds are not subject to furlough; if the Department reimburses the host nation for foreign national employee labor costs, then those employees are subject to furlough unless excepted. If a country-to-country agreement indicates that foreign national employees under the agreement should not be furloughed, such employees

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are excepted. *In any case, no disbursements may be made to liquidate obligations incurred for excepted activities performed by foreign nationals until Congress provides an appropriation to cover these obligations (i.e., no pay may be made unless the individuals are paid from appropriation accounts/funds with unobligated, unexpired balances).*

Civilian personnel whose salaries are reimbursed from a non-DoW source (e.g., the Foreign Military Sales Trust Fund) are not excepted from furlough solely on that basis; if the appropriation account into which reimbursements are to be made has lapsed, such employees will be furloughed unless they are performing excepted activities. Civilian personnel whose compensation is paid from a DoW appropriation or fund that has sufficient budgetary authority (e.g., working capital funds, trust funds, gift funds, multiyear appropriations with available unobligated balances from prior years, etc.) are exempted from furlough until the funding source for their salaries reaches a minimum cash balance threshold, as established and published separately by OUSW(Comptroller). Prior to this threshold, civilians funded in multiyear appropriations or funds may be furloughed *only* if the rules for an administrative furlough are applied; an individual on administrative furlough may not be excepted. *Only civilian personnel furloughed using shutdown procedures may be excepted.*

Permanent change of station (PCS) for civilian personnel will continue only to the extent expenses are chargeable to a funded PCS order issued prior to the funds' lapse. Expenses for movement of civilian personnel chargeable to lapsed appropriations will be limited as follows:

- 1) Moves TO a duty station for an excepted activity that cannot be delayed will continue.
- 2) Moves FROM a duty station currently executing an excepted activity will continue only to the extent the commander of the excepted activity determines it essential to mission (e.g., overburden of local infrastructure), or required to enhance support of excepted activities.

Reimbursable Details to Other Agencies

Both Military and Civilian personnel detailed to other agencies on a reimbursable basis during a lapse in appropriations will coordinate with their sending organization and advising legal counsel to determine whether the detail may lawfully continue.

Continuance of such details is subject to the requesting agency's ability during a lapse to continue to incur obligations. Accordingly, reimbursable details for which another agency has entered into a proper, recordable obligation to DoW (e.g., FS 7600A and B) extending into a period of a lapse may continue for the period of performance identified in the agreement. Reimbursable details in the absence of a properly recordable obligation to DoW must end on the last day appropriations remain available, and the detailees must return to DoW and be subject to normal lapse guidance, subject to additional coordination with the requesting agency. For DoW's reimbursable details to continue during a lapse, the requesting agency must: (1) make an internal determination that the reimbursable detail is necessary to carry out an excepted activity of that agency; and (2) incur an obligation to DoW for the specific DoW detail requested *and* which is specifically made to cover the relevant period of the lapse.

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Temporary Duty (TDY) Travel and Conference Participation

In the absence of appropriations, TDY travel and conference participation scheduled to begin after the shutdown occurs should be cancelled, except as noted below. Any TDY travel or conference participation that began prior to the shutdown should, except as noted below, be terminated (*i.e.*, return to one's official duty station) as quickly as possible, but in an orderly fashion. This includes TDY travel and conference participation associated with professional military education training.

All TDY travel and participation in conferences in direct support of the military operations identified as excepted activities and published by the Joint Staff, including TDY travel of reservists on active duty, may be undertaken or continue. Attendance at such conferences remains subject to applicable conference attendance policies. Other travel/conference participation directly related to safety of human life or the protection of property, including national security and protection of the homeland, as well as foreign relations (*e.g.*, negotiating international agreements) and inter-agency cooperation efforts, may be undertaken or continued *only if* approved, in writing, by the appropriate approval authority listed below and only in the most limited circumstances.

During a lapse in appropriations, the Deputy Secretary of War must approve all TDY travel/conference participation by the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, and Presidentially Appointed, Senate Confirmed officials (PAS) serving as Principal Staff Assistants (PSA) within the Office of the Secretary of War.

The approval authority for TDY travel/conference participation by all other personnel may be approved by the following officials (with further delegation authorized, consistent with other authorities where delegation is not specifically withheld):

- Secretary of a Military Department for personnel assigned to that Military Department
- Head of a Defense agency for personnel assigned to that Defense agency
- Chairman of the Joint Chiefs of Staff for personnel assigned to the Joint Staff and the Combatant Commanders
- Combatant Commander for personnel assigned to that combatant command
- Principal Staff Assistant (PSA) for personnel assigned to that office and Heads of Defense agencies reporting to that PSA

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

Civilian employees already on TDY when a lapse in appropriation occurs to attend a professional development, certification, other education curriculum necessary to enable the employee to carry out an excepted activity may continue to attend the course or program to the extent that curriculum continues during the lapse.

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Visits by Foreign Dignitaries

Planned visits by foreign dignitaries and ministerial officials to organizations scheduled to occur during a lapse shall be cancelled, unless they are necessary for safety of human life or protection of property by directly supporting excepted national security operations or are essential to the President's conduct of foreign relations. The approval authority for hosting of any such visit is:

- Secretary and Deputy Secretary for all PSAs, Defense Agencies, and the Joint Staff
- Secretary of a Military Department for that Military Department
- Undersecretary for Policy for any visits to Combatant Commands

The above restriction does not apply to engagements with foreign dignitaries and officials that do not involve costs to DoW, to include those for travel. During a funding lapse, Emergency & Extraordinary Expense (EEE) authority (including Official Representation Funds (ORF) authority), ceases and is not available for incurrence of new obligations undertaken to extend official courtesies

Contracts

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

The expiration of an appropriation does not require the termination of contracts (or issuance of stop work orders) funded by that appropriation unless a new obligation of funds is required under the contract and the contract is not required for an excepted activity. In cases where additional funding is required and/or oversight, engagement, or inspection by Federal employees who have been furloughed is critical to successful performance under the contract and the contract is not required for an excepted activity, the issuance of a stop work order, or the termination of the contract may be required.

The Department may continue to enter into new obligations for contracts, or place task orders under existing contracts, to obtain supplies and services necessary for excepted activities even though there are no available appropriations.

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

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Departmental Priorities

As of September 2025, the Department considers efforts to the support the following among its highest priorities:

- Operations to secure the U.S. Southern Border
- Western Hemisphere operations
- Middle East operations
- Golden Dome for America
- Depot Maintenance
- Shipbuilding
- Critical Munitions

As in every case, efforts for these activities may occur during a lapse when resourced with funds that remain available—to include those provided in Pub. L. 119-21. Where costs for such efforts must be charged against a lapsed appropriation, Component and subordinate leaders will closely evaluate individual activities to determine whether they are excepted consistent with this planning guidance and continue or initiate them, as appropriate, when supported by the facts. Of note, activities may be excepted when their continuation or initiation during a lapse is necessarily implied from other excepted activities (*e.g.*, administration of a contract funded with amounts from Pub. L. 119-21, budget analyst work to build and finalize Pub. L. 119-21 spend plans, maintenance work on equipment required for use during the lapse for an excepted contingency operation).

Further, the duration or expected duration of a lapse is also relevant to whether the continuance of activities may implicate an imminent threat to the safety of human life or the protection of property—and therefore, to whether they may reasonably be deemed as excepted. DoW Component Heads and delegates will continuously evaluate the evolving circumstances of a lapse and adjust their determinations for excepted activities, as appropriate, ensuring that Department leadership remains informed.

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**SAFETY OF HUMAN LIFE OR PROTECTION OF PROPERTY
(NATIONAL SECURITY)**

Excepted	<ul style="list-style-type: none">• Military operations and activities authorized by deployment or execute orders, or otherwise approved by the Secretary of War, and determined to be necessary for national security, including administrative, logistical, medical, and other activities in direct support of such operations and activities; training and exercises required to achieve and maintain operational readiness and to prepare for and carry out such operations.• Activities of forces assigned or apportioned to combatant commands to execute planned or contingent operations necessary for national security, including necessary administrative, logistical, medical, and other activities in direct support of such operations; training and exercises required to achieve and maintain operational readiness and to prepare for and carry out such operations.• Activities necessary to continue recruiting for entry and accessions into the Armed Forces during contingency operations (as such term is defined in 10 U.S.C § 101(13)), including activities necessary to operate Military Entrance Processing Stations (MEPS) and to conduct basic and other training necessary to qualify such recruited personnel to perform their assigned duties.• Activities necessary to continue recruiting and onboarding civilian employees for positions to perform excepted activities.• Command, control, communications, computer, intelligence, surveillance, and reconnaissance activities required to support national or military requirements necessary for national security or to support other excepted activities, including telecommunications centers and phone switches on installations, and secure conference capability at military command centers.• Activities required to operate, maintain, assess, or disseminate the collection of intelligence data necessary to support tactical and strategic indications and warning systems, and military operational requirements.• Activities necessary for Continuity of Government and Continuity of Operations.• Activities necessary to carry out or enforce treaties and other international obligations.
Footnotes	<ul style="list-style-type: none">• Activities involving technical intelligence information collection, analysis and dissemination functions not in direct support of excepted activities (<i>e.g.</i>, general political and economic intelligence unrelated to ongoing or contingency military operations, support of acquisition programs, support to operational test and evaluation, intelligence policy security promulgation and development, systems development and standards, policy and architecture) are not excepted activities.• Emergency & Extraordinary Expense (EEE) authority under 10 U.S.C. § 127 (including authority for Official Representation Funds (ORF) and Intelligence Contingency Funds (ICF)) ceases when the relevant O&M accounts lapse; no <u>new</u> obligations may be incurred. No expenditures may be made (including cash payments) under EEE authority during a lapse in appropriations unless the funds were properly obligated prior to the lapse. The above limitation on incurring <u>new</u> obligations does not apply to programs under 10 U.S.C. §§ 127d, 127e, 127f, and 429a. Nonetheless, expenditures (including cash payments) in furtherance of these authorities remain subject to the availability of appropriations.

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SAFETY OF HUMAN LIFE OR PROTECTION OF PROPERTY

Excepted	<ul style="list-style-type: none"> • Response to emergencies, including fire protection, physical and personnel security, law enforcement/counter terrorism, intelligence support to terrorist threat warnings, Explosive Ordnance Disposal operations, emergency salvage, sub-safe program, nuclear reactor safety and security, nuclear weapons, air traffic control and harbor control, search and rescue, utilities, housing and food services for military personnel, and trash removal. • Emergency repair & non-deferrable maintenance to utilities, power distribution system buildings or other real property, including bachelor enlisted quarters (BEQ), bachelor officers' quarters (BOQ), and housing for military personnel. • Repair of equipment needed to support services for excepted activities, including fire trucks, medical emergency vehicles, police vehicles, or material handling vehicles. • Monitoring and maintaining alarms and control systems, utilities, and emergency services. • Receipt/safekeeping of material delivered during shutdown. • Control of hazardous material and monitoring of existing environmental remediation. • Oil spill/hazardous waste cleanup, environmental remediation, or pest control, only to the extent necessary to prevent imminent danger to the safety of human life or the protection of property. • Safe storage or transportation of hazardous materials, including ammunition, chemical munitions, photo processing operations. • Emergency reporting response and input to the National Response Team and coordinating with Environmental Protection Agency (EPA) and other agencies on fire, safety, occupational health, environmental, explosive safety for vector borne disease management. • Activities, both in the Continental United States (CONUS) and overseas, required for the safety of DoW or other U.S. Government employees or for the protection of DoW or other U.S. Government property. • Commissaries located overseas, and any determined to be in remote U.S. locations where no other sources of food are reasonably available for military personnel. • Defense support to civil authorities in response to disasters or other imminent threats to human life or property, including activities of the U.S. Army Corps of Engineers with respect to responsibilities to state and local governments that involve imminent threats to human life or property. • Activities necessary for the protection of DoW equipment located in a foreign country are excepted, even if the activity for which the equipment is in the foreign country is non-excepted. • Foreign humanitarian assistance in response to disaster or other crises posing an imminent threat to human life. • Emergency counseling and crisis intervention intake screening and referral services. • Counseling and other services and support for victims of sexual assault. • Religious, suicide, or substance abuse counseling and services. • Counterdrug activities determined to be necessary for the safety of human life or the protection of property. • Operation of mortuary affairs activities and attendant other services necessary to properly care for fallen military personnel and their families, and for other individuals pursuant to statute. • Other activities authorized by the Secretary of War to provide for the safety of human life or the protection of property.
Footnote	<ul style="list-style-type: none"> • Activities in support of environmental requirements that are not necessary to prevent imminent threat to human life or property are not excepted activities.

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MEDICAL/DENTAL CARE

Excepted	<ul style="list-style-type: none"> • The general intent for medical care services during a lapse in appropriations is that facilities remain open to extent permissible under law to provide care and related services for beneficiaries as necessary to preserve the safety of human life and for the national security, including deployability and readiness. • Inpatient care in DoW Medical Treatment Facilities and attendant maintenance of patient medical records. • Acute and emergency outpatient care in DoW medical and dental facilities. • Elective surgery and other routine/elective procedures in DoW medical and dental facilities if deferral or delay of such procedures would impact personnel readiness or deployability. • Private Sector Care under TRICARE or similar health programs. • Certification of eligibility for health care benefits. • Medical care for Wounded Warriors, including surgery to continue recovery of function/appearance. • Veterinary Services that support excepted activities (i.e., food supply and service inspections).
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ACQUISITION AND LOGISTIC SUPPORT

Excepted	<ul style="list-style-type: none"> • Contracting, contract administration, contract payment (for contracts funded with prior year funds), or logistics operations in support of excepted activities. • Activities required to contract for and to distribute items as authorized by the Feed and Forage Act (e.g., clothing, subsistence, forage, fuel, quarters, transportation, and medical and hospital supplies). • Central receiving points for storage of supplies and materials purchased prior to the shutdown. • Contracting, logistics, and supply chain activities as necessary to sustain the Military Health Enterprise including (and not limited to), excepted military medical training operations, medical material and supplies, pharmaceuticals, TRICARE network and other private sector care program administration, health information systems, and associated clinical support functions required for execution of such medical activities.
Footnote	<ul style="list-style-type: none"> • Once individuals are no longer needed to implement the orderly shutdown; they are to be furloughed unless they are needed to support excepted activities.

LEGISLATIVE AND PUBLIC AFFAIRS SUPPORT

Excepted	<ul style="list-style-type: none"> • Legislative affairs activities necessary to support excepted activities (e.g., notifications and associated briefings to meet notification or reporting requirements that must be accomplished, as a matter of law, prior to incurring obligations for excepted activities). • One radio and one television news and information channel broadcast by the Armed Forces Radio and Television Service (AFRTS) to provide command communications with U.S. forces and accompanying personnel in foreign countries.
Footnote	<ul style="list-style-type: none"> • Briefings/engagement with the Congress, which if suspended would prevent or damage the execution of excepted or exempt activities are themselves an excepted activity and may continue during the lapse. • CODELs and STAFFDELS are non-excepted. • Once individuals are no longer needed to implement the orderly shutdown; they are to be furloughed unless they are needed to support excepted activities.

EDUCATION AND TRAINING

Excepted	<ul style="list-style-type: none"> • Education and training necessary to participate in or support excepted activities. • DoD Education Activity (DoDEA) educational, extracurricular, and co-curricular activities, to include sports, normally resourced with DoDEA’s annual appropriations. • Activities at the military service academies necessary to continue to admit, train, graduate, and commission future military officers, to include the execution of discipline and honor programs, curriculum development, and other critical administrative support. • Military medical clinical training, credentialing, and proficiency activities as necessary to maintain provider qualifications required for delivery of medical services or sustained deployable medical capabilities supporting ongoing excepted operations.
Footnotes	<ul style="list-style-type: none"> • Installation education centers may continue to operate utilizing military personnel, so that private agencies such as colleges and universities may provide courses for which payment has already been made. • Civilian personnel, including technicians, on TDY for training or education associated with non-excepted activities should be returned to their home stations as part of the orderly closedown of operations. • Civilian personnel on PCS orders attending training or educational activities should remain in place and not attend classes as no cost may be incurred during a lapse in appropriations. If the civilian’s compensation is paid by an appropriation account or fund that has unobligated balances from prior year appropriations, then the employee may continue to attend class. • Military personnel on PCS orders attending training and educational activities may continue to attend classes only if the instructor is military or is a contractor paid with prior year funds; no costs may be incurred above what is required for safety of human life or the protection of property. • Sporting events and extracurricular activities at the military academies are non-excepted; an event or activity may only continue during a lapse in appropriations if the event or activity is fully funded with (1) nonappropriated funds (NAF), provided that NAF funding for the event is not dependent on Uniform Funding and Management transfers or MWR Utilization Support and Accountability reimbursements from appropriated funds, and/or (2) funds and support provided by a statutorily authorized athletic association or corporation, and/or (3) unobligated balances in a statutory gift fund available for such purpose.

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LEGAL ACTIVITIES

Excepted	<ul style="list-style-type: none"> • Litigation activities associated with imminent or ongoing legal action, in forums inside or outside of DoW, to the extent required by law or necessary to support excepted activities. • Legal support for excepted activities, including activities by special victims' counsel and legal assistance for military and civilian personnel deployed, or preparing to deploy, in support of military or stability operations. • Legal activities needed to address external (non-judicial) deadlines imposed by non-DoW enforcement agencies, to the extent necessary to continue excepted activities. • Legal support activities essential to the implementation of orderly shutdown of agencies.
Footnote	<ul style="list-style-type: none"> • Once individuals are no longer needed for implementing the orderly shutdown; they are to be furloughed unless they are needed to support excepted activities.

AUDIT AND INVESTIGATION COMMUNITY

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

Excepted	<ul style="list-style-type: none"> • Morale, Welfare, and Recreation (MWR) and Nonappropriated Fund (NAF) activities necessary to support excepted activities, <i>e.g.</i>, operation of mess halls; physical training; child care activities required for readiness.
Footnotes	<ul style="list-style-type: none"> • Activities funded entirely through NAF sources will not be affected. • Military personnel may be assigned to carry out or support non-excepted MWR activities, where deemed necessary or appropriate, to replace furloughed employees. • Community and public outreach programs are non-excepted activities; such programs may only continue during a lapse in appropriations if they are <i>fully</i> funded with nonappropriated funds and such NAFs are not derived from transfers or reimbursements from appropriated funds. Examples of community and public outreach programs include, but are not limited to, jet and jump demonstration teams, band and ceremonial unit appearances, port visits, Service weeks, and nonprofit and corporate leader outreach.

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FINANCIAL MANAGEMENT

Excepted	<ul style="list-style-type: none"> • Activities necessary to control funds, record new obligations incurred in the performance of excepted activities, and manage working capital funds. • Activities necessary to effect upward adjustment of obligations and the reallocation of prior-year unobligated funds in support of excepted activities. • Financial support activities essential to implementation of orderly shutdown of agencies. • Financial statement preparation, review, compilation, documentation, presentation, analysis, statement of assurance, payment integrity, audit remediation, audit response, and financial systems modernization necessary to protect Federal assets, including identifying and mitigating security threats, are excepted activities. Planning and preparation of the Fiscal Year 2027 President’s Budget is excepted.
Footnotes	<ul style="list-style-type: none"> • Preparation of other, routine financial reports, research and correction of problem disbursements, adjustments to prior-year funds (excepted as noted above) including those related to programs and contracts that do not support excepted activities, and approval of the use of currently available funds to pay obligations against closed accounts, are not excepted activities. • Once individuals are no longer needed for implementing the orderly shutdown; they are to be furloughed unless they are needed to support excepted activities. • Disbursing and Paying Agents may not make disbursements to liquidate an obligation (e.g., disburse cash) incurred for an excepted activity chargeable to a lapsed appropriation.

WORKING CAPITAL FUND/REVOLVING FUNDS

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

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ACTIVITIES FUNDED WITH UNOBLIGATED, UNEXPIRED BALANCES

Excepted	<ul style="list-style-type: none">• Any activity funded with appropriation accounts or funds that have unobligated, unexpired balances may continue to execute its mission provided all costs, including the compensation of the employees supporting these activities, are paid directly from these same appropriation accounts or funds.
Footnotes	<ul style="list-style-type: none">• Appropriation accounts or funds with unobligated balances that carry over from prior year appropriations generally are not directly impacted by a lapse in annual appropriations.• When the unobligated balances are exhausted, these programs must shut down unless they are supporting excepted activities.• No obligations chargeable to lapsed annual appropriations may be incurred to support an activity/program that is being funded with unobligated carryover balances unless the supporting activity is designated as an “excepted” activity.• Management actions that may be taken to conserve unobligated balances include: delay of training, minimal travel, reduction in supplies, civilian furloughs, and other actions consistent with management objectives.• If no appropriation for “Military Personnel” is available for obligation for death gratuity payments under chapter 75 of title 10, United States Code, such payments may be charged to unobligated, unexpired “Defense Health Program” appropriations pursuant to section 8123 of the Department of Defense Appropriations Act, 2021. Operations conducted to make such payments are excepted as a “necessarily implied” activity.