

Federal Agencies to Implement Contingency Plans Following Government Shut-down: Update #3

Robert Szabo and Richard Agnew

The lapse in appropriations for the federal government enters its second week today and there is currently no end in sight.

This update on the impact on agency operations reflects new information about the shut-down status of federal departments or agencies since our update of October 3rd. A cumulative, updated report on the status of all federal departments and agencies that we have reviewed is found on our website at <http://www.vnf.com/news-media-federal-agency-shut-down-status.html>.

Federal Courts (UPDATE). The U.S. Court of Appeals for the District of Columbia Circuit has [denied](#) two requests by the Department of Justice (DOJ) to delay oral arguments in pending challenges to Environmental Protection Agency (EPA) rulemakings. Because the court denied the request to delay proceedings, DOJ and EPA personnel needed to prepare for oral arguments are exempt from furlough to the extent required by the court's order. Contact [Mike McBride](#) for further details.

Federal Energy Regulatory Commission (UPDATE). The FERC has indicated that its prior year appropriations have not yet been exhausted and remains open for the time being. Contact [Doug Smith](#), [Susan Olenchuk](#) or [David Yaffe](#) for further details.

Nuclear Regulatory Commission (NRC) (UPDATE). According to an [announcement](#) made this morning, NRC expects to run out of previously appropriated funds by Thursday, October 10, if Congress does not appropriate new funds by then. An [NRC blog post](#) also notes that [public meetings](#) scheduled for this week are in the process of being cancelled or postponed. Contact [Mike McBride](#) for further details.

Securities and Exchange Commission (SEC) (UPDATE). The SEC has indicated that its prior year appropriations have not yet been exhausted and remains open for the time being. Contact [Lisa Epifani](#) for further details.

[United States Coast Guard \(USCG\)](#) (NEW). The USCG, an office within DHS unless activated for military purposes, remains open for essential services including search and rescue, port and homeland security, law enforcement, environmental response, and activities to maintain military readiness. More routine and commercial operations including vessel construction inspections, seaman licensing, bridge administration, recreational boating safety activities, community relations, procurement, and oversight have been suspended for the duration of the lapse in appropriations. Contact [Ben McMakin](#) for further details.



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Avi Zevin, Gabe Tabak, and Mike O’Neill, Van Ness Feldman’s newest associates, contributed to this alert.

In February 2012, Van Ness Feldman expanded its capabilities by combining practices with the Seattle law firm of GordonDerr LLP, a preeminent real estate, land use, water law, and civil litigation firm in the Pacific Northwest. Learn more at www.vnf.com.

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