



Executive Branch Reconstitution
Concept of Operations FEMA - 302-094-1
FEMA National Continuity Programs
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FEMA

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1. INTRODUCTION

This Concept of Operations (CONOP) outlines the approach to reconstituting the executive branch following the occurrence of a continuity event. It defines the roles and responsibilities of the executive departments and agencies (D/As), including the key assistance roles played by the Federal Emergency Management Agency (FEMA), the General Services Administration (GSA), the Office of Personnel Management (OPM) and the National Archives and Records Administration (NARA).

1.1 Background

Presidential Policy Directive (PPD)-40 requires the Executive Office of the President (EOP) and executive D/As to provide “for reconstitution capabilities that allow for recovery from a catastrophic emergency and resumption of normal operations.”¹ It states that the Secretary of Homeland Security shall, through the Administrator of FEMA, “facilitate the planning and coordinate the activities of the GSA, [OPM, and NARA], among others, in supporting the reconstitution efforts of the EOP and executive [D/As] and informing the [National Continuity Coordinator] of the executive branch’s reconstitution status.”²

PPD-40 further outlines the responsibilities of FEMA, GSA, OPM and NARA for executive branch reconstitution. These four agencies shall comprise:

- The Interagency Continuity Working Group (ICWG) for Reconstitution Planning, a standing working group of the Continuity Advisory Group (CAG), which is focused on the development of effective executive branch and D/A reconstitution plans and programs;
- The Executive Branch Reconstitution (EBR) Council, which advises the President and the National Security Council staff (NSCS) concerning reconstitution following an event; and
- The EBR Cell, which facilitates executive branch and D/A reconstitution in an event.

1.2 Authorities

- Homeland Security Act of 2002 (as amended).³ FEMA is responsible for preparing and implementing Federal Government plans and programs for COOP, COG and continuity of plans.
- Presidential Policy Directive – 40, National Continuity Policy, July 2016. Establishes comprehensive national policy relating to continuity of Federal Government programs, capabilities, and operations to include reconstitution. FEMA is responsible for facilitating executive branch reconstitution efforts supported by GSA, OPM and NARA.

¹ PPD-40, para (10)(j).

² PPD-40, para (18)(d)(ii).

³ 6 U.S.C. § 314(a)(15).

1.3 Mission

To facilitate the planning and coordinate the activities supporting the reconstitution of the EOP and executive departments and agencies and informing the National Continuity Coordinator of the executive branch's reconstitution status.

1.4 Scope

This CONOP describes the roles and responsibilities in conducting reconstitution support to multiple Department and Agencies (D/As) as required by PPD-40. It is not intended to apply to internal D/A reconstitution plans.

1.5 Assumptions

- Any event/emergency leading to the activation of executive branch continuity programs will ultimately end and discontinued functions will resume.
- Adaptive application of reconstitution tenets and program implementation may be required for specific continuity activations, for example, in response to pandemic or other emerging threats.
- A catastrophic emergency that makes Washington, D.C. uninhabitable will necessitate reconstitution in a new geographic area or areas.
- Committees and processes described in National Security Presidential Memorandum 4 (NSPM-4) will be used for Presidential decision-making regarding reconstitution matters.
- The EOP will establish and maintain reconstitution plans and capabilities comparable to those of the executive D/As.

1.6 Roles and Responsibilities

Each executive D/A is responsible for conducting reconstitution planning and implementation. However, the scope and severity of the continuity event that triggered executive D/As' reconstitution efforts may necessitate assistance from the EBR Cell and its member organizations.

1.6.1 The National Security Council Staff

The NSCS shall:

- Serve as the White House point of contact for the EBR Council, the EBR Cell and executive D/As regarding reconstitution matters.
- Formalize, test and validate a means to prioritize, coordinate, communicate and reconcile D/As reconstitution requirements with FEMA, GSA, OPM, and NARA.
- Utilize the EBR Cell as the focal point for executive branch reconstitution management issues and information conduit to D/As.
- Receive and consider reconstitution status reports consolidated and submitted by FEMA following the occurrence of a continuity event.
- Receive impact analysis from the EBR Cell about executive branch reconstitution status.

- Determine office space, human capital and other scarce resource allocation priorities for the reconstitution of the executive branch, and inform the D/As.
- Provide direction to the EBR Cell for information needs and analysis during a continuity event.
- Coordinate the interagency review process for all reconstitution activities.

1.6.2 The Executive Office of the President and Executive Departments and Agencies

The EOP and the executive D/As shall:

- Prioritize resource allocation within their own organizations and internally resolve conflicts when necessary.
- Provide for capabilities that allow for recovery from a catastrophic emergency and resumption of normal operations.
- Develop a reconstitution plan which provides pre-planned processes and options to recover from the effects of an emergency and transition from continuity operations to normal operations
- Designate a Reconstitution Manager and a Devolution Reconstitution Manager (if the primary reconstitution manager is located at the primary operating facility) to oversee all phases of the reconstitution process.
- Designate reconstitution team members to prepare and maintain reconstitution plans and to conduct reconstitution operations when required.
- Incorporate reconstitution into the organization's continuity test, training and exercise (TT&E) program.
- Identify and document all reconstitution requirements via completion and submission of SF-2050, "Reconstitution Questionnaire." Organizations are required to annually review and re-submit the SF-2050 for headquarter (HQ) elements in accordance with Federal Continuity Directive 1 (FCD-1).
- Implement the organizational reconstitution plan following the occurrence of a continuity event.
- Submit Reconstitution Status Reports (RSRs) to FEMA.
- Manage reconstitution operations outside of the National Capital Region (NCR).
- Coordinate with the EBR Cell as required for assistance with issues concerning facilities/space, human capital, and essential records.

1.6.3 Federal Emergency Management Agency

In coordination with the ICWG for Reconstitution Planning and the EBR Cell, FEMA shall:

- Facilitate planning and coordinate activities of the EBR Cell to support reconstitution of the EOP and executive D/As, and to inform the NSCS of the executive branch's reconstitution status.
 - Monitor and report the reconstitution status of executive D/As.
 - Facilitate information sharing among operational nodes of the Federal Government.
 - Provide reconstitution input to the Continuity Readiness Center to populate in FEMA's Geospatial Common Operating Picture.

- Coordinate with the EBR Cell to facilitate support for executive branch reconstitution efforts.
- Provide training to executive D/As based on the reconstitution requirements within PPD-40.
- Provide training for members of the EBR Cell.
- Support and facilitate regional and state level reconstitution working groups and, at a minimum, conduct annual reconstitution events to address Federal and non-Federal government reconstitution planning and other elements of a viable continuity program.
- Coordinate updates to applicable policy and operational documents as required to implement the elements outlined in this CONOP.

1.6.4 General Services Administration

In coordination with the ICWG for Reconstitution Planning and the EBR Cell, GSA shall:

- Record executive D/A facility status and reconstitution requirements.
- Receive and maintain SF-2050, “Reconstitution Questionnaire” annually from executive D/As in accordance with FCD-1.
- Provide support to executive D/As in the acquisition of:
 - Real property;
 - Commercial goods; and
 - Contract services;
 - Information technology.
- Maintain the executive branch alternate facilities database.
- Provide training to executive D/As based on the facilities management functional area of the national reconstitution program requirements within PPD-40.

1.6.5 Office of Personnel Management

In coordination with the ICWG for Reconstitution Planning and the EBR Cell, OPM shall:

- Serve as the lead Federal agency for assistance with all human capital issues including those specific to a continuity event, e.g., new leadership and succession, new hires, Employee Assistance Programs (EAP), supplemental human resources (HR) guidance, union related matters, and other issues under the authority of OPM.
- Provide personnel policy assistance to executive D/As in the areas of recruiting and hiring, pay and leave, benefits, telework and employee assistance, labor and management, and employee unions.
- Provide training to executive D/As based on the personnel management functional area of the national reconstitution program requirements within PPD-40.
- Provide workforce protection guidance to executive D/As required for reconstitution planning and implementation.

1.6.6 National Archives and Records Administration

In coordination with the ICWG for Reconstitution Planning and the EBR Cell, NARA shall:

- Provide guidance and advice to reconstitution teams seeking: Preservation of records, recovery of records, and information on meeting Federal record-keeping requirements.
- Provide training to executive D/As based on the records management functional area of the national reconstitution program requirements within PPD-40.

1.6.7 Interagency Continuity Working Group for Reconstitution Planning

The ICWG for Reconstitution Planning shall collectively serve as the executive branch point of contact for preparedness activities of the EOP and executive D/As related to reconstitution.

1.6.8 Executive Branch Reconstitution Council

The EBR Council consists of principals or their designated representatives, from FEMA, GSA, OPM and NARA. Following a continuity event, the Council will advise the President and the NSCS on all matters related to the reconstitution of the executive branch.

1.6.9 Executive Branch Reconstitution Cell

EBR Cell shall:

- Collectively serve as the executive branch operational point of contact for the execution of the reconstitution of the EOP and executive D/As.
- Inform the NSCS of the executive branch's reconstitution status.
- Facilitate the communication of the status of executive D/As' continuity facilities and remaining reconstitution requirements to GSA and NSCS.
- Provide a focal point for data collection from executive D/As and the subsequent analysis and reporting in support of reconstitution of the executive branch as it applies to real property, commercial goods, and contract services in support of executive branch reconstitution efforts.
- Provide a focal point for data collection from executive D/As and the subsequent analysis and reporting to the appropriate executive D/As and NSCS of human capital issues, and personnel policy assistance in support of executive branch reconstitution.
- Provide a focal point for data collection from executive D/As and the subsequent analysis and reporting to the appropriate executive D/As and NSCS of issues related to the preservation of records, recovery of records, and information on meeting Federal record-keeping requirements in support of executive branch reconstitution.
- Provide analysis to NSCS of mission impact and potential prioritization of resources.

2. EXECUTIVE BRANCH RECONSTITUTION CONCEPT OF OPERATIONS

Reconstitution is the process by which surviving and/or replacement agency personnel resume normal agency operations from the original or replacement primary facility.

Reconstitution activities begin very shortly after the activation of the continuity plan to begin the process to return to full and normal operations as quickly as possible. **Exhibit 1** provides an overview of the reconstitution process within the executive branch.

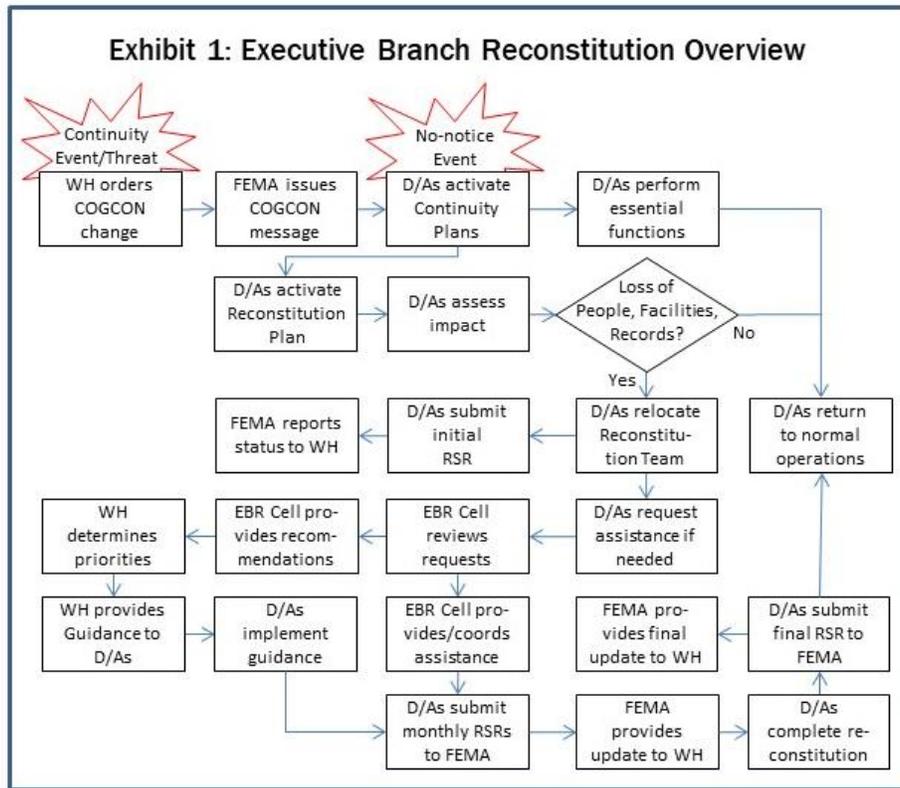


Exhibit 1: Executive Branch Reconstitution Overview

2.1 Executive Office of the President and Department and Agency Reconstitution

The EOP and each executive D/A, is responsible for developing and executing its reconstitution plan as expeditiously as circumstances allow following a continuity event. Exhibit 2 provides an overview of the process that the executive D/As will use to reconstitute. It summarizes the actions that an executive D/A takes from the occurrence of an event and throughout the reconstitution coordinative process while relocating from headquarters to an alternate site and finally to temporary and permanent replacement headquarters as needed.

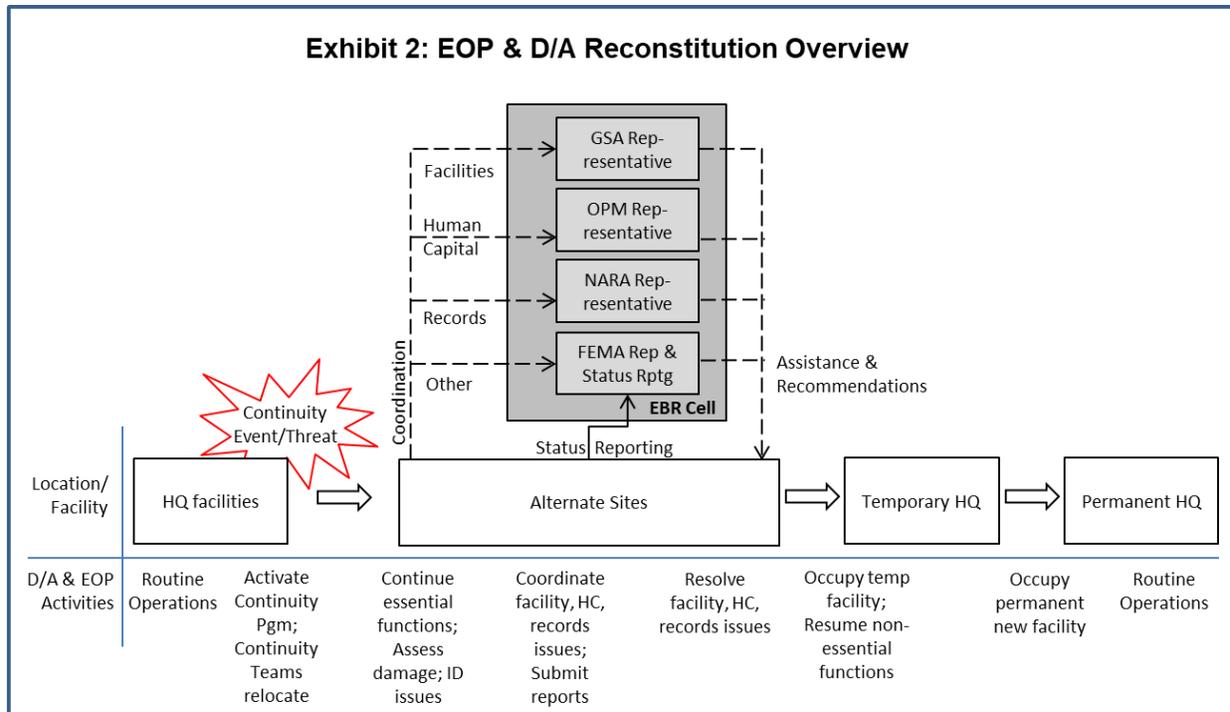


Exhibit 2: EOP and D/A and Reconstitution Overview

2.2 Reconstitution Outside of the National Capital Region

In the event of a catastrophic emergency affecting Federal facilities outside of the NCR, executive D/A HQs will lead reconstitution efforts for affected subordinate organizational components, as required. Depending on the severity of the emergency and the extent of damage to Federal facilities, FEMA may activate the EBR Cell to coordinate at the HQ level with each impacted D/A to facilitate information flow, provide situational awareness, and support the D/A’s initiatives and EBR Cell member organization efforts in the field. **Exhibit 3** provides an overview of the process that executive D/As will use to reconstitute components of their organization that are not located within the NCR. The chart summarizes the actions that an executive branch organization takes from the occurrence of an event and throughout the reconstitution coordinative process while relocating from a damaged site to an alternate site and finally to temporary and permanent replacement space as needed.

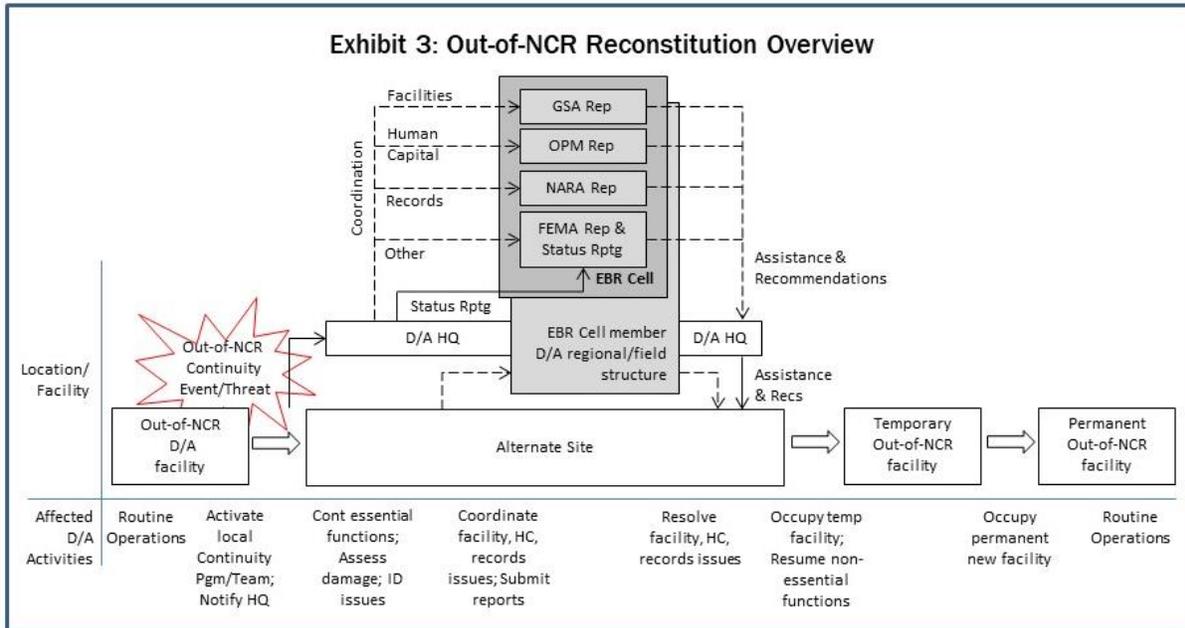


Exhibit 3: Out-of-NCR Reconstitution Overview

2.3 Executive Branch Reconstitution

Executive branch reconstitution is the collective reconstitution of the EOP and executive D/As working in collaboration with the EBR Cell. If reconstitution is not possible in the Washington, D.C. area, Congress, in accordance with its enumerated powers, will work with the states to establish a new seat of government. Once the new seat of government is identified, the construction and/or procurement of appropriate facilities to house executive D/As begins. The central role of the executive D/As, and the key support roles of EBR Cell member organizations are reflected in **Exhibit 4**.

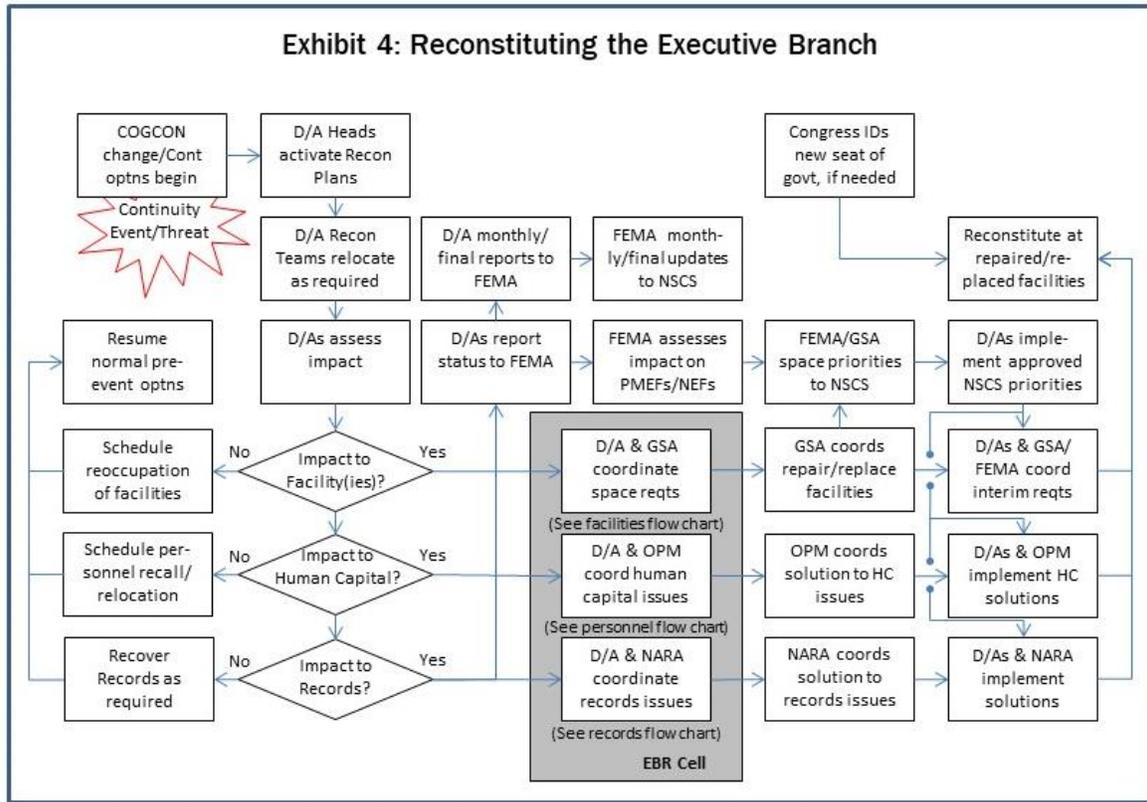


Exhibit 4: Reconstituting the Executive Branch

2.3.1 General Services Administration/Facilities

Whether the executive branch reconstitutes in Washington, D.C. or elsewhere, GSA, via office of Mission Assurance (OMA) will play a critical role by:

- Recording executive branch facility status and reconstitution requirements;
- Receiving and maintain SF-2050, “Reconstitution Questionnaire”, annually from executive branch D/As for HQ space/facilities in accordance with FCD-1.
- Providing support to executive D/As in the acquisition of:
 - Real property;
 - Commercial goods; and
 - Contract services.
- Maintaining the executive branch alternate facilities database.

GSA will provide the necessary resources for real property acquisition to support the executive D/As. See **Exhibit 5** for a more detailed description of the coordinated process to reconstitute the facilities required.

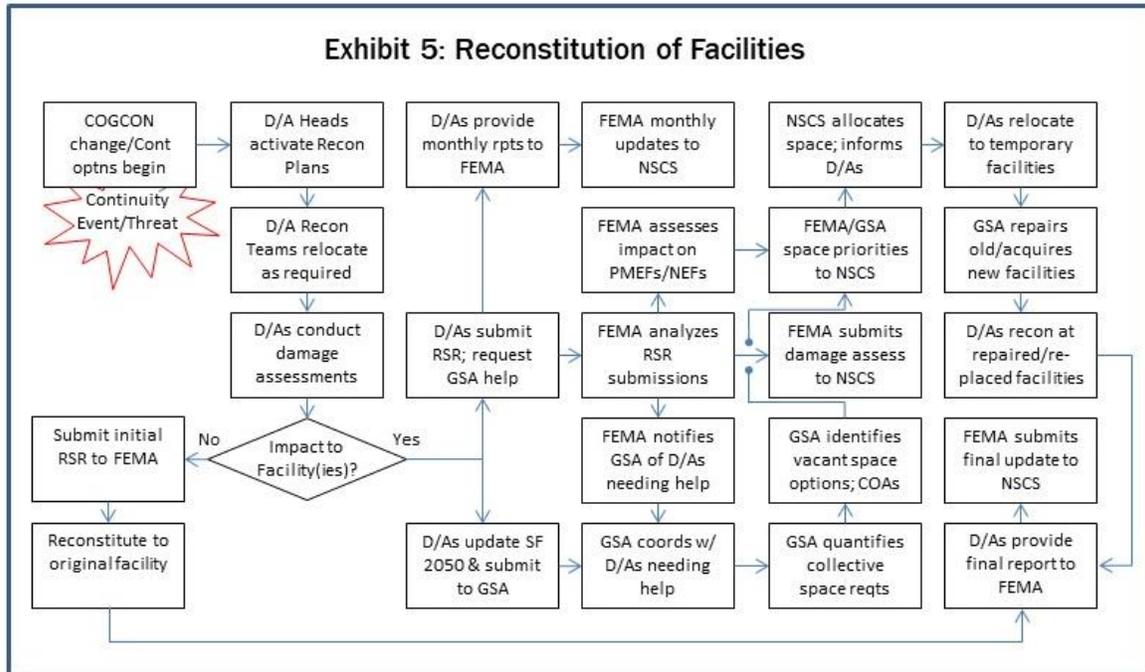


Exhibit 1: Reconstitution of Facilities

2.3.2 Office of Personnel Management/Human Capital

Whether the executive branch reconstitutes in Washington, DC or elsewhere, OPM will play a critical role by:

Serving as the lead Federal agency for assistance with all human capital issues including those specific to a continuity event, e.g., new leadership and succession, new hires, EAP, supplemental HR guidance, union related matters and other issues under the authority of OPM;

Providing personnel policy assistance to executive D/As in the areas of: Recruiting and hiring, pay and leave, benefits, telework and employee assistance, labor and management, and employee unions; and

Providing guidance to executive D/As on workforce protection considerations and measures prior to resumption of normal operations.

OPM will serve in these capacities for all executive D/As. See Exhibit 6 for a more detailed description of the coordinated process to reconstitute the human capital resources required.

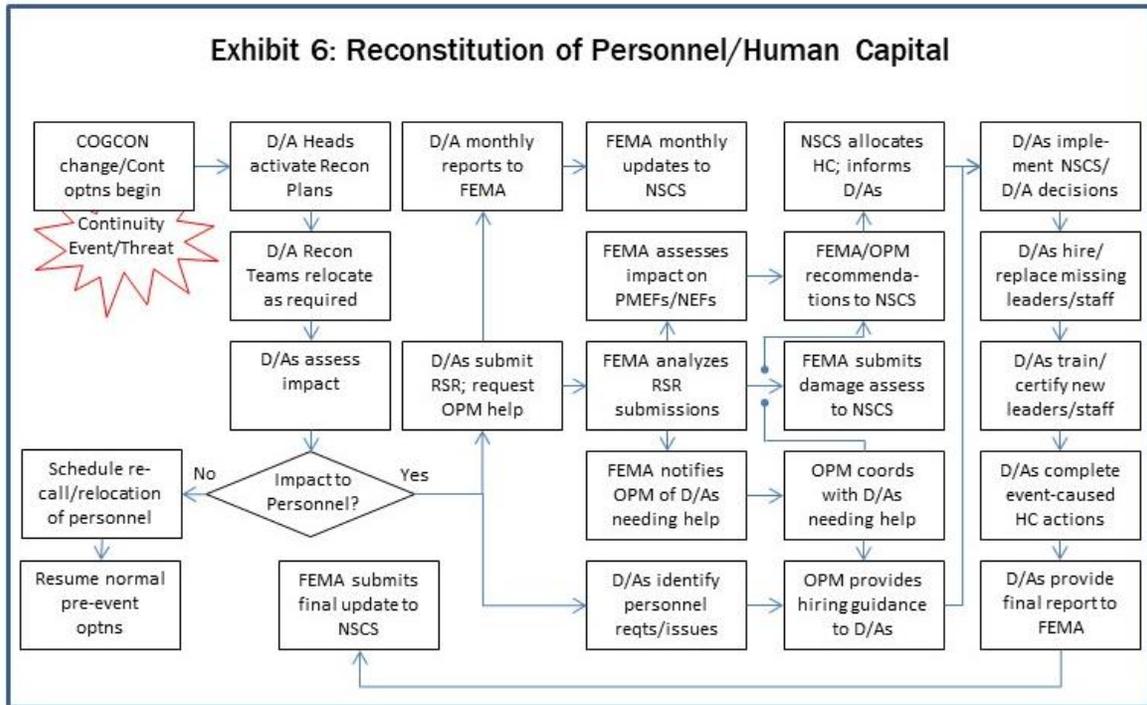


Exhibit 6: Reconstitution of Personnel/Human Capital

2.3.3 National Archives and Records Administration/Essential (and Other) Records

Whether the executive branch reconstitutes in Washington, D.C. or in a new geographic area, as determined by Congress, NARA will play a critical role to ensure that records are maintained and available for all executive D/As. Specifically, NARA will provide guidance and advice to reconstitution teams seeking: Preservation of records, recovery of records, and information on meeting Federal record-keeping requirements.

See **Exhibit 7** for a detailed depiction of the coordinated process to obtain the technical assistance required to recover, preserve, and capture records (with emphasis on essential records) required to successfully reconstitute executive D/As documentation.

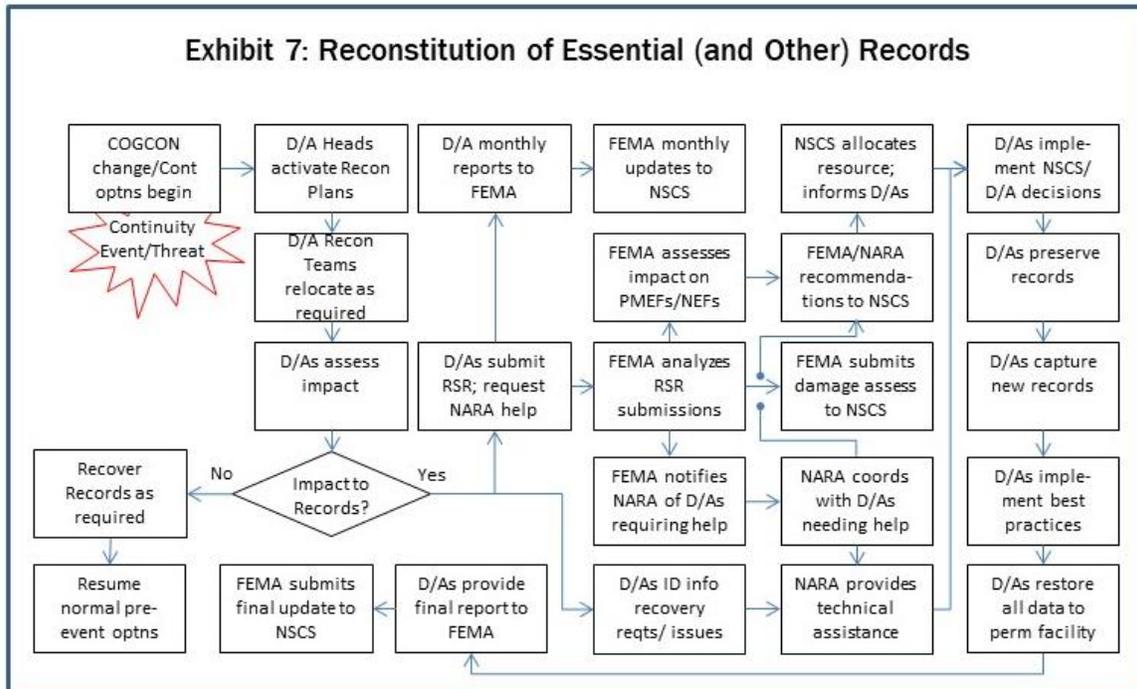


Exhibit 7: Reconstitution of Essential (and Other) Records

2.4 Coordinating Instructions

The activities accomplished by the EBR Cell member organizations to support executive branch reconstitution efforts are separate from their responsibilities to prepare their individual reconstitution plan and implement planned reconstitution activities if required by a continuity threat or event. The four EBR Cell executive D/As provide the same required reports and updates as other executive D/As.

FEMA collects critical information about the impact of an event on individual executive D/As and their ability to reconstitute. FEMA initiates the data collection process via a message to all D/As, requesting submission of the initial RSRs. These RSRs, completed by the impacted D/As following a continuity event, provide initial, monthly and final status of reconstitution efforts of the organizations as they progress from continuity of operations activities focused on essential functions to the resumption of full normal operations. Executive D/As use the initial RSR to request additional support from the EBR Cell.

After the initial RSR has been submitted, executive D/As continue to refine their requirements in coordination with the EBR Cell to develop interim solutions for facility/space, human capital and essential records challenges. The EBR Cell members review these reports and collaborate to facilitate effective executive branch reconstitution, and to develop prioritized recommendations (if necessary) for the NSCS and OMB. Members of the EBR Cell will provide points of contact from their respective organizations to the executive D/As that require assistance. For example, if the D/A has a personnel shortage that prevents the resumption of discontinued non-essential functions, the OPM representative on the EBR Cell will facilitate coordination between the D/A and OPM to

develop potential solutions to the issue. The EBR Cell will continue to track the issue via monthly RSR until it is resolved. This coordinated effort will assist in the resumption of normal operations without disruption to executive D/As essential functions or the NEFs.

Once executive D/As implement their reconstitution plans, they are required by NSCS to provide updated RSR reports to FEMA on a monthly basis or more frequently if required to maintain situational awareness. FEMA will compile the monthly D/As RSRs and provide a monthly report to the NSCS until executive branch reconstitution operations are complete.



Robert J. Fenton
Senior Official Performing the Duties of the FEMA Administrator
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2/11/21

Date