

Bureau of Indian Affairs
CONTINGENCY PLAN
September 2023



**Department of the Interior
Bureau of Indian Affairs
Contingency Plan for a Potential Lapse in Appropriations
September 2023**

Overview

This Contingency Plan pertains to all offices and functions within the Bureau of Indian Affairs (BIA) including Central Office East (Washington, DC), Central Office West (Albuquerque, NM and Lakewood, CO), the BIA Fire Center (Boise, ID), and the 12 BIA Regional Offices located in 38 States across the Nation. The direct impact of this plan will apply to 80 BIA agencies and field offices, with 9 Law Enforcement Districts and 17 irrigation projects, 138 high hazard potential dams on 41 Indian reservations, and 3 power projects. In the event of a lapse in appropriations which brings about the need for contingency operations, the normal organization of the BIA will shift into the contingency organization. The focus of the BIA will shift from the current structure and functions of business as usual to the structure and functions of the BIA working toward essential operations for programs subject to annual appropriations.

Orderly Shutdown

If the Plan is activated, notification will be communicated to all employees by an all employee e-mail, a website posting, and/or internal telephone trees specific to each office. The Chief of Staff will implement the all employee email notification, the website posting will be conducted by the IA Web Team, and internal telephone calls will be conducted by individual supervisors. Also available to all of Indian Affairs is an electronic employee alert system to notify employees of changes to operating status via the web, voice call, or mobile applications.

Servicing Human Resources (HR) offices should except sufficient HR staff during shutdown to ensure benefits, insurance, payroll data is moving forward as necessary.

Lead timekeepers will be available to assist non-furloughed supervisors and managers so that hours are tracked correctly in the time and attendance system as exempt, excepted, or furloughed. This helps ensure employees are correctly paid during and after shutdown.

Lapse Plan Summary Overview

Short-Term Lapse

| Short Lapse Plan (1-5 days) Summary Overview | |
|---|-------|
| Estimated time (to nearest half day) required to complete shutdown activities: | 0.50 |
| Total number of agency employees expected to be on board before implementation of the plan: | 3,792 |
| Total number of agency employees expected to be furloughed under the plan (unduplicated count): | 2,104 |

| Short Lapse Plan (1-5 days) Summary Overview | |
|--|-------|
| 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: | 1,688 |
| Necessary to perform activities expressly authorized by law: | 0 |
| Necessary to perform activities necessarily implied by law: | 877 |
| Necessary to the discharge of the President's constitutional duties and powers: | 0 |
| Necessary to protect life and property: | 1,154 |

Brief summary of significant agency activities that will continue during a lapse:

The purpose of the BIA Contingency Plan is to ensure the continuous performance of essential functions, continued leadership of the BIA and provide for an orderly means of addressing problems and keeping essential operations running smoothly. To do so, the BIA has incorporated the following key continuity concepts into operational procedures to ensure a robust continuity capability exists:

- Essential functions
- Clear lines of authority
- Necessary communications capabilities

The Plan encompasses BIA offices regardless of physical location. The following services/programs are either necessary to protect life and property, and/or are functions that are necessarily implied by law as they must continue to support activities funded with non-lapsing or non-appropriated funds, or otherwise continuing excepted activity (such as protection of life and property). It also encompasses all resources and capabilities described below that will be used in support of the mission, such as facilities, personnel, or communications infrastructure needed to support such essential operations.

| NAME OF SERVICE/PROGRAM | REASON |
|--|--|
| Law Enforcement and Detention Centers | Excepted: Protection of life and property. Carryover funding will be used if available. |
| Social Services Child and Adult Protection | Excepted: Protection of life. Carryover funding will be used if available. |
| Irrigation, Power and Safety of Dams | Exempt: Non-appropriated funding sources available for Irrigation and Power. Funding from fee collection. Excepted and Partially Exempt: Safety of Dams is an excepted function for the protection of life and property. It is partially funded with non-lapsing funds until exhausted and then carryover if available. |

| | |
|---|--|
| Transportation Tribal Transportation Program. | Exempt: Non-lapse funding sources available. Funding from Department of Transportation Highway Trust Fund. |
| Wildland Fire Management | Excepted and Exempt: Protection of life and property. Wildland Fire Program is funded with non-lapsing funds and carryover if available. |

Brief summary of significant agency activities that will cease during a lapse:

- Management and protection of trust assets such as lease compliance and real estate transactions.
- Federal oversight on environmental assessments, archeological clearances, and endangered species compliance.
- Management of oil and gas leasing and compliance.
- Timber Harvest and other Natural Resource Management operations.
- Tribal government related activities.
- Payment of financial assistance to individuals in need, and to vendors providing foster care and residential care for children and adults will cease.
- Disbursement of Tribal funds for Tribal operations including responding to Tribal government requests will be limited.
- Road maintenance activities and employees which are covered with Department of the Interior-Tribal Priority Allocation funds for road maintenance (such as routine, emergency, bridge, snow/ice removal, etc.) will cease.

Shutdown activities that will not be completed within one-half day:

The BIA does not expect to have any shutdown activities not completed within one-half day.

Long-Term Lapse

| Extended Lapse Plan (over 5 days) Summary Overview | |
|--|-------|
| Estimated time (to nearest half day) required to complete shutdown activities: | 0.50 |
| Total number of agency employees expected to be on board before implementation of the plan: | 3,792 |
| Total number of agency employees expected to be furloughed under the plan (unduplicated count): | 2,104 |
| 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: | 1,688 |
| Necessary to perform activities expressly authorized by law: | 0 |

| Extended Lapse Plan (over 5 days) Summary Overview | |
|---|-------|
| Necessary to perform activities necessarily implied by law: | 877 |
| Necessary to the discharge of the President’s constitutional duties and powers: | 0 |
| Necessary to protect life and property: | 1,154 |

Actions to Resume Orderly Operations

Communications

DOI will notify furloughed employees it is permissible to take home computers and check emails periodically (e.g., twice a day) noting Shutdown Update in the subject line. This can provide valuable information to staff, such as, you are being called back as exempt or excepted status; info on benefits and pay; when the shutdown may end; time period of furlough is being extended; etc.

Flexibilities Available to Supervisors

If an employee has an issue returning to work, for instance, due to leave planned in advance, DOI encourages supervisors to allow employees to use normal leave, such as accrued annual leave, compensatory time, credit hours, etc. Employees should coordinate this approval with the supervisor when notified of the return to work.

Resuming Normal Operations

Furloughed employees are expected to monitor public broadcasts and the Internet, including but not limited to DOI.gov, for information and public notices relevant to any appropriation or continuing resolution for DOI passed by Congress and signed by the President. They will be expected to return to regular duty on the next workday immediately after the end of the lapse in appropriations.