

Bureau of Reclamation
CONTINGENCY PLAN
September 2023



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

Overview

Reclamation is responsible for national critical infrastructure and for delivering water and power to millions of Americans. Reclamation dams provide life-saving flood control that protect many communities, while other Reclamation projects protect endangered species. Reclamation holds jurisdiction and responsibility for federally owned lands with public access sites and environmental protection systems, many of which are managed by various other Federal or non-Federal partners. Reclamation is structured to provide these services to the American public through its executive and administrative offices in Washington D.C. and Denver and five operations-based regional offices and many area and field offices.

Since Reclamation operates dams and waterway structures for flood control, municipal/industrial water supplies, and hydropower during a Government-wide shutdown furlough, some leadership, administration, and technical staff will be designated as “Excepted-Implied by Law” or as “Excepted Life and Property” to ensure national critical infrastructure functions related to power and water continue during a furlough. Additionally, since Reclamation operates under a variety of authorities and funding sources, some offices and operations will continue under non-lapsing funding (“Exempt”) wherein staff will be designated as Exempt employees. Reclamation will use the minimal level of FLREA funding necessary to provide critical health, public safety and protection services as an exempt activity in a manner that maintains restrooms and sanitation, trash collection, road maintenance, campground operations, law enforcement emergency operations, and the protection of natural resources.

Reclamation leadership will provide oversight and direction during a shutdown as necessary to ensure the orderly cessation of non-exempt and non-excepted Agency activity. They will be designated as “Excepted-Implied by Law” personnel across all programmatic divisions as necessarily implied to execute shutdown activities according to this Plan and Reclamation policy. Regional area, and field offices, will continue necessary operations by maintaining the appropriate staff to carry out Exempt and Excepted functions. Those employees in the Washington D.C. and Denver Office leadership and administrative staff designated as “Excepted-Implied by Law” will support shutdown operations as well as all ongoing operations.

Shutdown designations are assigned to employees within each directorate, division, or region as follows: 1) Exempt (due to non-lapsing funds), 2) Excepted-Authorized by Law, 3) Excepted-Implied by Law, 4) Excepted-Presidential Support, 5) Excepted-Life and Property), or 6) Furloughed (may not incur obligation of funds). Certain Excepted as well as Furloughed categories apply to employees otherwise funded by lapsing appropriations. Furloughed employees may be recalled to perform Excepted functions as necessary.

Prior to and during a government shutdown due to a furlough, Reclamation leadership and shutdown coordination staff activate and use this Reclamation Government Shutdown Plan to prepare and respond to the challenging activity of administering shutdown procedures.

Orderly Shutdown

Employee Notifications Prior to a Shutdown.

Supervisors should acquire personal contact information for employees prior to a shutdown. Supervisors should notify staff of their designation within one week of a potential lapse. Supervisors will provide a Furlough Decision Letter to those employees designated to be Furloughed and make reasonable accommodations for an orderly and safe shutdown.

Furloughed Employee Actions.

Furloughed staff will take steps to complete an orderly shutdown according to supervisor instructions. Most furloughed employees will be given 4 hours maximum to complete their shutdown duties. Some staff will have extended shutdown duties taking up to 5 days (e.g., suspending contracts, returning from travel).

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:	0.5
Total number of agency employees expected to be on board before implementation of the plan:	5,450
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	750
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:	4,212
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	128
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	359

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

There are a number of continuing (non-lapsing) government activities that are funded by annual appropriations that Reclamation must continue despite a lapse in funding. In such cases, supporting

activities funded by annual appropriations that have lapsed may be excepted from furlough as "necessarily implied" and permitted to continue. The touchstone of the analysis is to determine whether execution of the terms of the statutory provision, not the terms of the funded contract or grant pursuant to that statute, would be significantly damaged in the absence of immediate performance of the unfunded (lapsed), related activity. For example, administrative activities necessary to disburse benefit payments under entitlement programs, such as social security benefits that are funded through an indefinite appropriation has congressional authorization to make regular ongoing payments to beneficiaries, would be authorized to continue. Another example under this category would be the execution of an orderly shutdown when there has been a lapse in appropriations.

Many area and field offices will remain partially or fully open to perform essential functions or operations funded by non-lapsing sources. There is a higher overall number of Excepted employees in area offices given the nature of how water and power delivery activities are funded (e.g. up-front or reimbursable funding). However, due to the dramatic differences in operations, size, visitation, location, and infrastructure represented in area offices, the number of employees required to carry out the Excepted functions will vary. As a rule, staffing for Excepted functions will be held to the minimum number. To the extent they are available, apportioned carryover funds will be used to fund all otherwise Excepted positions in the event of a Government shutdown.

Examples of Excepted functions applicable to Reclamation include:

- Presidential appointee confirmed by the Congress
- Law enforcement
- Providing local and national emergency response, disaster recovery support to the Nation, and coordination and provision of Federal emergency response capability on Department and Tribal lands
- Protection of Reclamation's Federal lands, buildings, waterways, equipment, and other property and infrastructure
- Activities essential to ensure continued employee and public health and safety (e.g., water supplies)
- Activities that ensure production of power and maintenance of the power distribution system
- Activities necessary to maintain protection of research property
- The minimum number of employees necessary to ensure the health, safety, regulatory, and security needs of Excepted Employees
- Uninterrupted command, control, and communications through agency leadership
- Maintenance of IT systems that are critical to the activities being carried out by Excepted Employees (e.g., radio communication, e-mail, and industrial control systems)
- The minimum number of employees necessary to ensure available funding is not exceeded during a lapse in appropriations

Schedule C employees may or may not be designated as Excepted. The designation of Schedule C employees will be based on the functions they would perform during a government shutdown.

Except for Presidential appointees, the Excepted Employee designation should be based on the Excepted functions necessary during a government shutdown, not the position. For example, a dam may have 20 maintenance workers, but if only 10 are needed to ensure the safety of human life and the protection of property during a government shutdown, then only 10 maintenance workers should be designated as Excepted. It is important that only the minimum numbers of employees are designated as Excepted to perform Excepted functions during a government shutdown.

Please note, an employee who is funded with non-lapsing funding (Exempt Employee) should not be counted as an Excepted Employee except when planning for a long-term government shutdown and a lapse in those other-than-annual appropriations may occur.

Examples where an employee may be Excepted-Life and Property:

- Dam Tenders
- Water Schedulers
- Power Plant Operators/Dispatchers (Power Delivery)
- Water Treatment Plant Operators
- Minimum workers needed to Operate Water and Power Facilities
- Security Guards (includes contractors)
- Government Shutdown Teams
- Casper Control Center Operator
- Regional Security Officers (RSOs)
- Intelligence Specialists

Excepted employees will continue to perform duties related to the protection of life, protection of property, or protection of records; activities necessary to perform activities expressly authorized by law; activities necessary to perform activities necessarily implied by law; or activities necessary to the discharge of the President's constitutional duties and powers.

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.

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

Furloughed Employee Actions.

Furloughed staff will take steps to complete an orderly shutdown according to supervisor instructions. Most furloughed employees will be given 4 hours maximum to complete their shutdown duties. Some staff will have extended shutdown duties taking up to 5 days (e.g., suspending contracts, returning from travel).

- Official Travel. Furloughed employees will be directed to cancel travel for government business, or if already in a travel status, to initiate plans to return to their duty station to complete shutdown activities as soon as practical. This applies to both domestic and international travel. Excepted employees may travel only for excepted duties. Employees on a disaster deployment will be designated exempt.
- Employee Leave. Paid leave is not authorized during a government shutdown unless the employee is Exempt. Time sheets (for non-Exempt employees) will be updated with the appropriate shutdown codes per instructions from human resources (HR).
- Equipment. Furloughed employees are permitted to log into a government-furnished computer or cell phone for no more than 15 minutes per day to check for any official messages concerning recall to work. Staff may not conduct official work during a government shutdown.

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

- Close non-exempt/excepted facilities where appropriate
- Secure all records, personal property, real property, classified materials, confidential business information, Personally Identifiable Information (PII), and Controlled Unclassified Information (CUI)
- Secure and lock access areas that will be closed

- Coordinate all information needs
- Shut down and secure IT equipment that does **not** need to be operational
- Close non-exempt/excepted facilities where appropriate
- Suspend contracts by notifying bureau contracting officers
- Return affected employees from travel status
- Secure and/or mothball assets and projects

Long-Term Lapse

Extended Lapse Plan (over 5 days) Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	0.5
Total number of agency employees expected to be on board before implementation of the plan:	5,450
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	1,996
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:	2,966
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	128
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	359

The long-term plan identifies additional furloughed employees as carryover funding is depleted during a lapse; it is estimated that it will take 2-3 months to reach the full furlough amount.

Actions to Resume Orderly Operations

Communications

Notifications to prepare for, initiate, and terminate a government shutdown will come from official news sources, Department memorandum, and the Government Shutdown Coordinator. Specific directions and additional guidance will come from Reclamation leadership, HR offices, and supervisors.

On notification to resume normal operations:

- Provide official Reclamation notification of resuming normal operations
- Terminate shutdown to GSST and RLT early after shutdown begins
- Contact all Furloughed staff to return to duty/active status on the designated day of resumed operations
- Re-activate shutdown facilities and offices and resume operations
- Reconcile time keeping and other shutdown records
- Provide notice to outside agencies/partners of status

Flexibilities Available to Supervisors

Managers or supervisors will coordinate the recall and release of on-call Furloughed employees with their servicing HR offices and their respective Government Shutdown Support Team (GSST) member.

Resuming Normal Operations

All Furloughed Employees will also be designated as on-call given the nature of Reclamations operations (e.g., flood events, disaster response). A reasonable amount of time for an on-call employee to report for duty is defined as the next duty day or as directed by the manager or supervisor.