

DEPARTMENT OF TRANSPORTATION

**Operations During a Lapse in Annual Appropriations
And Surface Transportation Authorization
Plans by Operating Administration**



September 28, 2021

Office of the Chief Financial Officer and Assistant Secretary for Budget and Programs

Department of Transportation
FY 2022 Shutdown Plan Summary Overview

	FAA	FHWA	FMCSA	NHTSA	FTA	FRA	PHMSA	MARAD	GLS	OIG	OST	Total
Estimated Time (to nearest half day) Required to Complete Shutdown Activities:	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	-	0.5	0.5	-

Employees at Work:	27,748	156	317	355	71	485	376	606	126	100	1,079	31,419
Compensation is financed by a resource other than annual appropriations:	2,179	91	-	346	58	-	298	594	126	-	992	4,684
Necessary to perform activities expressly authorized by law:	-	-	-	-	1	1	-	-	-	1	3	6
Necessary to perform activities necessarily implied by law:	680	65	43	9	9	13	13	8	-	7	70	917
Necessary to the discharge of the President's constitutional duties and powers:	67	-	-	-	-	-	-	-	-	-	-	67
Necessary to protect life and property:	24,822	-	274	-	3	471	65	4	-	92	14	25,745

Furloughed Employees:	16,832	2,412	798	247	524	379	182	184	-	295	459	22,312
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Total Agency Employees On Board Before Implementation of the Plan:	44,580	2,568	1,115	602	595	864	558	790	126	395	1,538	53,731
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FEDERAL AVIATION ADMINISTRATION

Appropriation Lapse Plan 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:	44,580
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	16,832
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:	2,179
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	680
Necessary to the discharge of the President's constitutional duties and powers:	67
Necessary to protect life and property:	24,822

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

The following operations will continue as excepted activities during a lapse in annual appropriations:

- Air traffic control services;
- Maintenance and operation of navigational aids and other facilities, including support to reimbursable Department of Defense and Department of Homeland Security activities;
- Flight Standards field inspections;
- Airworthiness Directives
- Airmen medical certifications;
- Certain certification activities;

- Issuance of waivers for UAS and in support of other safety and security operations;
- Approval of exemptions for unmanned aerial systems operations;
- Hazardous materials safety inspections (safety inspectors will be recalled as necessary over time to maintain the safety of the system and/or respond to incidents);
- Air Traffic Control Specialist (ATCS) medical clearances;
- Air traffic safety oversight (limited);
- On-call accident investigations;
- Commercial space launch oversight, and licensing;
- Command, control, communications, and intelligence (i.e., Regions and HQ Operations Centers, Intelligence Threat Watch, and emergency communication support);
- Foreign relations on aviation safety-related matters;
- FAA's aircraft and airman registry;
- Congressional liaison services, to the extent that they are necessarily implied from the authorized continuation of legislative activity;
- Support functions necessary to provide timely payments to contractors and grantees.

In addition, certain activities that will not be affected by a lapse in annual appropriations include:

- National aviation research, engineering, and development (RE&D) funded by multi-year appropriations carry forward;
- Airport inspections;
- Existing airport development grants;
- Passenger facility charge approvals;
- Airport planning and environmental services funded by Airport Improvement Program (AIP) contract authority; and
- Execution of the CARES Act, CRRSA Act, and ARP Act program activities.

Further, certain personnel are required to provide support services to safety personnel and to provide for the orderly shutdown of FAA activities. In general, it will take approximately four hours to shut down most of the agency's non-excepted activities, with the possible exception of activities necessary to issue stop work orders on contracts and employee furlough notices. FAA expects that the orderly shutdown work of contracting officers will be done within one day. Other activities may take two to three days to complete and will involve human resources and budget/finance personnel. Individuals providing support services to safety positions will report

to work to provide employees excepted for the purpose directly protecting life and property with necessary legal, information technology, labor relation, and contract support services.

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

- Development of new air traffic control specialists not certified to work a position;
- Aviation rulemaking;
- Random drug testing of the non-safety workforce;
- Facility security inspections;
- Routine personnel security background investigations and PIV card services;
- Continuity of Operations Planning;
- Development, operational testing, and evaluation of NextGen technologies;
- Development of NextGen safety standards;
- Air traffic performance analysis;
- Capital planning for FAA facilities and equipment;
- Investment planning and financial analysis;
- Dispute resolution;
- Audit and evaluation;
- Financial operations, controls, reporting and accountability;
- Most budgeting functions (except those necessary to provide necessary services to support excepted functions);
- Law enforcement assistance support;
- Most administrative support functions not required for support of excepted positions; and
- Delivery of routine public affairs services, website updates, and social media activities.

Additional information:

Assessment of Liquidating Cash

- FAA has sufficient liquidating cash to continue operations during a lapse in appropriations. The Airport Improvement Program, managed by Office of the Associate Administrator for Airports, is the only FAA program that is funded through Contract Authority.

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.
- The Lines of Businesses/Staff Offices have identified each position subject to a furlough, and preparations are in place for the Office of Human Resource Management to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
- FAA employees will be advised to listen to public broadcasts for information that a congressional action has been taken to fund the government, and they will be expected to return to work on their next regular duty day. In addition, FAA will place return to duty information on the FAA employee website and FAA's toll-free number. FAA managers can also call employees to ensure staff members are aware they have been recalled to duty.
- Payroll records will be updated to ensure timely and accurate payroll be performed for staff being shifted from lapsed funding into alternate sources (*i.e.*, carryover).
- CFO/Budget Officer will take measures to ensure that all funding that is subject to current year appropriation actions is made unavailable for obligation and outlay in the financial system.

FEDERAL HIGHWAY ADMINISTRATION (FHWA)

Authorization Lapse Plan 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:	2,724
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	2,568
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 authorized contract authority:	91
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	65
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	0

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

All operations continue as normal during a lapse in annual appropriations. However, during a lapse in authorization, FHWA would continue only those activities permitted under an exception to the Antideficiency Act or funded from sources other than the Highway Trust Fund. Activities funded by carryover multi-year appropriated budget authority or reimbursable authority, including the Working Capital Fund, would also continue during a lapse in authorization and appropriation to the extent that there are sufficient appropriated carryover balances.

- FHWA would continue to make timely payments to contractors and grantees on obligations that were incurred before the lapse in authorization.

- Approximately 65 employees, whose positions are funded through the Highway Trust Fund, would be retained to perform activities necessarily implied by law, including activities necessary for an orderly shutdown, activities to make timely payments to contractors and grantees against previously incurred obligations, and activities that, if suspended, would significantly damage the continued operation of the Emergency Relief program and other funded activities. These employees include FHWA headquarters leadership and operational response staff, such as emergency response, human resources, and information technology.
- Although FHWA positions are mostly funded from the Highway Trust Fund, a small number of FHWA employees working on certain projects and activities are paid from non-Highway Trust Fund funding sources, including multi-year appropriations (allocations of FY 2022 carry forward Office of the Secretary of Transportation grant funding and advances from other agencies through the Miscellaneous Trust Funds account) and reimbursable authority, including the Working Capital Fund. Those funded activities would continue during a lapse in authorization and appropriation to the extent that there are carryover funds for the non-HTF funded employees. If there are not sufficient carryover funds for such employees, then those employees may be furloughed.
- Congressional affairs activities continue as necessarily implied from the authorized continuation of legislative activity.
- Certain public affairs activities continue, including responding to media inquiries related to emergency matters addressing imminent hazards to the safety of human life.

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

- All Federal-aid Highway programs would cease during a lapse in authorization because the vast majority of FHWA activities are funded with contract authority via an authorization.
- FY 2022 formula (apportioned) funding will not be authorized and available to States on October 1, 2021.
- No authority to make payments from the Highway Account of the Highway Trust Fund after September 30, 2021, for obligations recorded after that date.
- States', Tribes', and territories' active and planned transportation construction projects and related operations relying on Federal funds from the Highway Trust Fund will be impacted by a lapse in authorization. There will be no authority to

obligate these Federal funds on active or planned transportation improvements such as transportation planning, environmental, right-of-way, preliminary engineering, or actual construction work, and reimbursements will be limited to obligations incurred before October 1, 2021.

Additional information:

Assessment of Liquidating Cash

- FHWA has sufficient liquidating cash but does not have expenditure authority to make payments on obligations occurring after September 30, 2021.

Shutdown Checklist

- Plans are up-to-date and approved by the Acting Administrator or designee.
- CFO/Budget Officer will take measures to ensure that any funding that is affected by a lapse in authorization or appropriation is made unavailable for obligation and outlay in the financial system.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Authorization Lapse Plan 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:	1,115
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	798
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:	0
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	43
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	274

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

All operations continue as normal during a lapse in annual appropriations, but not during a lapse in authorization.

- FMCSA positions are primarily funded by authorized contract authority and paid out of the Highway Trust Fund, and employees not subject to an exception will not continue normal operations during a lapse in authorization.
- The Office of Field Operations would continue limited functions that, if suspended, would imminently threaten the safety of human life and the protection of property, including safety and hazardous material investigations of carrier and shipper operations and border safety inspections of foreign trucks entering the United States. Other offices would continue the functions necessary to support those safety activities.

- FMCSA would continue to make timely payments to contractors and grantees on obligations that were incurred before the lapse in authorization.
- FMCSA would continue congressional affairs activities necessarily to interact with Congress, its committees, and staff as necessarily implied from the authorized continuation of legislative activity.

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

All activities except those funded by offsetting collections and implemented under the exception to the Anti-deficiency Act to protect life and property.

Additional information:

Assessment of Liquidating Cash

FMCSA has sufficient balances of liquidating cash to operate during a short-term lapse of annual appropriations, but without contract authority, the agency cannot operate.

Shutdown Checklist

Shutdown plans up-to-date and approved by the Deputy Administrator.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Appropriation and Authorization Lapse Plan 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:	602
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	247
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:	346
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	9 or fewer
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	0

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

- In the event of a lapse in appropriation, General Fund appropriated activities would continue with available multiyear funding from prior-year appropriations.

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

- In the event of a lapse in authorization, Highway Trust Fund activities (NHTSA Highway Safety Research & Development activities and grants managed under the Highway Traffic Grants account) would not continue.

- In the event of a lapse in appropriations, NHTSA would in general halt Vehicle Safety Research activities funded through the Operations & Research account. That said, the program would continue to operate for a period in FY 2022 by relying on prior year appropriations.

Additional information:

Assessment of Liquidating Cash

- NHTSA has sufficient balances of liquidating cash on hand to liquidate obligations incurred before October 1, 2021.

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Acting Administrator and senior staff prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
- Payroll records will be updated to ensure timely and accurate payroll be performed for staff being shifted from lapsed funding into alternate sources (i.e., carryover).
- The CFO will take measures to ensure that all funding that is subject to current year appropriation actions is made unavailable for obligation and outlay in the financial system.

FEDERAL TRANSIT ADMINISTRATION

Appropriation and Authorization Lapse Plan 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:	595
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	524/
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:	58
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	9
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	3
1/ 32 FTA employees funded with contract authority would not be furloughed if a surface transportation reauthorization is enacted.	

Summary of significant agency activities that will continue during a lapse:

- In the absence of appropriations, limited functions funded from prior year unexpired appropriations would continue. These would include Hurricane Sandy activities funded from the 2013 Disaster Relief Appropriations Act (26 staff), the 2018 Disaster Relief Appropriations Act (3 staff), the 2020 CARES Act (27 staff), and the 2021 CRRSA Act (2 staff).
- In the event a surface transportation reauthorization is enacted, 32 staff funded with prior year contract authority would continue to carry out program oversight activities authorized under 49 U.S.C. 5327 and 49 U.S.C 5338(f).

- FTA would have 3 excepted positions to protect life and property authorized in MAP-21 and 6 excepted positions to maintain lawful functions. FTA also has contract support funded from prior year unexpired appropriations to supplement safety oversight.
- Based on the Office of Management and Budget’s January 22, 2019 guidance, FTA would have 4 excepted positions in total within FTA’s Office of Financial Management and its Office of Financial Systems to make timely payments (reimbursements) to FTA grantees for grants previously awarded with prior year unexpired appropriations. These functions are performed daily as requests for reimbursement are submitted by grantees to FTA and the payments are certified by FTA staff and submitted to the U.S. Treasury.
- FTA would continue congressional affairs activities necessarily to interact with Congress, its committees, and staff as necessarily implied from the authorized continuation of legislative activity.
- Certain contract support functions funded with prior year or other available appropriations would continue unless contracting officer representatives (CORs) are needed to supervise on-site contract staff. CORs are generally not considered excepted employees, unless they are required to enable the continuance of an otherwise authorized or excepted function that would be significantly impaired without such services.
- FTA will recall contracting officer representatives (COR) as needed to execute the timely payment of contractor invoices.

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

- FTA would not continue any of its unfunded core agency functions. No grants, cooperative agreements, contracts, purchase orders, travel authorizations, or other documents obligating funds would be executed.
- FTA would not obligate grant funds for projects carried out by approximately 1,300 grantees throughout the country as FTA staff that perform these functions are not considered excepted employees. FTA grants primarily fund operating expenses and capital projects.

- For projects under development, FTA staff would not carry out environmental, legal, civil rights, and other reviews essential for advancing projects to the point of obligation, since these are not related to imminent hazards to the safety of human life or the protection of property.
- Program oversight activities would continue but only with funds provided by prior year appropriations. Most oversight activities are performed by contractors.
- FTA would also not make new obligations for research and technical assistance activities once there is a lapse in appropriations because funds would not be available to pay the salaries of the staff executing the new obligations.
- If the surface transportation authorization (FAST Act) expires, in addition to the items identified above, FTA would not continue any of its core agency functions. No grants, cooperative agreements, contracts, purchase orders, travel authorizations, or other documents obligating funds would be executed.

Additional information

Assessment of Liquidating Cash

- FTA has sufficient liquidating cash to support several months of reimbursements.

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough and preparations are in place to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
- The CFO will take measures to ensure that all funding that is affected by a lapse in authorization or appropriation is made unavailable for obligation and outlay in the financial system.

FEDERAL RAILROAD ADMINISTRATION (FRA)

Appropriation Lapse Plan 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:	864
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	379
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:	0
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	13
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	471

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

Office of Railroad Safety:

- FRA headquarters and field staff that manage rail accident/incident investigations across the country would continue working. These investigations become the basis for the agency issuing Emergency Orders, Safety Advisories, rail safety regulations, and other measures to promote and regulate safety throughout the rail industry. Data that is transmitted from the field to headquarters staff is used to develop reports documenting the event.
- The continuous inspector presence on railroad property allows for the proactive review and identification of unsafe operations. Having FRA inspectors on railroad property makes a difference in achieving industry compliance with Federal safety laws and

regulations. Data shows that when inspectors are not visible, compliance with railroad safety laws and regulations is less likely to occur, which may lead to higher accident/incident rate. When safety hazards are identified, headquarters staff assists inspectors to ensure uniform and consistent feedback to railroads on noncompliance violations of Federal safety laws and regulations. These activities would continue during a lapse in appropriation, thereby providing continuous and uninterrupted safety oversight to the nation's rail system.

Other Key Offices: Certain predetermined individuals from the following offices will be kept onboard to support FRA's critical safety mission, including:

- Administrator – The Deputy Administrator provides executive direction over headquarters and field operations. The Deputy Administrator is currently directly accountable to the DOT Secretary and Deputy Secretary to ensure FRA's excepted safety activities continue without interruption. FRA will coordinate legislative efforts with congressional staff to the extent it is necessarily implied by the authorized continuation of legislative activity. FRA's Executive Director and Executive Support Specialist are excepted for the same reasons to assist the Deputy Administrator in carrying out excepted activities.
- Chief Counsel – The Chief Counsel and Deputy Chief Counsel are critical to the continuation of FRA's safety mission by providing legal advice regarding FRA's safety laws and regulations.
- Administration - The Associate Administrator for Administration, Director of Acquisition Management, Director of Human Resources (HR) and a HR specialist, and Director of Information Technology (IT) and an IT specialist would support the orderly shutdown, including maintenance of selected contracts and information technology services in supporting FRA's critical safety activities.
- Chief Financial Officer– The Chief Financial Officer, Budget Officer, and a travel analyst would provide oversight of the financial systems, policies, and support programs to affect an orderly agency shutdown, while maintaining critical safety activities.

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

- All activities assigned to the Office of Railroad Policy and Development, including grant-making activities, would be suspended with the exception of grant reimbursements. Grant vouchers, with the exception of the final voucher, will be reimbursed.
- FRA would not continue any of its unfunded core agency functions. No grants, cooperative agreements, contracts, purchase orders, travel authorizations¹, or other documents obligating funds would be executed.
- FRA would not obligate funds for research and development projects. However, outlays may occur for prior year obligations if they do not require FRA staff oversight.
- FRA would suspend responding to routine media inquiries, but would respond to media inquiries related to emergency matters addressing imminent hazards to safety of human life and the protection of property. Furloughed staff would be recalled to address emergency media inquiries on a case-by-case basis.

Additional information:

Lapse Checklist

- Lapse plans are up-to-date and will be approved by the Deputy Administrator and senior staff prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
- CFO/Budget Officer will take measures to ensure that all funding that is subject to an appropriations lapse is made unavailable for obligation and outlay in the financial system.

¹ Exceptions will be made for mission-critical travel for mission critical inspections and rail incidents.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

Appropriation Lapse Plan 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:	558
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	182
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:	298
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	13
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	65

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

- Pipeline Safety activities funded by other than annual appropriations.
- Investigations of hazardous materials accidents to determine the causes and circumstances of failure, the need for corrective action, and any non-compliance that might have contributed to the accident.
- Inspections of hazardous materials shippers, carriers, testing facilities and cylinder reconditioning facilities to detect and remediate safety concerns and determine compliance with the hazardous materials safety regulations.
- Enforcement of the hazardous materials safety regulations through the issuance of enforcement actions or development of evidence for civil and criminal penalty actions and other authorized enforcement activities, to the extent necessary to address imminent hazards to the safety of human life and the protection of property.

- Hazardous Materials approvals and permits only for emergencies that imminently threaten the safety of human life and the protection of property.
- Positions necessary to perform safety reviews under 193 Subpart B for FERC jurisdiction LNG permits, funded through an interagency agreement advance from FERC, unless FERC's appropriations have also lapsed.
- Administrative support for the agency's shutdown plan and procedures, coordination with other DOT elements and OMB, ensuring the physical security of nonexpendable property, and supporting ongoing Field operations necessary for the protection of life and property.
- Support for public affairs to respond to media inquiries regarding emergency matters addressing imminent hazards to the safety of human life and the protection or property.
- Support for congressional affairs as necessarily implied from the authorized continuation of legislative activity.
- Support for information technology systems necessary for continuation of excepted safety functions and for cybersecurity purposes to protect property.
- Intermittent support for financial operations to make timely payments to contractors and grantees and support for travel needs for life and safety excepted staff.
- Intermittent Acquisition Services and program office administration support to make timely payments to contractors and grantees.
- Payments of Emergency Preparedness Grants

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

- Hazardous Materials Program Development
- Hazardous Materials Standards and Rulemaking
- Hazardous Materials Engineering and Research
- Hazardous Materials Approvals and Permits (except for emergency)
- Hazardous Materials Outreach, Training and Grants (except for intermittent support to make timely payments to grantees)
- Hazardous Materials Special Investigations
- Hazardous Materials Training and Qualifications
- Except where funded by other than annual appropriations:
 - Emergency Response Planning and Drills
 - Strategic Planning and Program Evaluation
 - Public Affairs, except for response to media inquiries regarding the safety of human life and the protection of property

- Civil Rights
- Legal Services and Representation
- Regulatory Analysis and Planning
- Freedom of Information Act and Privacy Act Processing
- Budget and Finance (except for intermittent support to make timely payments to contractors and grantees and travel support activities and life and safety excepted staff)
- Acquisition Services (except for intermittent support to make timely payments to contractors and grantees)
- Human Resources (except for those related to executing the orderly shutdown and restart of agency operations)
- Information Resources Management (except for support for information technology systems necessary for continuation of excepted safety functions and for cybersecurity purposes to protect property)
- Administrative Services
- Hazardous materials grants benefitting emergency first responders and localities that would be funded from new registration fee collections.
- Hazardous Materials registration program and registration fee collections.
- Hazardous materials grants benefitting emergency first responders and localities that would be funded from new registration fee collections.
- Hazardous Materials registration program and registration fee collections.
- New grant making and grant oversight activities

Additional information:

Shutdown Checklist

- The agency shutdown plan is up-to-date and approved by the Acting Administrator and senior staff prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees for intermittent services as needed and a return to normal operations, once annual appropriations are restored
- CFO and Budget Officer will take measures to ensure that all funding that is subject to current year appropriation actions is made unavailable for obligation and outlay in the financial system

MARITIME ADMINISTRATION (MARAD)

Appropriation Lapse Plan 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:	790
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	184
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	594
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law: ¹	8
Necessary to the discharge of the President's constitutional duties and powers: ¹	0
Necessary to protect life and property: ¹	4

¹ Includes 274 staff at the US Merchant Marine Academy (USMMA) funded by multi-year or no-year carry-forward funds. Once funding is exhausted, 16 USMMA staff would be retained as necessary to perform activities necessarily implied by law, 178 USMMA staff would be retained as necessary to the discharge of the President's constitutional duties and powers, and 29 USMMA staff would be retained as necessary to protect life and property. One USMMA staff continues working as compensation is financed by a source with sufficient resources for the entire fiscal year. The remaining 50 USMMA staff would be furloughed.

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

- MARAD functions that would continue during a lapse in appropriations address imminent hazards to the safety of human life and protection of vessels of the U.S. Government.

The United States Merchant Marine Academy (Academy) would continue to operate on funding other than annual appropriations. If that funding were exhausted, it would continue to operate in support of the President's constitutional duties and powers for national defense and national security. It is statutory policy that it is necessary for the national defense that the United States have a merchant marine capable of serving as a naval and military auxiliary in time of war or national emergency operated by citizens of the United States. Consistent with this policy, the Academy was established to train United States citizens to serve as officers in the United States merchant marine and in the Armed Forces of the United States. Shutdown of the Academy would disrupt the academic calendar and significantly impact cadets' ability to complete the mariner licensing required courses in time to take the United States Coast Guard mariner licensing exam. Any disruption of the licensing and commissioning progression potentially threatens the flow of merchant mariners critically needed for national defense and national security, as well as the approximately 25% of Academy midshipmen that enter active duty in the U.S. Armed Forces upon graduation.

- Academy will prioritize any carry-over balances to support personnel and contracts required to ensure continuation of academic instructional requirements, physical safety of the midshipmen, and protection of Academy assets. These requirements include academic coursework, regimental activities, athletics, Sea-Year training, campus security, and maintenance of Academy vessels, buildings, and midshipmen use facilities (e.g., athletic fields, pools, other training spaces).
- If carry-forward balances were exhausted, excepted positions including academic and athletic instructors, Commandant and training staff to supervise the midshipmen on campus and at Sea-Year, personnel required for dining, health, simulators training, other instructional and athletic support, admissions office and campus security will continue to work. Additionally, a limited number of personnel for mailroom, procurement, information technology, and financial management functions to support the instructional requirements will continue to work.
- Extracurricular midshipmen club activities funded with USMMA no-year gift funds will continue.
- If any carry-forward balances were exhausted and classes were not in session during an academic break, the Academy will remain open, but only a minimal cadre of personnel will be retained to cover necessary Academy functions during the break. These include positions necessary to protect life and property, those necessary to perform activities necessarily implied by law, and a limited number of personnel still required to discharge the President's constitutional duties and powers. All other personnel will be furloughed until classes resume.

- If any carry-forward balances were exhausted, ongoing no-year funded Capital Improvement Projects (CIP) where funding has been fully obligated will continue, with limited excepted Academy personnel for the protection of government property and provide on-site federal supervision and approve and process timely payments to contractors.
- Emergency and disaster assistance involving the safety of human life or protection of property would continue including MARAD employees who are necessary to execute active Mission Assignments from the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA).
- The no-year funded Ship Disposal Program would continue operations utilizing carry-over balances as long as sufficient funding is available. This includes the ongoing work to decommission the Nuclear Ship Savannah, which is fully-funded under this program.
- The no-year funded National Security Multi-Mission Vessel (NSMV) Program would continue operations utilizing carry-forward balances.
- MARAD would continue to operate the reimbursable (no-year funded from Department of Defense) National Defense Reserve Fleet, including the Ready Reserve Fleet (RRF), using carry-over balances as long as sufficient funding is available. Note that some MARAD employees are normally split-funded from RRF and annual appropriated MARAD funds. During a lapse in appropriations, these individuals will work only on the RRF program and will be paid only from RRF funds.
- The Maritime Security Program (MSP) would continue operations utilizing carry-forward balances. A limited number of excepted personnel are needed to maintain the program and to support the continued payment of the MSP stipend with carry-over funds.
- The Port Infrastructure Development Program (PIDP) would continue operations utilizing carry-forward balances. Staff required for the award and oversight of the PIDP grants will continue to work and are funded from no-year carry-forward funds available for administrative expenses.
- The America's Marine Highway (AMH) Grant Program would continue operations utilizing carry-forward balances. Staff required for the award and oversight of the AMH grants will continue to work and are funded from no-year carry-forward funds available for administrative expenses.

- Under Title XI, MARAD employs private contractors or the Reserve Fleet facility in husbanding some defaulted Title XI assets. These services would continue, as a failure to maintain these services would cause an imminent hazard to the protection of U.S. Government property.
- Government personnel and contractor support required to maintain the agency's data center and cybersecurity functions will continue.
- The use of existing government excepted and exempted employees capable of approving and processing the timely payments of valid obligations to contractors, grantees and other service providers will be utilized to the maximum extent possible. If not feasible, then it may be necessary for furloughed employees to be recalled on at least an intermittent basis to approve and process these timely payments.
- Staff required for the award and oversight of the National Infrastructure Investments (NII) grants will continue to work and are funded from the multi-year funds available for administrative expenses.

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

- Program support from Office of Chief Counsel, Environment and Compliance, Ports and Waterways, and Business and Finance Development would cease, other than those related to the Academy or other excepted or exempted/funded activities.
- Administrative support functions (Information Technology, Human Resources, Finance and Budget, etc.) would cease, other than those related to the Academy or other excepted or exempted/funded activities.
- Academy will suspend all non-essential procurements (e.g., employee training, faculty and staff travel not in direct support of essential midshipman travel, Library acquisitions not in direct support of on-going academic instruction, etc.) to preserve any carryover balances.
- Approval of vessel transfers out of the U.S.-flag registry will cease, as well as the merchant marine awards program.
- All activities within the Committee on Marine Transportation Systems.
- All activities within the Office of Civil Rights.

- All activities within the Office of Congressional and Public Affairs.
- All activities within the Office of International Activities.
- All activities within the Office of Policy and Plans.
- All activities within the Office of Maritime Education and Training.
- All activities within the Office of Cargo and Commercial Sealift, with the exception of staff excepted to monitor Jones Act waiver requests and if necessary to support emergency crisis management and to identify domestic shipping options that can be utilized in an emergency.

Additional Information

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Acting Administrator and senior staff prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
- CFO/Budget officer will take measures to ensure that all funding that is subject to an appropriations lapse is made unavailable for obligation and outlay in the financial system.
- Payroll records will be updated to ensure timely and accurate payroll be performed for staff being shifted from lapsed funding into alternate sources (i.e., carryover).

GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Appropriation Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	0
Total number of agency employees expected to be on board before implementation of the plan:	126
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	0
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:	126
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	0
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	0

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

- The GLS will utilize its statutory authority (33 U.S.C. 981, et seq.) to use reserve funding from its no-year revolving fund during any lapse in federal appropriations to operate and maintain the U.S. portion of the St. Lawrence Seaway without any adverse impact on staff levels or agency programs.
- GLS Congressional Affairs and Public Affairs activities will continue to function as normal.
- The GLS will make timely payments to contractors, as necessary.

- CFO will take measures to ensure that all funding that is subject to current year appropriation actions is made unavailable for obligation and outlay in the financial system.
- Payroll records will be updated to ensure timely and accurate payroll be performed for staff being shifted from lapsed funding into alternate sources (i.e., carryover).
- As was the case during past lapses in appropriations, Seaway operations, including compensation and benefits for personnel, is funded through the GLS's no-year revolving account unobligated balance (estimated 10/1/21 balance of \$15.3 million).

Summary of Suspended Activities

- No activities will be suspended.

OFFICE OF INSPECTOR GENERAL

Appropriation Lapse Plan 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:	395
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	295
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:	0
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	7
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	92

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

- Law Enforcement Activities
- Hotline and Crisis Management Center point of contact
- Support for HR and IT systems that are necessary for continuation of excepted law enforcement activities

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

- Audits
- Legal functions
- Administrative functions (e.g., Procurement & Administrative Services, Human Resources, and Information Technology)
- Strategic Communications and Programs functions (e.g., Government and Public Affairs; and Budget and Financial Management)

Additional information:

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Inspector General prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
- CFO/Budget Officer will take measures to ensure that all funding that is subject to current year appropriation actions is made unavailable for obligation and outlay in the financial system.

OFFICE OF THE SECRETARY

Lapse Plan 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: ¹	1,538
Total number of employees to be retained under the plan for each of the following categories:	
Compensation is financed by a resource other than annual appropriations: ²	992
Necessary to perform activities expressly authorized by law:	3
Necessary to perform activities necessarily implied by law:	70
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	14

¹ Of this total, 61 employees funded through the Highway Trust Fund would be furloughed if the surface transportation authorization is not extended.

² This includes 195 employees funded under the Working Capital Fund, 592 at Volpe, and 36 at the Transportation Safety Institute.

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

- Functions necessary to address imminent hazards to the safety of human life and the protection of property, including IT systems and functions related to cybersecurity;
- Activities funded through the Working Capital Fund for which resources remain available, including the security of the Headquarters building;
- Staff functions necessarily implied from the authorized continuation of other activities across the Department;
- Congressional affairs as necessarily implied from the authorized continuation of legislative activity;

- Certain public affairs activities, including responding to media inquiries related to emergency matters addressing imminent hazards to the safety of human life and the protection of property and activities necessarily implied from the authorized continuation of other activities across the Department; and
- Activities funded by multi-year or no-year appropriations including the following:
 - Transportation Planning, Research and Development (S-3)
 - Essential Air Service (S-3)
 - Small Communities Air Service Development Program (S-3)
 - National Infrastructure Investments (S-3)
 - National Surface Transportation and Innovative Finance Bureau (S-3)
 - Small and Disadvantaged Business Utilization and Outreach (S-40)
 - Working Capital Fund (M and S-80)
 - Volpe (OST-R)
 - Transportation Safety Institute (OST-R)

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

- Suspended activities during a lapse in annual appropriations will mainly be support from staff offices that are not associated with authorized continuation of other activities across the Department, including the following:
 - Routine public affairs activities, including responding to routine inquiries from news media and preparing routine news releases and related material;
 - Undertaking non-excepted budget and finance related activities;
 - Undertaking Information Technology policy oversight and related activities;
 - Undertaking non-excepted legal functions, including routine activities related to acquisitions, aviation licensing, regulatory policies, and FOIA;
 - Undertaking spectrum program activities and activities related to the Office of Transportation Statistics;
 - Undertaking new, non-excepted activities funded by the Highway Trust Fund; and
 - Operation of the Administrative Law Judges program, human resources policy, administrative policy, and audit relations.

Additional information:

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Deputy Secretary prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.