

DEPARTMENT OF TRANSPORTATION

**Operations During a Lapse in Annual Appropriations
Plans by Operating Administration**



August 2019

Office of the Assistant Secretary for Budget and Programs, and CFO

**Department of Transportation
Lapse Plan Summary Overview**

	<u>FAA</u>	<u>FHWA</u>	<u>FMCSA</u>	<u>NHTSA</u>	<u>FTA</u>	<u>FRA</u>	<u>PHMSA</u>	<u>MARAD</u>	<u>SLSDC</u>	<u>OIG</u>	<u>OST</u>	<u>Total</u>
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	-
Employees at Work:												
Compensation is financed by a resource other than annual	2,223	2,693	1,139	584	60	-	294	554	136	-	976	8,659
Necessary to perform activities expressly authorized by law:	-	-	-	-	-	1	1	1	-	1	4	8
Necessary to perform activities necessarily implied by law:	761	-	-	-	12	15	8	11	-	5	67	879
Necessary to the discharge of the President's constitutional duties and	56	-	-	-	-	-	-	-	-	-	-	56
Necessary to protect life and	26,181	-	-	-	3	509	70	4	-	104	26	26,897
Subtotal, Employees at Work:	29,221	2,693	1,139	584	75	525	373	570	136	110	1,073	36,499
Furloughed Employees:	15,384	-	-	-	487	402	192	182	-	305	398	17,350
Total Agency Employees On Board Before Implementation of the Plan:	44,605	2,693	1,139	584	562	927	565	752	136	415	1471	53,849

FEDERAL AVIATION ADMINISTRATION (FAA)

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:	44,605
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:	2,223
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	761
Necessary to the discharge of the President's constitutional duties and powers:	56
Necessary to protect life and property:	26,181

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 evaluations, audits and inspections;
- Certain safety certification activities;

- Issuance of waivers for Unmanned Aerial Systems (UAS) and in support of safety and security operations;
- Approval of exemptions for UAS 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 headquarters Operations Centers, Intelligence Threat Watch, and emergency communication support);
- Foreign relations on aviation safety-related matters;
- FAA's aircraft registry;
- Congressional liaison services to the extent that they are necessarily implied from the authorized continuation of legislative activity, should the legislative branch be funded;
- Support functions necessary to provide timely payments to contractors and grantees for funds not subject to the lapse.

In addition, certain activities that will not be affected by a lapse in annual appropriations (but would be affected by a lapse in authorization) include:

- National aviation research, engineering, and development (RE&D) work funded by carry forward funds from multi-year appropriations;
- Federal Airport inspections and accident investigations;
- Engineering standards development and Federal reviews of construction safety phasing plans;
- Administration of existing airport development grants;
- Passenger facility charge approvals;
- Airport compliance-related functions;
- Airport planning and environmental services funded by Airport Improvement Plan (AIP) contract authority.

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.

The Office of Aviation Safety Oversight maintains all safety reviews, surveillance, approvals, renewals and modifications for individuals and companies. Employees whose sole responsibility is providing policy and operational support work will be furloughed.

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;
- Issuance of airmen certificates;
- Airspace reviews for both on- and off-airport projects (regardless of whether federal funding may be involved);
- Aviation rulemaking;
- Random drug testing of the non-safety workforce;
- Facility security inspections;
- Routine personnel security background investigations, PIV card services, and issuance of employee credentials;
- 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;
- 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 annual appropriations. AIP is the only FAA program that is funded with Contract Authority.

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.
- Lines of Business/Staff Offices have identified each position subject to a furlough, and the Office of Human Resource Management will provide official notification to affected staff at the direction of OST.
- 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 subject to an appropriations lapse is made unavailable for obligation and outlay in the financial system.

FEDERAL HIGHWAY ADMINISTRATION (FHWA)

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:	2,693
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:	2,693
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:

All operations continue as normal during a lapse in annual appropriations.

- FHWA programs and staff positions are primarily funded by authorized contract authority and paid out of the Highway Trust Fund. Highway Trust Fund operations would continue during a lapse in annual appropriations.
- 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 carryover Office of the Secretary Transportation Grants funding and advances from other agencies through the Miscellaneous Trust Funds account) and reimbursable authority. Anticipated balances of those sources would be sufficient to continue those employees’ operations during a lapse in appropriations.

- FY 2020 formula (apportioned) funding authorized under the Fixing America’s Surface Transportation (FAST) Act for the Federal-aid Highway Program will be made available to States on October 1, 2019.
- During a lapse in annual appropriations, the overall limitation on obligations of Federal-aid Highway Program funding and its distribution is determined per the FAST Act rather than appropriations legislation. Once a lapse of appropriations has ended, the Federal-aid Highway Program will be subject to the terms and conditions of that appropriations legislation. The obligation limitation distribution and obligation limitation levels will be adjusted so they are consistent with the enacted appropriations act or Continuing Resolution (CR). Under a CR, the program would likely significantly reduce the amount of obligation limitation available to each State. FHWA guidance will encourage States to plan accordingly.
- Payments to contractors and grantees continue as normal.
- Congressional affairs and public affairs functions continue as normal.

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

- The vast majority of FHWA activities are funded with contract authority, carryover multi-year appropriated budget authority, or reimbursable authority.
- FY 2020 funding for the appropriated General-Funded Highway Infrastructure Program would be unavailable, though prior year balances would not be impacted.

Additional information:

Assessment of Liquidating Cash

- FHWA has sufficient liquidating cash to continue operations during a lapse in annual appropriations.

Shutdown Checklist

- Plans are up-to-date and approved by the Administrator or designee.

- CFO/Budget officer will take measures to ensure that any funding that is subject to an appropriations lapse is made unavailable for obligation and outlay in the financial system.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)

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:	1,139
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:	1,139
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:

All operations continue as normal during a lapse in annual appropriations.

- FMCSA programs and positions are primarily funded by authorized contract authority and paid out of the Highway Trust Fund. Highway Trust Fund operations would continue during a lapse in annual appropriations.
- FMCSA's Licensing and Insurance (L&I) function, including associated staff positions, is funded through fee collections and would continue uninterrupted during a lapse of appropriations.
- Payments to contractors and grantees continue as normal.

- Congressional affairs and public affairs functions continue as normal since these employees are paid out of the Highway Trust Fund.

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

None. All activities are funded with mandatory contract authority and offsetting collections.

Additional information:

Assessment of Liquidating Cash

FMCSA has sufficient balances of liquidating cash to operate during a lapse of annual appropriations. FMCSA's L&I fees (offsetting collections) are available during a lapse of annual appropriations.

Shutdown Checklist

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

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA)

Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	4 hrs
Total number of agency employees expected to be on board before implementation of the plan:	584
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:	584
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:

- Certain NHTSA programs and staff positions are funded by authorized contract authority and paid out of the Highway Trust Fund (Operations and Research and Highway Traffic Safety Grants). Highway Trust Fund operations would continue during a lapse in annual appropriations. Specifically, safety research and development activities (e.g., occupant protection, alcohol, motorcycles) and grants managed under the Highway Traffic Grants account using contract authority would continue.
- Appropriated Operations and Research activities would continue using carry forward funding.

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

- None. All activities would continue using mandatory contract authority or appropriated carry forward budget authority.

Additional information:

Assessment of Liquidating Cash

- NHTSA has sufficient balances of liquidating cash on hand.

Shutdown Checklist

- Shutdown 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 funded by the annual appropriations process, and payroll records will be updated to ensure timely and accurate payroll for staff being shifted from lapsed to carry forward funding. Once carry forward funding has been exhausted, these positions will be subject to a furlough, and preparations are in place to notify affected staff.
- The Office of Budget will ensure that all funding that is subject to an appropriations lapse is made unavailable for obligation and outlay in the financial system.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.

FEDERAL TRANSIT ADMINISTRATION

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:	562
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:	60
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	12
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	3

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 (25 staff) and from the 2018 Disaster Relief Appropriations Act (3 staff)
 - Program oversight authorized under 49 U.S.C. 5327 and 49 U.S.C 5338(f) funded with prior year contract authority (30 staff)
 - Activities in the Lower Manhattan Recovery Office funded by emergency supplemental appropriations after 9/11 (2 staff).

- FTA has 3 excepted positions to protect life and property authorized in MAP-21. 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, staff in 4 excepted positions, within FTA’s Office of Financial Management and its Office of Financial Systems, would make timely payments (reimbursements) for grants previously awarded with prior year appropriations. This function is 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, should the legislative branch be funded.
- Certain contract support functions funded with prior year or other available appropriations would continue to the extent that on-site contracting officer representatives (CORs) supervision is not needed. 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 invoices for contracts awarded with prior year appropriations.

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

- FTA would not continue any of its unfunded core agency functions. No new 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 during a lapse because funds would not be available to pay the salaries of the staff executing the new obligations.

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.
- CFO/Budget officer will take measures to ensure that all funding that is subject an appropriations lapse is made unavailable for obligation and outlay in the financial system.

FEDERAL RAILROAD ADMINISTRATION (FRA)

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:	927
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:	0
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	15
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	509

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 over the short-term, and ultimately rail safety regulations. Data that is transmitted from the Investigators 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 regulations. Data shows that when inspectors are not visible, less compliance is more 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 regulations. These activities would continue working, 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 Administrator, Deputy Administrator, and Government Affairs Director from the Office of the Administrator would provide executive direction over various headquarters and field organizations. They are directly accountable to the DOT Secretary and Deputy Secretary to ensure FRA's critical safety mission, functions, and goals 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.
- Chief Counsel – The Deputy Chief Counsel and Deputy Assistant Chief Counsel for Safety Law are critical to the continuation of FRA's safety mission. Collectively these individuals provide continuing safety legal advice relative to FRA's safety laws and regulations.
- Administration - The Associate Administrator and Human Relations Director from the Office of Administration would support the orderly shutdown, maintenance of selected contracts and information technology services in supporting FRA's critical field safety activities.
- Chief Financial Officer– The Chief Financial Officer, along with a financial and travel analyst from the Office of the Chief Financial Officer would provide oversight of the financial systems, payroll, 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 would be suspended with the exception of grant reimbursements. Grant vouchers, with the exception of the final voucher, will be reimbursed.
- FRA support to the Build America Bureau regarding the transition of administration for the Railroad Rehabilitation and Improvement Financing (RRIF) loan program would be suspended.

- FRA would not continue any of its unfunded core agency functions. No 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:

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.
- 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)

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:	565
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:	294
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	8
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	70

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

- Pipeline Safety activities funded by resources 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 Federal Energy Regulatory Commission (FERC) jurisdiction Liquefied Natural Gas 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 of property
- Support for congressional affairs as necessarily implied from the authorized continuation of legislative activity, should the legislative branch be funded
- 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

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 resources 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 A) intermittent support for contract and grant payments from funding not subject to an appropriations lapse, and B) travel support activities and life and safety excepted staff)
- Acquisition Services (except for intermittent support to make timely contract and grant payments from funding not subject to an appropriations lapse)
- 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

Additional information:

Shutdown Checklist

- The agency shutdown plan is up-to-date and 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 for intermittent services as needed 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 appropriation lapse is made unavailable for obligation and outlay in the financial system

MARITIME ADMINISTRATION (MARAD)

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:	752
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: ¹	554
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law: ¹	11
Necessary to the discharge of the President’s constitutional duties and powers: ¹	0
Necessary to protect life and property: ¹	4

¹ Includes 264 staff at the US Merchant Marine Academy (USMMA) funded by multi-year carry-forward funds. Once funding is exhausted, 11 USMMA staff would be retained as necessary to perform activities necessarily implied by law, 158 USMMA staff would be retained as necessary to the discharge of the President’s constitutional duties and powers, and 26 USMMA staff would be retained as necessary to protect life and property. The remaining 69 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 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, 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.
- 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, Intermodal System Development, 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 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).

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION (SLSDC)

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:	136
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:	136
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 SLSDC 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.
- SLSDC Congressional Affairs and Public Affairs activities will continue to function as normal.
- The SLSDC will make timely payments to contractors, as necessary.
- 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).
- As was the case during past lapses in appropriations, Seaway operations, including compensation and benefits for personnel, is funded through the SLSDC's no-year revolving account unobligated balance (estimated 10/1/19 balance of \$11.6 million).

Summary of Suspended Activities

- No activities will be suspended.

OFFICE OF INSPECTOR GENERAL

Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	.5
Total number of agency employees expected to be on board before implementation of the plan:	415
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:	0
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	5
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	104

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, Legislative, and External Affairs (including Congressional Affairs and Public Affairs)

- Administrative Functions (Procurement & Administrative Services, Human Resources, Budget & Financial Management, and Information Technology).

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 an appropriation lapse 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:	1,471
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: ¹	976
Necessary to perform activities expressly authorized by law:	4
Necessary to perform activities necessarily implied by law:	67
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	26

¹ This includes 240 employees funded under the Working Capital Fund and 579 at Volpe and 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 or 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)
 - Bureau of Transportation Statistics (OST-R)
 - University Transportation Centers (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; 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.