

**Assistant Secretary for Indian Affairs**

**CONTINGENCY PLAN**

**September 2023**



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

**Overview**

This document outlines the Contingency Plan for the Office of the Assistant Secretary – Indian Affairs (AS-IA). The AS-IA provides direct line authority for Indian Affairs bureaus in the Department of the Interior. Indian Affairs bureaus provide services directly or through contracts, grants, or compacts to a service population of more than 1.9 million American Indians and Alaska Natives who are enrolled members of 574 federally recognized Tribes in the 48 contiguous United States and Alaska. The extensive scope of Indian Affairs programs is authorized by numerous treaties, court decisions, and legislation and covers virtually the entire range of Federal, State and local government services. Programs administered through Indian Affairs include social services, natural resources management, economic development, law enforcement and detention services, administration of Tribal courts, implementation of land and water claim settlements, school operations, replacement and repair of schools, repair and maintenance of roads and bridges, repair of structural deficiencies on high hazard dams, trust asset management, and land consolidation activities.

- The mission of the Bureau of Indian Affairs (BIA) is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian Tribes, and Alaska Natives. The BIA administers and manages 56 million surface acres and 59 million acres of subsurface minerals estates held in trust by the United States for individuals and Tribes.
- The mission of the Bureau of Indian Education (BIE) is to provide quality education opportunities from early childhood throughout life in Indian Country for individuals attending BIE schools. The BIE manages a school system of 183 schools and 33 Tribal Colleges and Universities (TCUs), providing educational services to approximately 45,000 elementary and secondary students in 23 States and nearly 12,000 post-secondary students in 17 States. The BIE operates two post-secondary schools, Haskell Indian Nations University and Southwestern Indian Polytechnic Institute.
- The mission of the Bureau of Trust Funds Administration (BTFA) is to provide banking and investment services to Native American beneficiaries who earn royalty income and other monies from activities on federally-managed land. BTFA has more than \$6 billion of trust funds under day-to-day management and disburses more than \$1 billion annually.

In the event a lapse in appropriations occurs, the AS-IA will be responsible for implementing and adjusting a contingency plan to respond to the length of the appropriations hiatus and changes in external circumstances. The Contingency Plan:

- Provides planning guidance for the following offices: Assistant Secretary – Indian Affairs; the Bureau of Indian Affairs; the Bureau of Indian Education; and the Bureau of Trust Funds Administration.
- Provides operational direction for the Indian Affairs Contingency Plan team.
- Identifies the Excepted personnel.

The Plan is supported by plans at the BIA, BIE, and BTFA organizational levels. Denoted below is the breakout of employees within the Office of the AS-IA in the event the Plan is activated. Total full time equivalent (FTE) employees are 208 as of June 2023. Under the Plan, a total of 32 FTEs are necessary to protect life and property and further perform activities necessary to support excepted and exempt functions.

## **Orderly Shutdown**

If the Plan is activated, notification will be communicated to all employees by internal telephone tree (specific to each office), e-mail and/or website posting. The Chief of Staff will implement the notification procedures. Also available to all of Indian Affairs is an electronic employee alert system to notify employees of changes to operating status via the web, voice call or mobile applications.

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

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

## **Lapse Plan Summary Overview**

### **Short-Term Lapse**

<b>Short Lapse Plan (1-5 days) Summary Overview</b>	<b>Amount</b>
Estimated time (to nearest half day) required to complete shutdown activities:	0.50
Total number of agency employees expected to be on board before implementation of the plan:	208
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	176
<b>Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):</b>	
Compensation is financed by a resource other than annual appropriations:	30
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	31
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 purpose of the Assistant Secretary for Indian Affairs Contingency Plan is to ensure the continuous performance of exempt and excepted functions during a lapse in appropriations, continued leadership of the Assistant Secretary – Indian Affairs, the Bureau of Indian Affairs, Bureau of Indian Education, and

the Bureau of Trust Funds Administration. This Plan is provided to direct an orderly means of addressing problems, to keep exempt and excepted operations running smoothly, and to facilitate an orderly cessation of non-exempt and non-excepted Agency activities.

To do so, the Assistant Secretary – Indian Affairs has incorporated the following key continuity concepts into operational procedures to ensure a continuity capability exists:

- Assistant Secretary – Indian Affairs essential functions
- Clear lines of authority
- Necessary communications capabilities

The Plan encompasses Indian Affairs offices regardless of physical location. It also encompasses all resources and capabilities that will be used in support of the mission such as other Assistant Secretary – Indian Affairs and Bureau facilities, personnel, or communications infrastructure needed to support such essential operations. The Assistant Secretary – Indian Affairs does not expect significant changes if the lapse extends beyond five (5) days. The Assistant Secretary – Indian Affairs position itself is a Presidentially-appointed, Senate-confirmed position and is therefore excepted as expressly authorized by law.

As necessarily implied by law, AS-IA leadership will manage and provide guidance to implement functions necessary for the protection of human life and property, including Federal lands and Indian lands under Federal jurisdiction. These functions will include:

- Emergency response activities on Tribal and allotted lands.
- Critical services that address health and safety of Tribes and Indian Affairs employees.
- Management and coordination of allegations of child abuse.
- Law enforcement and detention operations on Indian lands under Federal jurisdiction, Tribal law enforcement activities, and enforcement of Federal laws.
- Protection of Federal facilities and infrastructure.

AS-IA leadership will also manage and provide guidance to support otherwise exempt or continuing excepted activities, as necessary to enable the execution of those functions. The functions below will be implemented by AS-IA support staff as necessary to enable the execution of otherwise exempt or continuing excepted activities, and are therefore implied by law.

- Provide finance, accounting, and contracting support for exempt or excepted activities.
- Provide logistics support for exempt and excepted personnel.
- Communicate with Assistant Secretary – Indian Affairs employees, providing information on the status of operations to facilitate an orderly cessation and eventual resumption of Agency activities.
- Operate and maintain facilities for health and safety of human life and the protection of property in Federal jurisdictions.
- Account for status of the workforce and recall employees to duty, as required during a lapse in appropriations.
- Provide communications and the information technology service that allows essential support functions to continue. Coordinate approval of emergency funding transfers, and reprogramming requests to ensure funding is in place to sustain essential operations.

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

Functions that are not exempt or not excepted, such as those not necessary for the safety of human life or protection of property, will cease unless there are sufficient prior year balances available to maintain operations.

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

The following may need up to 40 hours to shut down operations:

- Contracting officers to issue stop-work or partial stop-work orders
- HR specialists and Administrative specialists to address payroll and other employee concerns
- IT specialists to determine websites that need to shut down or remain active

**Long-Term Lapse**

<b>Extended Lapse Plan (over 5 days) Summary Overview</b>	<b>Amount</b>
Estimated time (to nearest half day) required to complete shutdown activities:	0.50
Total number of agency employees expected to be on board before implementation of the plan:	208
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	176
<b>Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):</b>	
Compensation is financed by a resource other than annual appropriations:	30
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	31
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	0

There are two positions in full-time excepted status. If previously appropriated available funding is exhausted, 30 positions will go from exempt status into excepted status.

## **Actions to Resume Orderly Operations**

### **Communications**

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

### **Flexibilities Available to Supervisors**

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

### **Resuming Normal Operations**

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