

Bureau of Indian Affairs

SHUTDOWN CONTINGENCY PLAN

September 2015



Purpose

In the event of a lapse in appropriations, the Bureau of Indian Affairs (BIA) has prepared the following Contingency Plan (Plan) to designate excepted personnel for the protection of human life, property and to prevent harm.

Excepted Personnel

The Plan identifies Excepted Personnel in the following three categories: Protection of Human Life (Law Enforcement); Protection of Federal Property; and Preventing Harm. These personnel are the minimum required to enable the BIA to provide vital services, exercise civil authority, and maintain the safety of its employees and the general public.

A total of 1,205 employees are excepted. This includes 586 law enforcement personnel that are not funded by carryover and 619 personnel needed to protect life and safety.

Exempt Personnel

The Plan identifies Law Enforcement personnel that are retained for the protection of life and property and are funded from carryover. If funds are exhausted, these employees would continue to be on duty in excepted status.

In addition, exempt personnel are funded by other than annual appropriations including transportation, irrigation and power revenue projects. The Transportation, Irrigation and Power Revenue Projects are not funded through lapsing appropriations and operations will continue for these programs as they operate on the revenues collected for the sites. These employees total 656.

A staffing summary of the Plan, if implemented, is provided as follows:

Office	Employees on Board	RETAINED				Subject to Furlough
		Excepted - Law Enforcement	Exempt - Funded by Other than Annual Appropriations	Excepted - Protection of Life and Property	Total Retained	
BIA	4,011	586	656	619	1861	2,150

Non-Appropriated Funds:

Transportation, Irrigation and Power Revenue Projects are not funded through annual appropriations and operations will continue for these programs as they operate on the revenues collected for the sites not appropriated funds or two year funding from Federal Highway Administration. These employees total 656 (Funded by Other than Annual Appropriations).

EXCEPTED REQUIRED SERVICES AND ACTIVITIES

Required Services and Activities
Law Enforcement – 25 U.S.C. 2801 et seq. (Indian Law Enforcement Reform Act), 104 Stat. 473, P.L. 101-379, as amended; 124 Stat. 2262, P.L. 111-211 (Tribal Law and Order Act).
Human Services (Child Protection) – 25 Code of Federal Regulations 63 (Indian Child Protection and Family Violence Prevention Act)
Wildland Fire Management – 25 Code of Federal Regulations 163
Irrigation (Non-appropriated funds Fee-for-Service) – 25 Code of Federal Regulations 171
Safety of Dams (Early Warning System Operation) – 25 Code of Federal Regulations 175

Excepted Functions are summarized below.

Excepted Functions
Provide emergency response activities on tribal and allotted lands.
Provide critical services that address health and safety of tribes and tribal members and BIA employees.
Provide immediate response to allegations of child abuse and neglect.
Provide law enforcement and detention operations on Indian lands under Federal jurisdiction, coordinate Tribal law enforcement activities, and enforcement of Federal laws.
Protect Federal facilities and infrastructure.
Provide critical services for delivery of water and power to irrigation systems, dams, and communities.
Provide transportation infrastructure construction and maintenance on tribal lands.

Excepted Support Activities

The following summarizes activities which are necessary in the performance of excepted Personnel to perform excepted functions.

Excepted Support Activities
Communicate with AS-IA employees, providing information on the status of operations.
Operate and maintain facilities for the health and safety of Federal employees and the protection of property.
Account for status of the workforce and recall employees to duty, as required.
Provide directorate communication about the status of appropriations.