

# **DEPARTMENT OF TRANSPORTATION**

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



**December 2018**

Revised as of January 11, 2019

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

**SUMMARY OF PERSONNEL AFFECTED BY A LAPSE IN ANNUAL APPROPRIATIONS**

| <b>Operating Administration</b>                        | <b>Excepted Activities 1/</b>                 |                    |                                  | <b>Appointed<br/>Senate<br/>Confirmed</b> | <b>Funded From<br/>Other Sources</b> | <b>Total Staff at<br/>Work</b> | <b>Furloughed<br/>Staff</b> | <b>Total</b>  |
|--|---|--------------------|----------------------------------|---|--------------------------------------|--------------------------------|-----------------------------|---------------|
|  | <b>Presidential<br/>Duties and<br/>Powers</b> | <b>Life/Safety</b> | <b>Support<br/>Activities 2/</b> |   |                                      |                                |                             |               |
| Federal Aviation Administration                        | 68  | 27,680             | 690                              | 0   | 2,305                                | <b>30,743</b>                  | 13,944                      | <b>44,687</b> |
| Federal Highway Administration                         | 0   | 0                  | 0                                | 0   | 2,682                                | <b>2,682</b>                   | 0                           | <b>2,682</b>  |
| National Highway Traffic Safety Administration         | 0   | 0                  | 9                                | 0   | 248                                  | <b>257</b>                     | 330                         | <b>587</b>    |
| Federal Motor Carrier Safety Administration            | 0   | 0                  | 0                                | 0   | 1,158                                | <b>1,158</b>                   | 0                           | <b>1,158</b>  |
| Federal Transit Administration                         | 0   | 8                  | 6                                | 0   | 48                                   | <b>62</b>                      | 493                         | <b>555</b>    |
| Federal Railroad Administration                        | 0   | 499                | 15                               | 1   | 0                                    | <b>515</b>                     | 420                         | <b>935</b>    |
| Pipeline and Hazardous Materials Safety Administration | 0   | 218                | 13                               | 1   | 1                                    | <b>233</b>                     | 332                         | <b>565</b>    |
| Maritime Administration                                | 144   | 26                 | 16                               | 1   | 279                                  | <b>466</b>                     | 274                         | <b>740</b>    |
| Saint Lawrence Seaway Development Corporation          | 0   | 0                  | 0                                | 0   | 125                                  | <b>125</b>                     | 0                           | <b>125</b>    |
| Office of the Secretary                                | 0   | 21                 | 75                               | 5   | 970                                  | <b>1,071</b>                   | 399                         | <b>1,470</b>  |
| Inspector General                                      | 0   | 104                | 5                                | 1   | 0                                    | <b>110</b>                     | 309                         | <b>419</b>    |
| <b>Total</b>   | <b>212</b>                                    | <b>28,556</b>      | <b>829</b>                       | <b>9</b>                                  | <b>7,816</b>                         | <b>37,422</b>                  | <b>16,501</b>               | <b>53,923</b> |

1/ Under the Antideficiency Act

2/ Activities Necessarily Implied By Law

**FEDERAL AVIATION ADMINISTRATION (FAA)**

**Personnel Summary**

Staff at Work

- Life and Safety excepted positions:  
(Air Traffic Organization – 24,456; Aviation Safety Organization – 3,113\*; Office of Security and Hazardous Materials – 58; and Other – 53) 27,680
- Staff necessary to the discharge the President's constitutional duties and powers: 68
- Positions funded by multi-year appropriations, indefinite appropriations, or contract authority:  
(Airport Improvement Program (AIP) – 567; Research Engineering & Development – 218; Aviation Insurance – 2) 787
- Positions funded by franchise funds 1,518
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 690

Total Positions at Work 30,743

Positions to be Furloughed \*: 12,486

Additional Positions to be furloughed after orderly shutdown: 1,458

Total Positions Furloughed 13,944

Total Positions: 44,687

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\* Aviation Safety Organization reflects Staff at Work employees as of 1/18/19.

## Summary of Continuing Operations

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;
- Airmen medical certifications;
- Certain evaluations, audits and inspections;
- Certain certification activities;
- Issuance of waivers for UAS and in support of other safety and security 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; and
- FAA's aircraft registry.

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) funded by multi-year appropriations;
- Airport inspections;
- Existing airport development grants;
- Passenger facility charge approvals; and
- Airport planning and environmental services funded by Airport Improvement Plan (AIP) contract authority;

- Aircraft certification services (limited).

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.

Also, initially the safety workforce would be limited to safety critical staff whose job is to perform urgent continued operational activity to protect life and property. If extended beyond a limited duration, FAA would bring back additional parts of the workforce to better manage safety risk. Employees whose sole responsibility is performing policy and operational support work would remain on furlough.

### **Summary of Suspended Activities**

- Development of new air traffic control specialists not certified to work a position;
- Issuance of airmen certificates;
- Approval of exemptions for unmanned aerial systems operations;
- 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 life and safety “excepted” positions; and
- Congressional liaison services.

### **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 operates on Contract Authority.

### **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.
- 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.

## FEDERAL HIGHWAY ADMINISTRATION

### Personnel Summary

#### Staff at Work

|  |          |
|--|----------|
| • Life and Safety Excepted Staff:  | 0        |
| • Staff funded by multi-year appropriations, indefinite appropriations, or contract authority:           | 2,682    |
| • Staff supporting lawful continuation of other functions (e.g., support for Life and Safety positions): | <u>0</u> |
| Total Staff at Work  | 2,682    |

Staff to be Furloughed: 0

Total Staff: 2,682

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### Summary of Continuing Operations

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

Highway Trust Fund operations would continue during a lapse in annual appropriations. FHWA positions are primarily funded by authorized contract authority and paid out of the Highway Trust Fund.

Although FHWA positions are mostly funded from the Highway Trust Fund, FHWA employees working on certain projects and activities may be paid from non-Highway Trust Fund funding sources, including multi-year appropriations (allocations of BUILD Transportation Grants funding and advances from other agencies through the Miscellaneous Trust Funds account) and reimbursable authority.

### **Summary of Suspended Activities**

None. Activities funded with contract authority, carryover multi-year appropriated budget authority, or reimbursable authority.

### **Assessment of Liquidating Cash**

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

### **Special Circumstances**

- Not applicable.

### **Shutdown Checklist**

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



## FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

### Personnel Summary

#### Staff at Work

|   |          |
|---|----------|
| • Life and Safety excepted staff:   | 0        |
| • Staff funded by multi-year appropriations, indefinite appropriations, offsetting collections, or contract authority | 1,158    |
| • Staff supporting lawful continuation of other functions (e.g., support for Life and Safety positions):              | <u>0</u> |
| Total Staff at Work   | 1,158    |

Staff to be Furloughed: 0

Total Staff: 1,158

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1/ Highway Trust Fund and fee-funded operations would continue during a lapse in annual appropriations.

### Summary of Continuing Operations

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

### Summary of Suspended Activities

None. Activities funded with contract authority and offsetting collections.

### Assessment of Liquidating Cash

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

### Special Circumstances

- Not applicable.

### **Shutdown Checklist**

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

## NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

### Personnel Summary

#### Staff at Work

- Life and Safety excepted staff: 0
- Staff funded by multi-year appropriations, indefinite appropriations, or contract authority 1/ 248
- Staff supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 9

Total Staff at Work 253

Positions to be Furloughed: 330

Total Staff: 587

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1/ Highway Trust Fund operations would continue during a lapse in annual appropriations.

### Summary of Continuing Operations

- NHTSA Highway Safety Research & Development activities (e.g., occupant protection, alcohol, motorcycles) and grants managed under the Highway Traffic Grants account would continue. Additionally, NHTSA's cybersecurity functions are excepted to the extent necessary for the safety of life and preservation of property.

### Summary of Suspended Activities

- NHTSA's annually appropriated Vehicle Safety activities, including rulemaking, enforcement, research, data analysis, and consumer testing programs.
- Important rulemakings, including those with Congressional deadlines, would be delayed.
- New car assessment testing and related star ratings to consumers may be delayed.

- Defects investigations would be suspended and incoming information on possible defects from manufacturers and consumers would not be reviewed.
- Compliance testing of vehicles and equipment would be delayed.
- Vehicle safety research on important subjects (e.g., crash avoidance technologies, vehicle-to-vehicle communications, occupant protection, alcohol detection) would be delayed.
- Routine defects and recall information from manufacturers and consumers would not be reviewed.

### **Assessment of Liquidating Cash**

- NHTSA has sufficient balances of liquidating cash on hand.

### **Special Circumstances**

- None.

### **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 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.

## FEDERAL TRANSIT ADMINISTRATION

### Personnel Summary

#### Staff At Work

|  |          |
|--|----------|
| • Life and Safety excepted staff:  | 8        |
| • Staff funded by multi-year appropriations, indefinite appropriations, or contract authority:           |          |
| Program Oversight  | 22       |
| Hurricane Sandy Recovery   | 24       |
| <u>Lower Manhattan Recovery Office</u>   | <u>2</u> |
| Total  | 48       |
| <br>   |          |
| • Staff supporting lawful continuation of other functions (e.g., support for Life and Safety positions): | <u>6</u> |
| Total Staff at Work  | 62       |

Staff to be Furloughed: 493

Total Staff: 555

### Summary of Continuing Operations

- 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), program oversight (23 staff) authorized under 49 U.S.C. 5327 and 49 U.S.C 5338(f) funded with prior year contract authority, and activities in the Lower Manhattan Recovery Office (2 staff) funded by emergency supplemental appropriations after 9/11.
- FTA would also have 15 excepted staff to perform life and safety activities authorized in MAP-21 and oversee the lawful continuation of other functions, including 7 available for Washington Metropolitan Area Transit Authority (WMATA) safety incident notification and response. FTA also has contract support funded from prior year unexpired appropriations for WMATA safety oversight.

## **Summary of Suspended Activities**

- 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 discontinue reimbursements to transit agencies for ongoing operations and construction projects to enable them to provide transit services and pay employees and contractors.
- 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 immediate issues of life and safety.
- FTA would not make grant payments using FTA's Financial Management Systems or vendor payments to contractors using the DELPHI accounting systems regardless of the fiscal year cited since appropriations would not be available to pay the salaries of the staff certifying the payments.
- 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 obligate or outlay funds for research and technical assistance activities because appropriations would not be available to pay the salaries of the staff executing the payments.

## **Assessment of Liquidating Cash**

- FTA has sufficient liquidating cash to support several months. However, FTA would not outlay funds because appropriations would not be available to pay the salaries of staff executing payments.

## **Special Circumstances**

- 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 exception function that would be significantly impaired without such services.

## **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.

## FEDERAL RAILROAD ADMINISTRATION

### Personnel Summary

#### Staff at Work

- |  |           |
|--|-----------|
| • Life and Safety excepted positions:  | 499       |
| • Presidentially Appointed Senate Confirmed:   | 1         |
| • Positions funded by multi-year appropriations, indefinite appropriations, or contract authority:           | 0         |
| • Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): | <u>15</u> |

Total Positions at Work 515

Positions to be Furloughed: 420

Total Positions: 935

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### Summary of Continuing Operations

#### *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 individuals that have been predetermined ahead of time 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.
- 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, payroll, 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, policies, and support programs to affect an orderly agency shutdown, while maintaining critical safety activities.

### **Summary of Suspended Activities:**

- All activities assigned to the Office of Railroad Policy and Development (RPD) would be suspended. RPD is the primary grantor of Federal funding to Amtrak, supporting Amtrak's operating, capital, and debt service requirements. Administration of grant, financial and technical assistance activities for Amtrak and all other grantees and funding partners associated with FRA's portfolio of competitive grant funds would be suspended (grant reimbursements to states would be made with the exception of final vouchers).
- 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 authorizations, or other documents obligating funds would be executed.
- FRA would not obligate funds for research and development (R&D) projects from appropriated activities. However, outlays may occur for prior year obligations if they do not require FRA staff oversight.

**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.

## PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

### Personnel Summary

#### Staff at Work

|  |           |
|--|-----------|
| • Life and Safety excepted staff:  | 218       |
| • Presidentially Appointed Senate Confirmed:   | 1         |
| • Staff funded by multi-year appropriations or offsetting collections:                                   | 1         |
| • Staff supporting lawful continuation of other functions (e.g., support for Life and Safety positions): | <u>13</u> |
| Total Staff at Work:   | 233       |

Staff to be Furloughed: 332

Total Staff: 565

### Summary of Continuing Operations

- Investigations of pipeline 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 pipeline operators and systems to detect and remediate safety concerns and determine compliance with the pipeline safety regulations.
- Enforcement of the pipeline safety regulations through corrective action orders, notices of probable violations, letters of warning and other authorized enforcement activities.
- 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.
- Hazardous Materials approvals and permits for emergencies affecting the safety of life and property only.
- Positions funded through interagency agreement advances from agencies currently operating.

- 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.

### **Summary of Suspended Activities**

- Strategic Planning and Program Evaluation
- Public Affairs
- Civil Rights
- Pipeline Program Development
- Pipeline Standards and Rulemaking
- Pipeline Engineering and Research
- Pipeline State Programs (Grants)
- Pipeline Enforcement Policy, Procedures and Guidance
- Pipeline Training and Qualifications
- Emergency Response Planning and Drills
- 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
- Hazardous Materials Special Investigations
- Hazardous Materials Training and Qualifications
- Legal Services and Representation
- Regulatory Analysis and Planning
- Freedom of Information Act and Privacy Act Processing
- Budget and Financial Planning and Operations (except those related to protection of life and property)
- Acquisition Services
  
- Human Resources (except for those related to executing the orderly shutdown)
- Information Resources Management (except for minimum support for safety systems)
- Administrative Services

### **Special Circumstances**

- PHMSA's Safety Inspectors and Safety Investigators in the field will continue to help protect the safety of life and property by identifying and addressing pipeline and hazardous materials safety concerns and regulatory violations.

### **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.

## MARITIME ADMINISTRATION (MARAD)

### Personnel Summary

#### Staff at Work

|   |           |
|---|-----------|
| • Life and Safety excepted staff*:  | 26        |
| • Presidentially Appointed Senate Confirmed:  | 1         |
| • Staff necessary to the discharge the President's constitutional duties and powers*:                     | 144       |
| • Staff funded by multi-year appropriations, indefinite appropriations, or contract authority:            | 279       |
| • Staff supporting lawful continuation of other functions (e.g., support for Life and Safety positions)*: | <u>16</u> |
| Total Staff at Work   | 466       |

Staff to be Furloughed: 274

Total Staff: 740

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\* Includes 168 staff at the US Merchant Marine Academy that continue working out of total 254 while academic classes are in session – the Academy’s second academic term resumed on January 3, 2019.

### Summary of Continuing Operations

- MARAD functions that would continue during a lapse in appropriations extend to maritime life, safety, and securing vessels of the U.S. Government.
- The United States Merchant Marine Academy (Academy) would continue to operate in support of national defense and national security. It is the stated statutory policy of the United States 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.

- Personnel required to ensure continuation of Academic classes will continue. These positions include instructors, Commandant staff to supervise the midshipmen and personnel required for dining, health, simulators training and other instructional support. All other personnel will be furloughed.
  - Personnel in the Admissions Office for recruitment and application processing for the incoming class of midshipmen will continue to work. The staffing level will fluctuate from 1 to 5 personnel depending on the time of year with the critical peak recruitment and admissions season during November 1 to April 30 requiring full staffing level.
  - When classes are 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. All other personnel will be furloughed until classes resume.
  - Please note the personnel numbers accompanying this plan reflect the resumption of the Academy's second academic term on January 3, 2019 following Winter break (from December 19, 2018 – January 2, 2019). A total of 168 excepted staff are required, including 17 to support Life/Safety functions for critical maintenance and security; 144 to discharge the President's constitutional duties and powers for continued academic education and training, at-sea training and admissions office support; and 7 for lawful continuation functions including the Superintendent, IT, and mailroom.
- 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.
  - MARAD would continue to operate the National Defense Reserve Fleet, including the Ready Reserve Fleet (RRF), as full FY 2019 funding has been provided from the Department of Defense (DOD) appropriation. Note that some MARAD employees are normally split-funded from RRF and appropriated MARAD funds. During a lapse in appropriations, these individuals will work entirely on the RRF program and will be paid only from RRF funds.
  - The no-year funded Maritime Security Program (MSP) would continue operations utilizing carry-over balances as long as sufficient funding is available.

- 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 could jeopardize life and safety.
- Government personnel and contractor support required to maintain the agency's data center and cybersecurity functions will continue.

### **Summary of Suspended Activities**

- Program support from Office of Chief Counsel (MAR-220), Environment and Compliance (MAR-400), Intermodal System Development (MAR-500), and Business and Finance Development (MAR-700) would cease, other than those related to the Academy or those functions associated with Life and Safety support or no-year, multi-year and reimbursable funded programs.
- Administrative support functions (Information Technology, Human Resources, Finance and Budget, etc.) would cease, other than those related to the Academy or those functions associated with Life and Safety support or no-year, multi-year and reimbursable funded programs.
- 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.

### **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.

## SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION (SLSDC)

### Personnel Summary

#### Staff at Work

- Life and Safety excepted staff: 0
- Funded by other sources, including multi-year appropriations, indefinite appropriations, or contract authority: 125
- Staff supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 0

Total Staff at Work 125

Staff to be Furloughed: 0

Total Staff: 125

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### Summary of Continuing Operations

- The SLSDC will utilize its statutory authority 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.

### Summary of Suspended Activities

- No activities will be suspended.

### Special Circumstances

- 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, which is currently \$10.1 million.

## OFFICE OF THE SECRETARY (OST)

### Personnel Summary

#### Staff at Work

- Life and Safety excepted staff: 21
- Presidentially Appointed Senate Confirmed: 5
- Funded by other sources, including multi-year appropriations, indefinite appropriations, or contract authority: 128
- Staff supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 75

Total Staff at Work (*without* Working Capital Fund, Volpe and TSI): 229

- Funded by the Working Capital Fund: 236
- VOLPE and the Transportation Safety Institute 606

Total Staff at Work (*including* Working Capital Fund, Volpe and TSI): 1,071

Staff to be Furloughed: 399

Total Staff: 1,470

### Summary of Continuing Operations

Most continuing operations of the Office of the Secretary principally will be associated with the following activities:

- Functions necessary to secure life and safety and to preserve 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 support required for other lawful functions of the Department that will continue during a lapse in annual appropriations, including support activities required for the Secretary, Deputy Secretary and other Presidential appointees within OST to discharge their responsibilities; 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)

### **Summary of Suspended Activities**

- Suspended activities during a lapse in annual appropriations will mainly be support from staff offices that are not associated with excepted continuing activities, including the following:
  - Responding to inquiries from news media;
  - Preparing news releases;
  - Undertaking non-essential budget and financial related activities;
  - Ensuring Congressional mandates are fully implemented;
  - Undertaking Information Technology policy oversight and related activities;
  - Undertaking non-essential legal functions 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.

### **Special Circumstances**

- None.

### **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.

## OFFICE OF INSPECTOR GENERAL (OIG)

### Personnel Summary

#### Staff at Work

|  |          |
|--|----------|
| • Life and Safety excepted staff:  | 104      |
| • Staff funded by multi-year appropriations, indefinite appropriations, or contract authority:           | 0        |
| • Presidentially Appointed Senate Confirmed:   | 1        |
| • Staff supporting lawful continuation of other functions (e.g., support for Life and Safety positions): | <u>5</u> |
| Total Staff at Work  | 110      |

Staff to be Furloughed: 309

Total Staff: 419

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### Summary of Continuing Operations

- Law Enforcement Activities
- Hotline and Crisis Management Center point of contact.

### Summary of Suspended Activities

- Audits
- Legal, Legislative, and External Affairs
- Administrative Functions (Procurement & Administrative Services, Human Resources, Budget & Financial Management, and Information Technology).

## **Special Circumstances**

- None

## **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.