



CONTINGENCY PLANS FOR LAPSE IN APPROPRIATIONS

January 2018

Policy

The Smithsonian Institution will comply with the restrictions on spending and obligating appropriated funds if there is a lapse in appropriations.

In the event that a funding bill or another continuing resolution (CR) is not passed, the Institution would use available prior-year appropriations to remain open as long as funding permits. When the Institution's available prior-year funding is exhausted, the Institution would shut down many federally funded activities.

Given the guidance provided by the Office of Management and Budget (OMB) regarding allowable activities under a Government-wide shutdown, it would be necessary for us to close all museum buildings to the public, when available prior-year funding is exhausted. In general, only federal activities designated as "excepted" would be allowed to continue. The employees performing these activities are:

- protecting life or property
- engaging in the orderly shutdown of operations
- performing contractual obligations under no-year or multi-year funds remaining available for those purposes

Specifically, Federal employees performing the following Smithsonian activities will be "excepted" from the furlough:

1. Employees responsible for the care, custody, and protection of the National Collections, including animals, archival materials, and libraries;
2. Employees responsible for the care, custody, and protection of the facilities and buildings that house the National Collections and other Smithsonian property;
3. Employees providing for the security and safety of the staff and other individuals in the Institution's buildings and on its property, including the care and safety of excepted employees;
4. Employees responsible for the preservation and security of the physical plant and essential communications and information technology systems, including staff who maintain building systems operations and major research-related equipment, and who support excepted activities;

5. Employees fulfilling obligations under existing contracts necessary to protect life or property;
6. Employees responsible for federal procurement activities necessary to process and monitor requisitions for emergency supplies and services, including food for animals, and to receive and process deliveries;
7. Employees directly involved with ongoing laboratory experiments that require ongoing monitoring to preserve research data and provide care and protection of research specimens, and research involving highly time-sensitive contract deliverables and activities;
8. Office of Human Resources staff performing activities related to the furlough, including preparation and issuance of furlough notices, service to non-furloughed staff, and dealing with union matters;
9. Employees responsible for the continuation of financial services for the excepted activities; and
10. On the basis of communications with the State Department, including the U.S. Embassy in Panama, and based on past advice to the State Department by the Department of Justice, non-excepted local national employees of the Smithsonian's Tropical Research Institute paid with federal appropriations need not be furloughed but can continue to work if they can be adequately supervised by excepted staff. These employees can be paid for their work when federal appropriations resume.

Trust-funded operations will continue in the event of a federal shutdown as long as they do not require the Institution to incur incidental current-year federal expenses. As an example, Smithsonian-sponsored education programs, including The Smithsonian Associates, will not continue if those programs would be held in Smithsonian facilities protected by Smithsonian federal security personnel.

In accordance with Section 124 of OMB Circular No. A-11, the following information is provided:

- Estimated time to complete the shutdown: not to exceed 4 hours
- Total number of Federal employees before plan is implemented: 4,063
- Total number of federal employees to be retained under the plan to protect life and property: 688

Note: the total "excepted" personnel includes security guard staffing (three 8-hour shifts); personnel for utilities systems operators and emergency

maintenance mechanics (three 8-hour shifts); personnel for minimal custodial staffing; personnel staffing for the care and feeding of the live collections at the National Zoo (three 8-hour shifts); and personnel support for the separate units/Museums.

During a shutdown, the Institution cannot legally accept voluntary services from federal employees to continue their regular duties. While many staff may be willing to continue to carry out their research or other duties without pay, liability may result if we allow staff who are not identified as “excepted” to work either at their office, from another site, or from home during the shutdown.

Reporting to Duty

All employees should report for duty in accordance with their normal work schedule. If there is no appropriation or CR extension to fund normal operations, employees who are not designated as “excepted” will be given four hours to undertake necessary work for an orderly shutdown. After shutdown activities are completed, non-excepted employees will be released from duty until normal business resumes. Supervisors are responsible for notifying employees of their status during a shutdown.

Public Notification

In the event of a shutdown, a notice will be posted at each public entrance to museum buildings and research centers to inform the visiting public of the closure. In addition, the Institution’s main website (www.si.edu) will be updated and the main telephone number (202-633-1000) will have a recorded message about the Smithsonian’s status. The Office of Communications and External Affairs will provide standard language for signage.

Returning to Duty

Employees will be asked to consult the Office of Personnel Management’s website (www.opm.gov) and the Smithsonian’s website (www.si.edu), and to monitor local television and radio stations for information about returning to duty.