

Bureau of Trust Funds Administration

CONTINGENCY PLAN

September 2023



Department of the Interior
Bureau of Trust Funds Administration
Contingency Plan for a Potential Lapse in Appropriations
September 2023

Overview

The Bureau of Trust Funds Administration (BTFA) is one of three bureaus within Indian Affairs at the U.S. Department of the Interior. BTFA operations employ more than 400 individuals working in over 50 field offices around the country. Most field offices are co-located with the Bureau of Indian Affairs. The Bureau of Trust Funds Administration is headquartered in Washington, D.C.

On October 1, 2020, BTFA assumed the fiduciary functions previously carried out by the Office of the Special Trustee for American Indians. Established by the American Indian Trust Fund Management Reform Act of 1994, the Office of the Special Trustee for American Indians worked to improve the accountability and management of Indian assets through oversight, reform, and coordination of Federal policy.

BTFA provides 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 under day-to-day management and disburses more than \$1 billion annually. BTFA also maintains the official archive of American Indian Records. This program safeguards millions of original historic documents, which detail the Federal governments obligations to Native Americans.

Orderly Shutdown

BTFA will follow this Contingency Plan in preparing for an orderly suspension of the BTFA operations and the maintenance of excepted and exempted functions.

Twenty-four (24) hours prior, BTFA will:

1. Advise all employees and contractors of any developments and final guidance.
2. Prepare and distribute furlough letters and supplementary information to Deputy Bureau Directors and managers or their designees.
3. Advise all employees and on-site contract personnel to report to duty the next business day after the shutdown or upon returning from scheduled leave for instructions and to engage in shutdown activities. It is anticipated the majority of BTFA employees will complete their shutdown responsibilities in four (4) hours or less, but a small number of employees may require eight (8) to sixteen (16) hours. Furloughed employees will need to provide necessary notices and contact information, secure their files, complete time and attendance records, and otherwise make preparations to preserve their work.
4. Determine which contracts may continue to operate and notify contractors of their status during the shutdown. For fully obligated contracts, the administrative functions normally performed by government employees (the contracting officer, the COR, and other contract administration) with respect to that contract cannot continue. However, in those situations the contractor can continue performance of fully obligated contracts if continued supervision or support by government personnel is not critical; for example, the contractor will be able to perform without government employee assistance, acceptance or similar support.
5. Inform all employees to monitor local and national news reports via television, radio and newspaper for Federal appropriation updates and when employees must return to work. And, to periodically check the OPM, DOI and BTFA public websites for relevant information regarding shutdown status and FAQs.

6. Utilize the *Mass Notification Emergency Alert Notification System* (alert system) to notify employees in the event of any lapse in appropriations.

Lapse Plan Summary Overview

Short-Term Lapse

Short Lapse Plan (1-5 days) Summary Overview	
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:	418
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	371
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	47
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	47
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	47

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

In the event of a lapse in appropriations, BTFA has prepared the following Contingency Plan (Plan) to designate excepted personnel for the protection of human life and property. Excepted personnel may activate furloughed personnel to provide essential functions. The BTFA does not expect significant changes if the lapse extends beyond 5 days.

The American Indian Trust Fund Management Reform Act of 1994 (Public Law 103-412) requires the Secretary of Interior to account for the daily and annual balances of Indian Trust Funds deposited or invested. Section 103 of the American Indian Trust Fund Management Reform Act of 1994 (Pub. L. 103-412, Title I, Sec. 102, Oct. 25, 1994, 108 Stat 4240) requires the investment of individual Indian monies and deposit of interest in the individual Indian trust accounts. Positions required to meet the requirements of the American Indian Trust Fund Management Reform Act of 1994 (Pub. L. 103-412, Title I, Sec. 102, Oct. 25, 1994, 108 Stat 4240) are identified as excepted. Apportioned carryover funds from previous

annual appropriations, to the extent they are available, may be used to fund all 47 excepted positions in the event of a Government shutdown.

The Plan identifies employees who are retained for the following purposes:

1. Protect the safety and well-being of employees and contractors as well as the security of offices and property
2. Protect the life and property of Individuals Indian Money (IIM) beneficiaries
3. Minimize excepted functions and determine the level at which they would operate
4. Ensure continued leadership within BTFA
5. Continue to litigate lawsuits where a continuance has not been granted; examine new charges to determine whether prompt judicial action is necessary to protect the Federal governments interest in Tribal trust litigation cases and, if appropriate, provide litigation support to obtain preliminary relief
6. Perform necessary administrative support to carry out those excepted and exempt functions. The bulk of these activities would be handled by staff in the Masthead and field offices

BTFA critical functions include the receipt, investment, and disbursement of trust funds to Indian beneficiaries. The minimal level of functionality required to accomplish this activity includes excepted and exempt staff that:

1. Maintain system integrity and operability
2. Ensure proper function of interfaces with Trust Asset and Accounting Management System and Trust Fund Accounting System (TFAS)
3. Approve transactions
4. Encode transactions
5. Operate the Trust Beneficiary Call Center

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.

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

The following activities will not occur during a government shutdown:

1. Non-TBCC staff will not be available to answer questions from the public, or respond to correspondence from the public (e.g., no mail retrieval).
2. Insofar as the courts grant BTFA’s requests for extensions of time, BTFA will not provide active litigation support services for Tribal trust litigation cases to the Department of the Interior Office of the Solicitor and the Department of Justice. If a judge orders BTFA to continue litigation support services our on-call staff will comply.
3. Outreach and educational events will be cancelled.
4. No FOIA requests will be processed.

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

All shutdown activities will be completed within one-half day.

Long-Term Lapse

Extended Lapse Plan (over 5 days) Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	0.50

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Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	47
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	47
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	47

As a normal course of operations, BTFA does not have any staff charged to carryover funds. However, if the lapse extends beyond five days, BTFA will activate some of the excepted on-call employees and change employees from excepted to exempt and use BTFA carryover Funds (assuming carryover funds are available) to pay them. The activation of the on-call staff depends on the need to work on vital BTFA projects and to perform fiduciary trust services, including the receipt, investment, and disbursement of trust funds to Indian beneficiaries.

Actions to Resume Orderly Operations

Communications

DOI will notify furloughed employees that 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, BTFA leadership 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. In addition, BTFA leadership will encourage supervisors to allow employees to continue telework whenever possible and feasible with business operations and will continue to maximize telework throughout BTFA. Employees currently teleworking on a frequent or

regular basis (e.g., maximum telework) will be given advance notice and guidance before returning to the physical workplace.

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.