



Smithsonian Institution

Office of Planning, Management and Budget

CONTINGENCY PLANS FOR LAPSE IN APPROPRIATIONS

September 2023

Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	<i>1/2 day</i>
Total number of agency employees expected to be on board before implementation of the plan:	<i>3,950 FTEs</i>
Total number of employees to be retained under the plan for each of the following categories:	
Compensation is financed by a resource other than annual appropriations:	<i>3,950 FTEs</i>
Necessary to perform activities expressly authorized by law:	<i>0 FTEs</i>
Necessary to perform activities necessarily implied by law:	<i>0 FTEs</i>
Necessary to the discharge of the President's constitutional duties and powers:	<i>0 FTEs</i>
Necessary to protect life and property:	<i>1,166 FTEs</i>
Brief summary of significant agency activities that will continue during a lapse:	
When the Institution's available prior-year funding is exhausted, only federal activities designated as "excepted" will continue. The employees performing these activities are protecting life or property (including the national collections, National Zoo animals, and the safety/security of facilities and staff) and engaging in the orderly shutdown and management of the operations.	
Brief summary of significant agency activities that will cease during a lapse:	
When the Institution's available prior-year funding is exhausted, the Institution would shut down non-exempt and non-excepted federally-funded activities. Under a lapse of funding, it would be necessary to close museum buildings to the public.	

Federal Policy

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

The Smithsonian Institution operates its various museums and other activities, including the National Collections, using a combination of private trust funds and federal appropriations. The majority of security, cleaning, maintenance, and support staff are funded with federal funds. In the event that a federal funding bill or another continuing resolution (CR) is not passed, the Institution would use available prior-year appropriations to remain open to the

public as long as funding permits. When the Institution's available prior-year funding is exhausted, the Institution would shut down non-exempt and non-excepted federally-funded activities. This would include closing museum buildings to the public once funds are no longer available to provide the necessary operations, security, maintenance, or cleaning functions required for public visits.

Given the guidance provided by the Office of Management and Budget (OMB) regarding allowable activities under a lapse of appropriation, the 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 and management of the 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 exempted or excepted individuals in the Institution's buildings and on its property;
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.

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: 3,950
- Total number of Federal employees to be retained under the plan: 1,166
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, federal 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 federal 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.