

Contingency Plan for Operations in the Absence Fiscal Year Appropriations

This document provides you, the public, with an update on our planning for a potential lapse in Congressional appropriations. Prudent management requires that we continue to prepare for all contingencies. In a possible scenario where Congress fails to enact full year appropriations or to fund the government via a continuing resolution, the Mitigation Commission will execute this contingency plan.

Under a lapse in funding, our actions and decisions about what operations continue are governed by legal opinions issued by the Attorney General and the Office of Legal Counsel of the Department of Justice. We have determined our agency's employees may continue to work and most activities may continue in the event of a lapse of funding because these are considered "exempted employees" and "exempted activities".

The Mitigation Commission's employees and activities are considered exempted because all funds obligated for our work are from a non-lapsing prior fiscal year and/or from a source of federal funds not annually appropriated. The Utah Reclamation Mitigation and Conservation Account, established under Title IV of the Central Utah Project Completion Act, provides interest-generated funds for the Mitigation Commission's agency administration and programs. Therefore, all work would be allowed to continue in the absence of a Fiscal Year appropriation or a continuing resolution. Should a lapse occur, and depending on the length of the lapse period, these determinations may change as circumstances evolve.

Importantly, the categorization of this agency's employees and activities as exempted is not a reflection on the quality of the employees or the work or the importance of the agency mission. It is merely a reflection of the legal requirements we must operate under should a lapse occur.