

Office of Surface Mining Reclamation and Enforcement

CONTINGENCY PLAN

September 2023



**Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Contingency Plan for a Potential Lapse in Appropriations
September 2023**

Overview

The Office of Surface Mining Reclamation and Enforcement (OSMRE) is a bureau within the United States Department of the Interior. OSMRE’s mission is to carry out the requirements of the Surface Mining Control and Reclamation Act (SMCRA) in cooperation with States and Tribes, and its primary objectives are to ensure that coal mines are operated in a manner that protects citizens and the environment during mining and assures that the land is restored to beneficial use following mining, and to mitigate the effects of past mining by aggressively pursuing reclamation of abandoned coal mines.

OSMRE is organized with Headquarters located in Washington DC, and three regional offices: the Appalachian Regional Office in Pittsburgh, PA (Interior Regions (IRs) 1 & 2); Mid-Continent Regional Office in Alton, IL (IRs 3, 4, and 6); and Western Regional Office in Lakewood, CO (IRs 5, 7-11). The Regional Offices are composed of Field and Area Offices.

Orderly Shutdown

In the event of a lapse in appropriations for the Department, we expect that OSMRE will complete initial orderly shutdown activities within one-half day. Should the lapse continue for longer than one week, additional orderly shutdown activities may be required. Orderly shutdown activities include requiring all employees to confirm their contact information; confer with external stakeholders and bureau/office client contacts regarding ongoing regulation and reclamation matters; and assess and report to management. Most OSMRE employees will be furloughed for the duration of the shutdown. Nine (9) employees are considered excepted employees as necessarily implied by law to perform activities authorized under 30 U.S.C. 1240 (Emergency Powers) and 1267 (inspections and monitoring). Those nine positions are:

1. Director
2. Deputy Director
3. Assistant Director, Program Support
4. Assistant Director, Finance & Acquisitions
5. Regional Director, Regions 1 & 2
6. Regional Director, Regions 3, 4 & 6
7. Regional Director, Regions 5, 7 - 11
8. Associate Chief Information Officer
9. Communications Chief

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

Short Lapse Plan (1-5 days) Summary Overview	
Total number of agency employees expected to be on board before implementation of the plan:	518
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	412
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:	91
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	9
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	0

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

Abandoned Mine Lands Emergency Program: OSMRE administers the abandoned mine land emergency reclamation program for Federal programs and assists the States in the declaration of emergencies at the field office level. Emergency projects are those involving abandoned coal mine lands that present an immediate danger to life, public health, and safety. Typically, emergencies include landslides near homes and across roads, subsidence occurring under houses and public buildings, mine and coal waste fires, and open shafts.

Regulatory Programs: For active mining, there may be a need to have staff available to address imminent harm situations. OSMRE Regional Directors will contact and recall appropriate staff in the event of emergency situations to: (1) respond to citizen complaints; (2) conduct inspections under Federal/Indian programs; and (3) conduct State oversight inspections (only if a State needs assistance in situations of health/safety).

As a normal course of operations, OSMRE does not have any staff charged to carryover funds. However, in the event of a shutdown, OSMRE may need to activate certain employees as exempt to work on priority projects such as mining plan decision reviews and associated NEPA work. The number of exempt employees would range from 6 to 10, depending on the need to cover the priority projects. This work would be funded with any available carryover funding.

Bipartisan Infrastructure Law (BIL): All BIL operations, which are funded by a resource other than annual appropriations, will continue during the lapse. OSMRE estimates 91 employees will be funded by BIL.

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

OSMRE will not process grant applications or monitor the progress and quality of State and Tribal reclamation and regulatory programs during a lapse. OSMRE would cease all non-emergency reclamation and regulatory activities, to include State program evaluations, oversight inspections, permitting and inspection activities under the Federal and Indian Lands programs, and program development and maintenance activities. OSMRE would also cease all technology development activities and discontinue technical assistance and training to the States and Tribes. OSMRE would limit financial management, administrative, and executive direction support to the level necessary to support emergency situations.

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

Additional contract staff may need to be retained in excepted status beyond the first one-half day to close-out contracts or issue bi-lateral modifications to add a stop work order.

- 5 employees at 40 hours = 200 hours

Long-Term Lapse

Extended Lapse Plan (over 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:	518
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	389
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:	91
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	38
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	0

In the unanticipated event of a prolonged agency shutdown, additional OSMRE resources may be considered necessary to perform critical operational functions. Up to 23 on-call employees may be recalled to excepted or exempt (subject to availability of carryover funds) status to perform the following functions:

- Personnel to process time and attendance reports to the Payroll Office, including processing, certifying, and releasing timecards for excepted activity.
- Contracting staff for interaction with vendors on contract for emergency projects and ongoing contracts not subject to funding from current year appropriations.
- Financial management staff, as appropriate, to process bills for payment to vendors.
- Safety Officer or Emergency Management Officer will be contacted in emergency situations to address any issues.
- Human Resources staff to address personnel issues arising from a prolonged shutdown.
- Information Resources staff to ensure IT systems continue to be available to support crucial operational functions.
- Grants Specialists to monitor grants issued prior to the lapse and to issue mandatory grants to States and Tribes required under 30 U.S.C. 1232.
- Regional Staff for emergency declarations, citizen complaints, and inspections.

Actions to Resume Orderly Operations

Communications

OSMRE employees will be notified that the shutdown furlough has ended and directed to return to duty on the employees' next scheduled workday through the OPM, DOI, and OSMRE websites. Supervisors and managers will also utilize office contact rosters to relay additional reporting instructions.

Flexibilities Available to Supervisors

If an employee has an issue returning to work, for instance, due to leave planned in advance, OSMRE 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.

Resuming Normal Operations

The following personnel and functions are essential to resume orderly operations:

- Personnel serving as timekeepers to enter updated time and attendance coding to minimize payment errors or debts for employees by performing process time and attendance reports to the Payroll Office, including updated coding, processing, certifying, and releasing of timecards.
- Human Resources staff to address personnel issues arising from a prolonged shutdown, including communications and coordination with affected new hires and separating employees with delayed EOD dates for reporting and departing instructions.
- Budget staff to ensure that available budgetary resources are properly allocated for program operations.
- Office of Communication personnel to ensure timely reactivation of OSMRE websites.
- Information Resources Office staff to ensure all information technology systems are operational and properly functioning.

Additional Information

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/OSMRE 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.

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.