

Office of Surface Mining Reclamation and Enforcement

CONTINGENCY PLAN

September 2025



Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Contingency Plan for a Potential Lapse in Appropriations
September 2025

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 any long term shutdown.¹ Seven (7) 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 seven positions are:

1. Director
2. Assistant Director and Deputy Chief Financial Officer
3. Budget Officer
4. Chief Program Support
5. Regional Director, Regions 1 & 2
6. Regional Director, Regions 3, 4 & 6
7. Regional Director, Regions 5, 7 - 11

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 |

¹ Employees participating in the Deferred Resignation Program whose resignation dates extend beyond September 30, 2025 may be exempt to the extent there are sufficient available balances, otherwise they will be furloughed.

| Short Lapse Plan (1-5 days) Summary Overview | |
|--|-----|
| Total number of agency employees expected to be on board before implementation of the plan: | 286 |
| Total number of agency employees expected to be furloughed under the plan (unduplicated count): | 0 |
| 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: | 286 |
| Necessary to perform activities expressly authorized by law: | 0 |
| Necessary to perform activities necessarily implied by law: | 0 |
| 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 provided by an annual appropriation. However, in the event of a shutdown, OSMRE considers certain employees exempt, including to work on national energy emergency priority projects such as mining plan decision reviews and associated National Environmental Policy Act work, such as conducting environmental impact analyses, as well as permitting activities on Federal and Indian Lands and in Federal program states. Additional employees may be activated as necessary depending on the need to cover the priority projects. This work would be funded with any available carryover funding.

Infrastructure Investment and Jobs Act (IIJA): All IIJA operations, which are funded by a resource other than annual appropriations, will continue during the lapse. OSMRE estimates 71 employees will be funded by IIJA.

Other Activities: Non-emergency reclamation and regulatory activities that are funded by non-lapsed appropriations or that are necessary for the protection of human life and/or federal property and planning and preparation of the budget.

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

OSMRE would limit financial management, administrative, and executive direction support to the level necessary to support exempt and excepted activities.

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

OSMRE relies on contracting staff at the Department of the Interior Office of Acquisition and Property Management 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.

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: | 286 |
| Total number of agency employees expected to be furloughed under the plan (unduplicated count): | 174 |
| 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: | 71 |
| Necessary to perform activities expressly authorized by law: | 0 |
| Necessary to perform activities necessarily implied by law: | 18 |
| Necessary to the discharge of the President's constitutional duties and powers: | 0 |
| Necessary to protect life and property: | 23 |

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.
- Safety Officer or Emergency Management Officer will be contacted in emergency situations to address any issues.
- 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.
- Budget staff to ensure that available budgetary resources are properly allocated for program operations.
- OSMRE relies upon the Department of the Interior servicing offices to resume activities and address impacts in these areas of responsibility: Human Resources, Information Technology, Communications, Grants Management, Acquisitions, and Financial Management.

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.