

Government Shutdown and Contingency Plans

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Shutdown Background

Officially, starting at 12:01 a.m. ET on October 1, 2025 the U.S. government has shut down. Roughly 750,000 federal employees will be placed on furlough, with only “essential employees” staying on. Seeing this is considered a full government shutdown, it has the potential for far more widespread impacts than 2018/2019. The last full government shutdown was in 2013, under then President Obama and lasted for 17 days in October.

The most recent shutdown, which occurred during the first Trump Administration, was also the longest, running from December 22, 2018 until January 25, 2019. Though, that shutdown was only “partial” because several appropriations bills had already been enacted into law leaving only the agencies whose funding bills that had not been passed subject to shutdown contingency plans.

Every time Congress fails to pass appropriations bills on time there is a shutdown threat, triggering agencies to develop contingency plans within a certain period before the end of the fiscal year. Typically, these plans carry over from year to year with tweaks, but it is important to note individual administrations have significant latitude in determining the details of a shutdown, so the guidance can vary year to year.

During a shutdown, federal employees who work for agencies and programs not funded by the annual appropriations process are exempt from shutdown furloughs. These include programs like Social Security and Medicare, and other programs funded by user fees and mandatory money. Employees whose agency is funded by an appropriations bill will be designated as “non-essential” or “essential”. Those deemed “essential” are generally those who do work related to life safety, property protection, health, emergency response, and other work deemed essential by their agencies. All others will be furloughed and unpaid. See further descriptions below.

Below are highlights of the key activities that certain agencies will either continue forward with “excepted” or cease during the shutdown. Note, TAG has created separate memos covering the USDA and FDA 2025 contingency plans.

Departmental Excepted Activities

Department:	Excepted:	Not Continued:
Environmental Protection Agency	Approximately 11% of EPA staff would be retained. These positions are largely funded by other sources	Approximately 89% of EPA would be furloughed. Activities expected to be stopped include:

	<p>than discretionary appropriations. Activities expected to be continued include:</p> <ul style="list-style-type: none"> • Law enforcement • Superfund response work • Emergency/disaster response • Exempted activities related to FIFRA, including the continuation of OPP user-fee activities based on availability of funding • Exempted activities related to Superfund and funded by Superfund tax • Exempted activities with mandatory funding under IIJA and IRA 	<ul style="list-style-type: none"> • Civil enforcement inspections • Issuance of permits • Issuance of regulations • Issuance of grants • Approvals of state pending actions, such as TMDL's, state-issued permits, state implementation plans.
Department of Interior	<p>The Department of Interior has not released an updated contingency plan for agencies. Based on previous shutdown plans, the National Park Service would likely furlough half of the workforce and Fish & Wildlife Service would likely furlough a little more than half. Activities would continue to protect life and property as well as law enforcement activities. Activities funded by recreational fees and mandatory money (Great American Outdoors Act) would continue.</p>	<p>Policy guidance, regulations, issuance of permits</p>
DHS/U.S. Customs and Border Protection	<p>93% of CBP employees are exempt/excepted and estimated to be retained during a lapse in appropriations.</p> <p>U.S. CBP revenue collection (tariff collection)</p>	<p>Policy, personnel & training work</p>

	<p>Maintaining law enforcement operations, including drug interdiction and irregular migration management</p> <p>Continuing passenger processing and cargo inspection functions at ports of entry.</p>	
DHS/U.S. Citizenship & Immigration Services	<p>96% of USCIS employees are exempt/excepted and estimated to be retained during a lapse in appropriations.</p> <p>Fee-funded activities such as those funded by the Immigration Examinations Fee Account.</p>	Policy-focused work
Department of Labor	<p>OSHA inspectors to stay on for inspection of imminent danger situations, investigations of a workplace fatality/catastrophe & other cases deemed as an emergency (pg. 26)</p>	<p>Bureau of Labor Statistics will cease operations (e.g. import/export data).</p> <p>Employment & Training Administration (ETA) will not process new foreign labor certifications. Noted: A prolonged lapse of funding will exacerbate processing delays for the Office of Foreign Labor Certification activities, especially temporary labor certification requests under the H-2A and H-2B Visa programs.</p> <p>OSHA will not engage in enforcement activities such as compliance assistance, outreach programs, training classes, technical assistance, rulemaking and certain non-emergency whistleblower issues.</p>

<u>Department of State</u>	<p>Total number of agency employees occupying “excepted” positions: 10,344 (pg. 7)</p> <p>USAID Operating Expenses has residual balances available and excepted employees will continue to operate until residual funding has lapsed. (Pg. 69)</p> <p>Consular operations domestically and abroad will remain operational. This includes passports, visas, and assisting U.S. citizens abroad. (Pg. 7)</p>	<p>The Office of Global Food Security and the Office of Foreign Assistance Oversight have insufficient balances available and are subject to an immediate lapse in appropriations on Sept. 30, resulting in immediately furloughing personnel and shutting down activities. (pg. 67)</p>
<u>Department of Transportation</u>	<p>Total number of employees to be retained in “excepted” positions: 41,504</p> <p>FMCSA positions would continue as normal subject to the amount of liquidating cash the Agency has available.</p>	<p>Total number of employees expected to be furloughed: 12,213</p> <p>At FRA, contracts, purchase orders and travel authorizations will stop.</p> <p>At PHMSA, rulemakings and hazardous materials special investigations would stop.</p>
<u>U.S. Trade Representative</u>	<p>USTR does not plan to furlough any of their employees.</p> <p>USTR will continue to perform duties as necessary to support the President’s constitutional duty and power to conduct foreign relations, especially in advisement & administering efforts under IEEPA</p>	

	and supporting international trade negotiations.	
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