



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D C 20503

December 17, 1985

MEMORANDUM FOR HEADS OF DESIGNATED EXECUTIVE DEPARTMENTS
AND AGENCIES

FROM: James C. Miller, III
Director

SUBJECT: Agency Operations in the Absence of
Appropriations

Once again, a Continuing Resolution for some Executive departments and agencies has expired without some form of appropriations taking effect. Thus far, only six regular appropriations bills for FY 1986 have been signed into law: Commerce/Justice/State; Energy/Water; HUD/Independent Agencies; Labor/HHS; the Legislative Branch; and Military Construction. However, the following seven appropriations measures have not been enacted: Agriculture/Related Agencies; Defense; District of Columbia; Foreign Operations; Interior; Transportation; and Treasury/Postal Service/General Government.

A list of agencies affected by the expiration of the Continuing Resolution may be found in the appendix to this memorandum.

As you know, Congress currently is considering a Continuing Resolution to provide funds for the rest of the fiscal year for the agencies not yet appropriated. Naturally, the President hopes that an acceptable Continuing Resolution will be enacted. However, in the absence of appropriations an opinion by the Attorney General requires you to begin implementing your agency's plans for an orderly shutdown of non-essential activities.

If you are the head of an agency listed in the appendix, you should instruct your employees to report for work on schedule. However, pursuant to your agency's plan in the event of an appropriations hiatus, you should instruct your employees to engage only in shutdown-related activities.

During the course of the day, a determination will be made whether it appears with reasonable certainty that an acceptable Continuing Resolution is about to be enacted. If

it appears with reasonable certainty that an acceptable Continuing Resolution will be available for signature during the day, you will be so notified by your OMB budget examiner. In that event, you should tell your employees to remain at work and engage only in shutdown-related activities. (Of course, once an appropriations measure for your agency has been signed, you should instruct your employees to return to business as usual.)

On the other hand, if it cannot be determined with reasonable certainty that an acceptable Continuing Resolution will be available during the day, you will be notified of that as well. In that case, you should send home those employees identified as non-expected in your agency shutdown plan.

Please direct any questions that cannot be answered on the basis of this memorandum and prior communications to your OMB budget examiner or to OMB Counsel. Please direct any unresolved legal questions relative to the construction of the Antideficiency Act to the Office of Legal Counsel of the Department of Justice.

Thank you for your cooperation during this period of uncertainty and inconvenience.