



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

THE DIRECTOR

September 28, 1990

MEMORANDUM NO. 90-08

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS  
AND AGENCIES

FROM: Richard G. Darman  
Director

SUBJECT: Agency Operations in the Absence of  
Appropriations

The fiscal year expires at midnight Sunday, September 30, 1990. A Budget Summit Agreement has not yet been reached. It is still possible an agreement will be reached before October 1, 1990. However, if an agreement is not reached, it is likely that no CR will be enacted, so the head of each agency must be prepared to implement his or her existing plan for closing down activities funded by accounts that have not received appropriations on Monday morning, October 1, 1990.

OMB Bulletin 80-14, dated August 28, 1980 (and amended by the OMB Director's memorandum of November 17, 1981), requires all agencies to maintain plans to deal with such an appropriations hiatus. Furthermore, the Attorney General's opinion dated January 16, 1981, supporting this bulletin, remains in effect. In general:

- o Employees of affected agencies performing non-excepted activities (as discussed in the Attorney General's opinion) may not perform any services other than those involved in the orderly suspension of non-excepted activities;
- o Agencies may not permit voluntary performance of non-excepted services; and
- o Agency heads make the determinations that are necessary to operate their agencies during an appropriations hiatus (within the guidance established by the Attorney General's opinion and this memorandum, and pursuant to normal agency processes for the resolution of issues of law and policy).

Specific instructions for Monday morning, October 1, are as follows:

- o All excepted employees identified pursuant to your agency's plan and the Attorney General's opinion of January 16, 1981, (including those scheduled to be furloughed, due to sequester, on October 1) should be instructed to report to work on October 1st and to perform their excepted duties.
- o All regular employees performing non-excepted activities (including those scheduled to be furloughed, due to sequester, on October 1) should be instructed to report for work on Monday, October 1st, as scheduled.

During the day on Monday, we will provide further instructions, depending on the status of appropriations action, as follows:

- o If a CR that suspends sequester is clearly likely to be enacted on Monday, agencies will be instructed to operate in a normal manner.
- o If no CR is likely to be enacted on Monday, we will issue instructions initiating a phase-down of activities for non-excepted employees. Such phase-down activities for non-excepted personnel, if called for, should be completed during the first three hours of the workday.
- o If a CR is enacted that does not suspend sequester, you should begin implementing your sequester plan.

Please address any question to your OMB budget examiner(s), or to OMB Acting General Counsel Robert Damus (395-5044), or Associate General Counsel for Budget Rosalyn Rettman (395-5600).