

**General Guidance on Agency
Operations in the Absence of Appropriations**

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 an appropriations hiatus. If a shutdown occurs, we assume each agency will be operating under its shutdown plan as approved by OMB in September. As a reminder, the Attorney General's opinion dated January 16, 1981, updated by the opinion of the Office of Legal Counsel dated August 16, 1995, remains in effect. In general:

- o Employees of affected agencies performing non-excepted activities (as discussed in the Department of Justice opinions) may not perform any services other than those involved in the orderly suspension of non-excepted activities; excepted activities that may be continued are generally those that are authorized by law or that protect life and property.
- 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 Department of Justice opinions and this memorandum, and pursuant to normal agency processes for the resolution of issues of law and policy).

Please address any questions to your OMB budget examiner(s), or to OMB General Counsel Robert Damus (395-5044), or Associate General Counsel for Budget Rosalyn Rettman (395-4778).