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**EXECUTIVE SECRETARIAT  
ROUTING SLIP**

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt		X		
13	D/OCA				
14	D/PAO				
15	D/PERS				
16	D/Ex Staff				
17					
18					
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SUSPENSE \_\_\_\_\_  
Date

Remarks

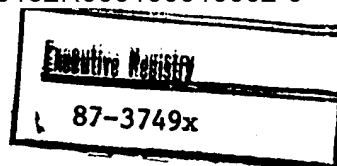
*O/* Executive Secretary  
17 Dec '87  
Date

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



December 16, 1987

MEMORANDUM FOR HEADS OF DESIGNATED EXECUTIVE DEPARTMENTS  
AND AGENCIES

FROM:

James C. Miller III

SUBJECT:

Agency Operations in the Absence of  
Appropriations

Once again, we are approaching the expiration of a short-term Continuing Resolution (CR) -- this time at midnight tonight, December 16, 1987. It is reported that Congress may adopt a short-term Continuing Resolution that would extend funding until midnight, December 18th. If Congress does not pass either a short-term or full-term CR that is acceptable to the President, we will have no alternative but to begin shutdown procedures tomorrow, December 17th, of the type we have implemented before.

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 defined by 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).

Questions that you cannot answer should be addressed to your OMB budget examiner(s), or to OMB Acting General Counsel Robert G. Damus (395-5044) or Assistant General Counsel Rosalyn (Roz) Rettman (395-5600). Any unresolved legal questions relative to the construction of the Antideficiency Act should be referred to the Office of Legal Counsel of the Department of Justice.



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Under the circumstances, it is imperative that you review your current shutdown plans immediately. Any changes in these plans should be submitted to your OMB budget examiner(s) by close-of-business today. (If no changes are submitted, we will assume the current contingency plan remains in effect.) All excepted employees identified pursuant to your agency's plan and the Attorney General's opinion of January 16, 1981, should be instructed to report to work tomorrow and to perform their excepted duties. All regular employees performing non-excepted activities should be instructed to report for work tomorrow as scheduled. At that time, we will inform you whether an acceptable full- or short-term Continuing Resolution is likely to be enacted on that day. If not, 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.

Please assure that your agency's personnel remain in close touch with their OMB examiner(s) on this matter, and please be prepared for possible planning meetings at the General Counsel/Assistant Secretary for Management level. Please notify your OMB examiner(s) immediately of any problems relative to full compliance with this Memorandum or the Attorney General's opinion.

Thank you.