

Office of Management and Budget Issuance

Retyped (without change) by OPM

Bulletin No. 80-14, Supplement No. 1

August 20, 1982

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Agency Operations in the Absence of Appropriations

1. *Purpose.* This supplement updates OMB Bulletin No. 80-14, dated August 28, 1980, and requires the submission of contingency plans for review by OMB. The purpose of the review is to assure adequate contingency planning and Government-wide compliance with the provisions of the Antideficiency Act.

2. *Background.* OMB Bulletin No. 80-14 instructed agencies to develop plans for an orderly shutdown in the event of a funding hiatus. It became necessary to carry out these plans during the November 1981 hiatus. In reviewing that experience and the operational plans in effect during the period immediately preceding enactment of the March 31, 1982 Continuing Resolution, certain difficulties were observed:

- some agencies have not fully complied with the requirements of OMB Bulletin 80-14, and do not have fully operational contingency plans;
- disparities appear to exist between some agencies as to the definition of activities necessary to protect life and property; and
- disparities appear to exist between some agencies as to the time necessary to complete the orderly shutdown of nonexcepted activities.

3. *Actions required:*

- a. Amend the date that appears in section 2 to January 16, 1981.
- b. Delete the last sentence of subsection 3.c.
- c. Add subsection 3.d. as shown in the attachment.

David A. Stockman
Director

Attachment

Material to be added to
OMB Bulletin No. 80-14,
Section 3

d. *Reporting.* The plans required in subsection c will be submitted to OMB by September 15, 1982.

The following information will be provided with the plans:

- (1) Estimated time to the nearest one-half day to complete the shutdown in accordance with the plan.
- (2) Number of employees expected to be on-board before implementation of the plan.
- (3) Total number of employees to be retained under the plan because (a) they are engaged in military, law enforcement, or direct health care activities, or (b) their compensation is financed by other than annual appropriations.
- (4) Number of employees, not otherwise exempt, to be retained to protect life and property.

Within the guidance established by the Attorney General's opinion of January 16, 1981, and this bulletin, agency heads are to make such determinations as are necessary to operate their agencies during an appropriations hiatus, and to do so pursuant to normal agency processes for the resolution of issues of law and policy. Questions that cannot be determined by an agency should be addressed to OMB. All unresolved questions relative to the construction of the Antideficiency Act will be jointly referred to the Office of Legal Counsel of the Department of Justice.

If it is estimated that more than one-half day will be needed to complete the shutdown or that the number of employees to be retained to protect life and property will exceed five percent of the number of employees on board at the beginning of the hiatus less those exempt for reasons specified in item (3) above, agencies will submit policy statements and legal opinions supporting those estimates.