

EXHIBIT 1(A)(1) - If
appropriation expires on
a Friday or Saturday

SAMPLE
MEMORANDUM

TO: Division Directors
Office Heads
Regional Administrators

FROM: [NAME]
Executive Director

RE: Commission Activities After _____

As you know, the Commission's current funding expires [MONTH & DATE], at midnight. In the event that an appropriation or Continuing Resolution is not approved by Congress and signed by the President in a timely manner, the Commission will be required to operate under stringent guidelines which, among other things, severely restrict Commission activities. The immediate impact of such a measure would be upon the Commission's ability to grant compensatory time and paid overtime. Accordingly, except for special circumstances, such as matters in litigation where court deadlines require work over the weekend, you should instruct your staff not to authorize compensatory or paid overtime after midnight [MONTH & DATE].

Similarly, any travel which commences over the affected weekend for regular Commission business, such as routine inspections or examinations, should be postponed. Non-discretionary travel required for matters in litigation, such as to attend a scheduled hearing, would be an exception. If you feel that special circumstances warrant an exception to this policy, please contact [NAME] in my office, prior to authorizing either overtime or travel.

Further, in light of the potential lack of funding for continuing Commission operations, except for those permitted by the Antideficiency Act, 31 U.S.C. §665(a), we must identify those persons and activities that are essential to the Commission's mission insofar as they are required to protect life and property. These activities have been identified by OMB to include those essential to the preservation of the money and banking systems of the United States, to essential law enforcement and to preservation of Federal property. The staff and support services necessary to continue these activities should be maintained.

In order to preserve the Commission's ability to meet its responsibility to fulfill these essential functions during the funding hiatus, the Chairman must be provided with information so that he can make decisions as to (1) the identity of those functions and (2) the staff and support services necessary to maintain them. I expect to meet with the Chairman soon to present a

recommendation as to these matters. To facilitate this process, I must have a statement from you setting forth, with respect to your Division or Office, the following:

- (1) The identity of those specific activities necessary for the Commission to continue the effective functioning of the capital market, monetary and banking systems;
- (2) The identity of those law enforcement activities which cannot be deferred without significant risk to life and property; and
- (3) The identity of those staff by name and position and support services (such as computer support) necessary to carry out items (1) and (2) and to preserve Federal property and equipment.
- (4) Your assurance that, except for those employees identified as performing purely law enforcement activities identified in item (2), that the total number of staff identified in item (3) do not exceed 5% of your current total on-board staff.

Please submit your statement, along with appropriate justifications and explanations, by the close of business [MONTH & DATE] so that the Commission's compliance with the Antideficiency Act may be carried out in the least disruptive fashion. If an employee is on a temporary assignment, the permanent supervisor should recommend whether the presence of that employee in the permanent duty station is necessary for closeout or essential functions. [NAME] (phone [-]) and [NAME] (phone [-]) are available to answer any questions and help define the activities which fall within the scope of this memorandum. I urge you to telephone them if you have any questions.