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Office of Management and Budget (OMB): An Overview

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SUMMARY

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Office of Management and Budget (OMB): An Overview

The Office of Management and Budget (OMB) is a component of the Executive Office of the President (EOP). OMB is tasked with numerous statutory duties relating to the operations of executive branch agencies. As a source of support to the institutional presidency, OMB also acts on the President's behalf in preparing the President's annual budget proposal, overseeing executive branch agencies, and helping steer the President's policy actions and agenda. In pursuing these activities, OMB interacts extensively with Congress and agencies in ways that are both publicly visible and more hidden from view. An overview of OMB may assist Congress in understanding OMB's roles and operations and thereby may help to inform Congress's evaluation of policy options.

OMB was originally established in 1921 as the Bureau of the Budget (BOB) within the Department of the Treasury. It functioned under the supervision of the President. In 1939, the office was transferred to the newly created EOP. BOB was redesignated in 1970 as OMB. Subsequently, Congress also statutorily established four offices within OMB (*statutory offices*) to oversee several cross-cutting processes and management matters.

Several institutional aspects of OMB may be of interest. OMB contains resource management offices that focus on particular agencies and policy domains, the statutory offices, and OMB-wide support offices, in addition to OMB's leadership and their support staff. In recent years, Congress has provided funds to OMB through annual appropriations in the Financial Services and General Government (FSGG) annual appropriations bill. OMB's budget includes funds in a "Salaries and Expenses" (S&E) account. It could be argued that OMB's core budget also includes at least some funding in the "Information Technology Oversight and Reform" (ITOR) account. OMB's workforce may be viewed from at least two perspectives: OMB's overall staffing composition and senior OMB positions that are established by statute. Furthermore, OMB's website allows Congress and the public to explore OMB's functions and policies, while also housing documents and other information, including characterizations of the agency's mission.

OMB has significant and varied responsibilities. In pursuing these responsibilities, OMB is required to faithfully execute its statutory responsibilities as passed by Congress and, in addition, may act as an agent to pursue the President's policy preferences. From Congress's perspective, there may be tensions or contradictions between the two roles. Nevertheless, most observers identify the following as major functions of OMB:

- budget formulation and execution;
- legislative coordination and clearance;
- executive orders and proclamations;
- information and regulatory affairs; and
- mission-support areas and management initiatives.

Congress often faces trade-offs when considering issues that involve OMB. On one hand, Congress may statutorily authorize OMB with certain responsibilities in order to pursue Congress's institutional and policy objectives. However, this authority may leave room for OMB to be more responsive to the presidency in ways that are inconsistent with congressional intent. As a result, Congress may confront multifaceted issues when considering options for legislating on OMB's activities. Across the breadth of OMB's responsibilities, potential issues for Congress include opportunities to conduct oversight of OMB's activities and options for potential legislation that would modify OMB's roles.

Contents

Introduction 1
OMB History and Mission 1
Capsule Statutory History 1
Characterizations of OMB's Mission 3
Institutional Aspects of OMB 4
Organizational Structure 4
OMB's Budget 7
OMB Budget and Selected History 7
Illustrative Topics from Consideration of OMB Appropriations 9
OMB's Workforce 10
OMB Staffing Composition and Recent History 10
OMB Senior Officials and Appointments 11
OMB's Website and Documents 13
Major Functions 15
Budget Formulation and Execution 15
Legislative Coordination and Clearance 16
Executive Orders and Proclamations 17
Information and Regulatory Affairs 18
OIRA Review of Regulations 18
OIRA Review of Information Collections 19
Statistical Policy 20
Information Policy 21
Mission-Support Areas and Management Initiatives 21
Office of Federal Procurement Policy (OFPP) 22
Office of Federal Financial Management (OFFM) 22
Office of Electronic Government (E-Gov) 23
OMB Roles in Federal Personnel Policy 24
Management Reform and Government Performance Efforts 25
Potential Issues for Congress 26

Figures

Figure 1. Archived Organization Chart for OMB (Obama Administration, January 2017) 6

Tables

Table 1. Senior OMB Positions Established by Statute 12

Table A-1. OMB Salaries and Expenses (S&E) Account: Appropriations, Obligations, and Full-Time Equivalent (FTE) Employment 29
Table A-2. OMB's S&E Account: FTE Positions, by "Program Activity" 30
Table A-3. OMB: On-Board Employment 31

Table B-1. OMB: Positions of Director, Deputy Director, and Deputy Director for Management, Nomination and Confirmation 32

Appendixes

Appendix A. OMB Budget and Staffing History 29
Appendix B. Case Study of Trump Administration OMB Appointments 32

Contacts

Author Information 33

Introduction

The Office of Management and Budget (OMB) is a component of the Executive Office of the President (EOP).[1] OMB has a number of statutory duties relating to the operations of executive branch agencies. As a source of support to the institutional presidency, OMB also acts on the President's behalf in preparing the President's annual budget proposal, overseeing executive branch agencies, and helping steer the President's policy actions and agenda. In pursuing these activities, OMB interacts extensively with Congress and agencies in ways that are both publicly visible and more hidden from view.

Congress often faces trade-offs when considering issues that involve OMB. On one hand, Congress may choose to authorize OMB to undertake certain activities in order to help implement Congress's institutional and policy objectives. However, granting such authorities may leave room for OMB to be more responsive to the presidency in ways that are inconsistent with congressional intent. As a result, Members and committees of Congress may confront multifaceted issues when considering options for legislating on OMB's activities.

This report provides an overview of OMB, including selected institutional aspects and several of its major functions. These perspectives may assist Congress in understanding the roles and operations of OMB and thereby may help inform related congressional deliberations. The report concludes by highlighting potential issues for Congress regarding OMB, including opportunities to conduct oversight of OMB's activities and options for potential legislation that would modify OMB's roles.

In addition to the individuals listed on this report's cover, multiple CRS analysts authored portions of the report. They are identified in footnotes to the sections they authored. A full list of CRS contributors is located in the "Key Policy Staff Table" at the conclusion of the report.

OMB History and Mission

Capsule Statutory History

The Office of Management and Budget traces its origin to 1921, when it was established as the Bureau of the Budget (BOB) within the Treasury Department by the Budget and Accounting Act, 1921.[2] BOB functioned under the supervision of the President.[3] Reorganization Plan No. 1 of 1939 transferred the bureau to the newly created Executive Office of the President (EOP).[4]

[1] Other components of the EOP include, for example, the National Security Council, the Council of Economic Advisers, and the Office of National Drug Control Policy. Some of these components are linked on the White House website, at U.S. White House, "The Administration," at https://www.whitehouse.gov/the-trump-administration/. A full list may be found in the EOP's annual budget justification available at U.S. White House, "Disclosures," at https://www.whitehouse.gov/disclosures/.

[2] P.L. 67-13, Budget and Accounting Act, 1921; June 10, 1921 (42 Stat. 20, at 22); currently codified in part at 31 U.S.C §501. This law and others cited in this report are summarized in CRS Report RL30795, *General Management Laws: A Compendium*, by Clinton T. Brass et al. (available upon request to congressional clients). The President appointed the BOB director and assistant director without Senate confirmation. The title of assistant director was changed to "deputy director" by P.L. 83-176, First Independent Offices Appropriation Act, 1954; July 31, 1953 (67 Stat. 298, at 299).

[3] P.L. 67-13.

[4] P.L. 76-19; April 3, 1939 (53 Stat. 1423); located at 5 U.S.C. Appendix. For related discussion, see section titled "Presidential Reorganization Authority (Inoperative)" in CRS Report R44909, *Executive Branch Reorganization*, by

Subsequently, Reorganization Plan No. 2 of 1970 re-designated BOB as the Office of Management and Budget.[5] Concern about OMB's accountability prompted Congress to make the director and deputy director subject to Senate confirmation in 1974.[6] Congress also established four "statutory offices" within OMB to oversee several cross-cutting processes and management matters.

- The Office of Federal Procurement Policy Act established the Office of Federal Procurement Policy (OFPP) in 1974.[7] OFPP provides guidance regarding the government-wide acquisition of goods and services necessary for executing the responsibilities of federal agencies.[8]
- The Paperwork Reduction Act (PRA) of 1980 established the Office of Information and Regulatory Affairs (OIRA, pronounced "oh-eye-ruh").[9] The PRA was rewritten and recodified in 1995, including authorizing language for OIRA.[10] In addition to its regulatory activities, OIRA oversees federal policy related to information policy, statistical policy, and privacy.[11]
- The Chief Financial Officers (CFO) Act of 1990 established the Office of Federal Financial Management (OFFM).[12] In addition to fulfilling several statutory responsibilities, OFFM carries out the President's financial management improvement priorities and implements executive agencies' financial management policies.[13]
- The E-Government Act of 2002 established the Office of Electronic Government (E-Gov).[14] Among other things, E-Gov "provide[s] overall leadership and direction" regarding Internet-based technologies to streamline the public's interaction with the federal government.[15]

Henry B. Hogue.

[5] Reorganization Plan No. 2 of 1970; July 1, 1970 (84 Stat. 2085); located at 5 U.S.C. Appendix.

[6] P.L. 93-250; March 2, 1974 (88 Stat. 11); currently codified at 31 U.S.C. §502. For discussion, see CRS Report 78-158, *The Office of Management and Budget: Background, Responsibilities, Recent Issues*, by Judith H. Parris, July 27, 1978, pp. 44-49 (available upon request to congressional clients).

[7] P.L. 93-400; August 30, 1974 (88 Stat. 796); currently codified at 41 U.S.C. §1101. See also 31 U.S.C. §506.

[8] See U.S. Executive Office of the President, Office of Management and Budget (hereinafter OMB), "The Office of Federal Procurement Policy," at https://www.whitehouse.gov/omb/management/office-federal-procurement-policy/.

[9] P.L. 96-511; December 11, 1980 (94 Stat. 2812); subsequently reauthorized and recodified in 1995.

[10] P.L. 104-13; May 22, 1995 (109 Stat. 163, at 166); currently codified at 44 U.S.C. §3503.

[11] See OMB, "Information and Regulatory Affairs," at https://www.whitehouse.gov/omb/information-regulatory-affairs/.

[12] P.L. 101-576, Chief Financial Officers Act of 1990; November 15, 1990 (104 Stat. 2838); currently codified at 31 U.S.C. §901. See also 31 U.S.C. §502(c). The CFO Act also created the deputy director for management position.

[13] See OMB, "Office Federal Financial Management," at https://www.whitehouse.gov/omb/management/office-federal-financial-management/.

[14] P.L. 107-347, E-Government Act of 2002; December 17, 2002 (116 Stat. 2899); currently codified at 44 U.S.C. §3602. See also 31 U.S.C. §507. OMB calls this organization the Office of E-Government and Information Technology.

[15] 44 U.S.C. §3602(f)(3). See also OMB, "Office of E-Government and Information Technology," at https://www.whitehouse.gov/omb/management/egov/.

Characterizations of OMB's Mission

As a primary support agency for the institutional presidency, OMB has significant and varied responsibilities. A 1986 study identified 95 statutes, 58 executive orders, five regulations, and 51 circulars that reflected OMB's operational authorities at the time.[16] CRS is not aware of a more up-to-date, similarly detailed compendium of OMB's statutory duties. However, some observers have written overviews of OMB's organizational components and processes.[17] In addition, observers may also look to how OMB itself characterizes its duties.

Succeeding Administrations have crafted mission statements for OMB that highlight each Administration's perspective on OMB's key responsibilities. Sometimes, the mission statement of OMB has substantially changed from one Administration to the next. OMB created its first website with a mission statement during the Clinton Administration, thus establishing a new venue for OMB to interact with Congress and the public.[18] During the George W. Bush Administration, OMB featured the following portion of a mission statement on its website, which echoes some of the structure and substance of the Clinton Administration's version:

> OMB's predominant mission is to assist the President in overseeing the preparation of the federal budget and to supervise its administration in Executive Branch agencies. In helping to formulate the President's spending plans, OMB evaluates the effectiveness of agency programs, policies, and procedures, assesses competing funding demands among agencies, and sets funding priorities. OMB ensures that agency reports, rules, testimony, and proposed legislation are consistent with the President's Budget and with Administration policies.[19]

During the Obama Administration, OMB featured the following portion of a mission statement on its website:

> The core mission of OMB is to serve the President of the United States in implementing his vision across the Executive Branch. OMB is the largest component of the Executive Office of the President. It reports directly to the President and helps a wide range of executive departments and agencies across the Federal Government to implement the commitments and priorities of the President.
>
> As the implementation and enforcement arm of Presidential policy government-wide, OMB carries out its mission through five critical processes that are essential to the President's ability to plan and implement his priorities across the Executive Branch.[20]

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[16] See Morton Rosenberg and Mark Gurevitz, "Preliminary Catalogue of Office of Management and Budget Authorities and Directives," in U.S. Congress, Senate Committee on Governmental Affairs, *Office of Management and Budget: Evolving Roles and Future Issues*, committee print, 99th Cong., 2nd sess. (Washington: GPO, 1986), pp. 395-696.

[17] For example, see Steve Redburn, Dan Chenok, and Barry Clendenin, eds., *The Office of Management and Budget: An Insider's Guide*, Report 2021-21 (White House Transition Project and Kinder Institute on Constitutional Democracy), no date (2020), at https://www.napawash.org/events/office-of-management-budget-an-insiders-guide-september-30-2020; and Meena Bose and Andrew Rudalevige, eds., *Executive Policymaking: The Role of the OMB in the Presidency* (Washington: Brookings, 2020).

[18] See OMB, "OMB's Role," at https://clintonwhitehouse5.archives.gov/OMB/organization/role.html, archived at U.S. National Archives and Records Administration (hereinafter NARA), "Archived Presidential White House Websites," at https://www.archives.gov/presidential-libraries/archived-websites.

[19] See OMB, "OMB's Mission," at https://georgewbush-whitehouse.archives.gov/omb/organization/role.html (archived by NARA).

[20] See OMB, "The Mission and Structure of the Office of Management and Budget," at https://obamawhitehouse.archives.gov/omb/organization_mission/ (archived by NARA).

The Obama Administration website then elaborated on these "five critical processes," including (1) budget development and execution, (2) management, (3) coordination and review of regulations, (4) legislative clearance and coordination, and (5) executive orders and presidential memoranda.

The Trump Administration's version of the OMB mission included a similar discussion of these five critical processes:

> OMB carries out its mission through five critical processes that are essential to the President's ability to plan and implement his priorities across the Executive Branch: (1) Budget development and execution. (2) Management, including oversight of agency performance, human capital, Federal procurement, financial management, and information technology. (3) Regulatory policy, including coordination and review of all significant Federal regulations by executive agencies. (4) Legislative clearance and coordination. (5) Executive Orders and Presidential Memoranda.[21]

The Obama Administration's characterization of OMB as the "implementation and enforcement arm of Presidential policy"—compared to the George W. Bush Administration's emphasis on the technical functions of OMB—may help to illustrate an ongoing evolution in perspective regarding the potential roles of OMB. More recently, during the Trump Administration, OMB's mission statement mirrored that of the Obama Administration, specifically with its discussion of the "critical processes."

Institutional Aspects of OMB

Several institutional aspects of OMB may be of interest to Congress, including OMB's organizational structure, budget, workforce, and website. The subsections below address these topics.

Organizational Structure

In addition to OMB's leadership, which will be discussed in this report's section titled "OMB Senior Officials and Appointments," OMB has three major types of offices: (1) resource management offices (RMOs), (2) OMB-wide support offices, and (3) statutory offices.[22] The OMB website currently does not include an organization chart. However, the most recent chart of OMB's leadership and organizational structure—taken from the OMB website during the Obama Administration—is displayed in **Figure 1**.[23]

RMOs are tasked with examining agency budget requests and developing funding recommendations for federal agencies under their purview. The bottom row of **Figure 1** shows OMB's RMOs. Each RMO focuses on a cluster of related agencies and issues to examine agency budget requests and make funding recommendations. To develop these recommendations, RMOs are tasked with integrating management, budget, and policy perspectives in their work. A politically appointed program associate director (PAD) leads each of the RMOs. Below the level of PADs and some of their immediate assistants, RMO staff are usually career civil servants and are organized into divisions and branches. Each RMO branch covers a cabinet department or collection of smaller agencies and is led by a career member of the Senior Executive Service

[21] OMB, "Office of Management and Budget," at https://www.whitehouse.gov/omb/.

[22] Description of OMB's organization draws in part on Shelley Lynne Tomkin, *Inside OMB: Politics and Process in the President's Budget Office* (Armonk, NY: M.E. Sharpe, 1998), pp 11-29.

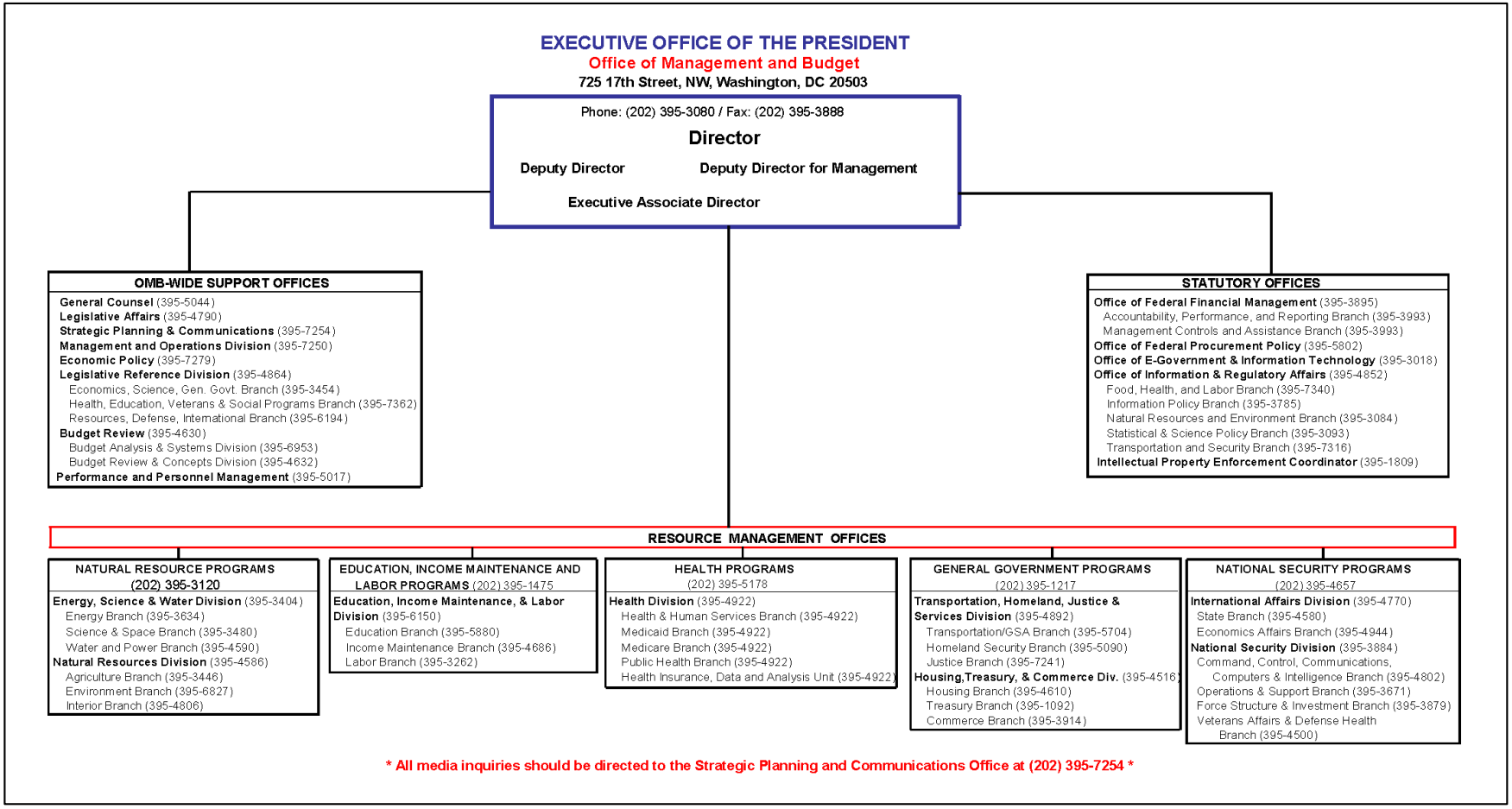
[23] OMB, "About OMB," at https://obamawhitehouse.archives.gov/omb/organization.

(SES). OMB's program examiners staff each RMO branch. As shown from left to right in **Figure 1**, OMB's RMOs as of January 2017 included (1) Natural Resource Programs; (2) Education, Income Maintenance and Labor Programs; (3) Health Programs; (4) General Government Programs; and (5) National Security Programs.

Above the RMOs, the left side of the organization chart in **Figure 1** shows eight OMB-wide support offices. The offices address a variety of subject areas. For example, the Budget Review Division (BRD) coordinates the process for preparing the President's annual budget proposal to Congress. The Legislative Reference Division (LRD) coordinates review of agencies' draft bills, congressional testimony, and correspondence to ensure compliance with the President's policy agenda. OMB's Economic Policy Office works with the President's Council of Economic Advisers and the Treasury Department to develop economic assumptions and more recently has focused on program evaluation. The other support offices included the General Counsel, Legislative Affairs, Strategic Planning and Communications, Performance and Personnel Management, and the Management and Operations Division.

OMB's statutory offices oversee several cross-cutting processes and management matters. Analysts in the statutory offices develop policy, coordinate implementation, and work with the RMOs on agency-specific issues. The right side of the organization chart in **Figure 1** shows the statutory offices. Three of the four statutory offices focus on mission-support functions of executive agencies: financial management (OFFM), procurement policy (OFPP), and information technology (E-Gov, shared with OIRA). The fourth office, OIRA, has a broad portfolio of responsibilities, including regulation, information policy, paperwork reduction, statistical policy, and privacy.

Figure 1. Archived Organization Chart for OMB (Obama Administration, January 2017)



Source: OMB, "About OMB," at https://obamawhitehouse.archives.gov/omb/organization (archived).

OMB's Budget

An overview of OMB's budget may help illuminate how OMB allocates resources among its various activities. In addition, OMB's budget may be viewed over time to paint a picture of any changes of the organization's priorities. Historical information about OMB's budget may be found in the *Budget Appendix*, an annually issued volume of presidential budget submissions,[24] and congressional budget justifications for the EOP, which at times have been posted online at various locations.[25]

OMB Budget and Selected History

In recent years, Congress has provided funds to OMB through annual appropriations in the Financial Services and General Government (FSGG) annual appropriations bill. OMB's budget includes funds in a "Salaries and Expenses" (S&E) account. It could be argued that OMB's core budget also includes at least some funding in a separate "Information Technology Oversight and Reform" (ITOR) account.

- The S&E account funds the core operations of OMB.[26] The S&E account funds the RMOs, statutory offices, and OMB-wide support offices. For FY2019, the account's actual obligations were $103 million, plus an additional $3 million for reimbursable activities.[27]
- The ITOR account is controlled by the OMB director. The account provides funds "for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government."[28] The director of OMB may transfer ITOR funds to "one or more other agencies to carry out projects to meet these purposes." As described by OMB, the ITOR account has funded IT oversight and analysis by E-Gov, the U.S. Digital Service, and cybersecurity.[29] A

[24] The most recent version of the President's budget submission, including the *Budget Appendix*, may be found at OMB, "President's Budget," at https://www.whitehouse.gov/omb/budget/. For electronic versions of historical presidential budget submissions from the mid-1990s to the present, see U.S. Government Publishing Office, "Budget of the United States Government," at https://www.govinfo.gov/app/collection/BUDGET/.

[25] CRS was able to locate electronic versions of full EOP congressional budget justifications for FY2020 and FY2021 (see U.S. White House, "Disclosures," at https://www.whitehouse.gov/disclosures/); FY2018 (see U.S. White House, "Executive Office of the President" (archived), at https://web.archive.org/web/20171119003650/http://www.whitehouse.gov/administration/eop); and FY2011-FY2017 (see U.S. White House, "Executive Office of the President" (archived), at https://obamawhitehouse.archives.gov/administration/eop). A scanned version of OMB's portion of the EOP FY2019 justification is available from CRS upon request from congressional clients. At other times, OMB has posted its portion of the EOP justification on its website, including during the George W. Bush Administration (FY2008; see OMB, "About OMB" (archived), at https://web.archive.org/web/20090117014058/whitehouse.gov/omb/organization/index.html) and Barack Obama Administration (FY2008-FY2017; see OMB, "About OMB" (archived), at https://obamawhitehouse.archives.gov/omb/organization).

[26] OMB, *Budget of the U.S. Government, FY2021, Appendix*, p. 1142, at https://www.whitehouse.gov/omb/appendix/. See also U.S. Executive Office of the President (hereinafter EOP), *Fiscal Year 2021 Congressional Budget Submission* (Washington: EOP, 2020), p. OMB-7.

[27] OMB obligated the $103 million against the annual appropriation it received in the FSGG act. The $3 million in reimbursable obligations corresponded to certain collections of funds from businesslike transactions by OMB. For discussion of reimbursements (and the broader category of offsetting collections), see U.S. Government Accountability Office (hereinafter GAO), *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, p. 29.

[28] OMB, *Budget of the U.S. Government, FY2021, Appendix*, p. 1147, at https://www.whitehouse.gov/omb/appendix/.

[29] Ibid. For some time, OMB funded some of E-Gov's operations out of the ITOR account. For FY2021, OMB proposed to shift this funding from the ITOR appropriation to the S&E appropriation. See EOP, *Fiscal Year 2021*

predecessor to the ITOR account was first enacted as a part of FY2012 appropriations.[30] For FY2019, the account's actual obligations were $24 million, plus an additional $5 million for reimbursable activities.[31]

Overall, the funds in OMB's S&E account are dedicated mainly to personnel costs. Compensation and benefits were 81% of OMB's $103 million in total, actual obligations for FY2019.[32] The remainder chiefly covered contractual services (10%). OMB's S&E account has ranged in recent years from $93 million in obligations in FY2010 to $103 million in FY2019 (see **Table A-1**, in **Appendix A**).

The S&E account also may be broken down among OMB's offices. Almost half (about 48%) of FY2019 funding went to the RMOs. About 35% went to the OMB-wide support offices (including E-Gov), and about 18% went to the other statutory offices.[33]

At times, OMB's S&E budget has fluctuated due to reallocations of funding with other accounts in the EOP. In one instance, in the early 2000s, Congress shifted funds among budget accounts in the EOP related to an "enterprise services program." For FY2003, Congress reallocated $8.3 million from OMB to the EOP's Office of Administration (OA) for central procurement of goods and services,[34] reducing OMB's appropriation compared to the prior fiscal year. The President subsequently requested for both FY2004 and FY2005 that similar funding be shifted back to OMB, but Congress continued a similar reallocation in both years.[35] For FY2006, the President requested that the reallocation to OA continue, but Congress shifted $7 million, for rent and health unit costs, from OA back to OMB, and appropriated $76.2 million (after rescission) to OMB.[36]

Separate from the S&E and ITOR accounts, OMB may also exercise control over the funding and operations of several councils of agency officials. These include the President's Management

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Congressional Budget Submission (Washington: EOP, 2020), p. ITOR-10. For information about the U.S. Digital Service, see https://www.usds.gov/mission.

[30] Initially, appropriations bill language referred to this account as "Integrated, Efficient, and Effective Uses of Information Technology." See Consolidated Appropriations Act, 2012 (P.L. 112-74, December 23, 2011; 125 Stat. 786, at 896), at https://www.govinfo.gov/content/pkg/PLAW-112publ74/pdf/PLAW-112publ74.pdf#page=112. It is conceivable that some of OMB's activities that have been funded in the S&E account prior to FY2012 subsequently were funded by the ITOR account. If that is the case, it is not clear to CRS the extent to which that shift occurred.

[31] OMB, *Budget of the U.S. Government, FY2021, Appendix*, p. 1147.

[32] OMB, *Budget of the U.S. Government, FY2021, Appendix*, p. 1143. See also EOP, *Fiscal Year 2021 Congressional Budget Submission* (Washington: EOP, 2020), p. OMB-9. Obligations are binding agreements that will result in immediate or future outlays.

[33] OMB, *Budget of the U.S. Government, FY2020, Appendix*, at https://www.govinfo.gov/content/pkg/BUDGET-2020-APP/pdf/BUDGET-2020-APP.pdf.

[34] U.S. Congress, House, *Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes*, conference report to accompany H.J.Res. 2, H.Rept. 108-10, 108th Cong., 1st sess. (Washington: GPO, February 13, 2003), p. 1342.

[35] See U.S. Congress, House, *Making Appropriations for Foreign Operations, Export Financing, and Related Programs for the Fiscal Year Ending September 30, 2005, and for Other Purposes*, conference report to accompany H.R. 4818, H.Rept. 108-792, 108th Cong., 2nd sess. (Washington: GPO, November 20, 2004), p. 1449.

[36] See OMB, "MAX Information and Reports (Executive, Legislative, and Judicial Users): SF 133 Report on Budget Execution and Budgetary Resources," link for "FY2006," at https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html. After clicking on the "FY2006" link, click on the PDF icon for "Executive Office of the President." Within the PDF file, information about OMB's S&E account can be found at https://portal.max.gov/portal/document/SF133/Budget/attachments/245170294/255066258.pdf#page=88.

Council, the Chief Financial Officers Council, the Chief Information Officers Council, the Chief Human Capital Officers Council, the Chief Acquisition Officers Council, and the Performance Improvement Council. Specifically, the OMB director has generally received authority each year in the FSGG annual appropriations bill to approve transfers and reimbursements to finance the activities of the councils up to $17 million.[37] In addition, the OMB director has received similar authority to approve how the transferred funds are administered by the head of the General Services Administration (GSA).[38] The same provision provides further that up to $15 million may be transferred to address coordination, duplication, and activities related to Federal Government Priority Goals under the GPRA Modernization Act.[39]

Illustrative Topics from Consideration of OMB Appropriations

A significant part of congressional oversight of OMB occurs during consideration of the annual FSGG appropriations bill, which includes the agency's funding. Although topics that arise in the appropriations process for OMB's budget may vary from year to year, the reports of the House and Senate Committees on Appropriations on the FSGG bill typically include directives for OMB which relate specifically to the agency and address government-wide management matters.[40]

Over the last several years, for example, the appropriations committees have been interested in OMB's personnel levels and have continued to direct OMB to provide quarterly reports on staffing, obligations, and hiring initiatives. Another issue of ongoing interest to the committees has been online access to federal agency budget documents, including justifications, which prompted a directive to OMB to issue guidance to the agencies on posting the justification documents in a searchable format on their public websites.[41]

Another common topic of these committee directives has been OMB's roles regarding general management and human capital management across the federal government. For example, the House Appropriations Committee report on the FY2021 FSGG bill directs OMB to ensure that federal agencies are in compliance with Title 31 of the *U.S. Code*, including requirements for priority goals and outcomes and that agency budget requests directly link to performance plans. Appropriators also directed OMB to consult with the Office of Personnel Management (OPM) and GSA and then report back to the committee by September 30, 2021, on gaps in federal

[37] P.L. 116-93, Consolidated Appropriations Act, 2020; Division C, Title VII, Section 721; December 20, 2019 (133 Stat. 2317, at 2488).

[38] Ibid. For detailed information about the activities of the councils, see EOP, *Fiscal Year 2021 Congressional Budget Submission* (Washington: EOP, 2020), pp. CWC-1 – CWC-13.

[39] P.L. 116-93, Consolidated Appropriations Act, 2020; Division C, Title VII, Section 721; December 20, 2019 (133 Stat. 2317, at 2488).

[40] The committee reports may be found at CRS Appropriations Status Table, at https://www.crs.gov/AppropriationsStatusTable/Index. The "Select Year" drop-down menu allows the user to navigate between different fiscal years from FY1999 to present.

[41] U.S. House Committee on Appropriations, Financial Services and General Government Appropriations Bill, 2020, Report to Accompany H.R. 3351, H.Rept. 116-122, 116th Cong., 1st sess. (Washington: GPO, June 19, 2019), pp. 31-32, at https://www.congress.gov/116/crpt/hrpt122/CRPT-116hrpt122.pdf. U.S. Senate Committee on Appropriations, Financial Services and General Government Appropriations Bill, 2020, Report to Accompany S. 2524, S.Rept. 116-111, 116th Cong., 1st sess. (Washington, GPO, September 19, 2019), p. 38, at https://www.congress.gov/116/crpt/srpt111/CRPT-116srpt111.pdf. U.S. House Committee on Appropriations, Financial Services and General Government Appropriations Bill, 2021, report to accompany H.R. 7668, H.Rept. 116-456, 116th Cong., 2nd sess. (Washington, GPO, July 17, 2020), pp. 36-37, at https://www.congress.gov/116/crpt/hrpt456/CRPT-116hrpt456.pdf.

information technology workforce skills, disciplines, and experience that are required to enable citizen-facing digital services.[42]

OMB's Workforce

Several perspectives on OMB's workforce may help illustrate how OMB's personnel are distributed across the agency and funded by OMB's appropriations. This report focuses on the OMB workforce in two primary ways: a discussion of OMB's overall staffing composition and a more focused look at senior OMB positions that are established by statute.

OMB Staffing Composition and Recent History

It is possible to quantify OMB's staffing in two ways: full-time equivalent (FTE) positions and on-board employment. Each involves a different way of counting employees.

- FTEs calculate employee work years. One full-time employee working 40 hours per week for 52 weeks would constitute one FTE; two part-time employees each working 20 hours per week for 52 weeks also would constitute one FTE.[43]
- On-board employment shows an employee headcount at a snapshot in time. On-board employment is the number of employees in pay status regardless of full-time or part-time status.[44]

With respect to OMB's S&E appropriation, OMB had an actual count of 466 FTEs in FY2019.[45] The ITOR account had 84 FTEs, plus an additional 21 FTEs for reimbursable activities for FY2019.[46]

In practice, the ITOR account has paid for staff and activities of both the U.S. Digital Service (USDS) and OMB's E-Gov.[47] CRS is not aware of a breakdown of staffing funded by the ITOR account that contrasts OMB core operations with activities of USDS. Consequently, for purposes of oversight of OMB, it may be difficult for observers to determine how much of the funding for OMB's staff comes from the ITOR account. Nevertheless, it appears the ITOR account has been used to fund core activities of OMB that otherwise might have been funded by the S&E account. Notably, in the FY2021 Congressional Budget Justification for EOP, the President requested a shifting of funds and 21 FTEs from the ITOR appropriation into the OMB appropriation for operations of E-Gov.[48]

Not counting staffing associated with the ITOR account, OMB's staffing associated with the S&E account has fluctuated over time, with a somewhat steady decline in recent years. In the OMB budget justification for FY2021, the justification characterized OMB's FTE levels as having "dropped by more than 50 FTE—a reduction of approximately 10 percent—since FY2010."[49] However, because it is unclear how many OMB staff were funded by the ITOR account, it is also unclear whether the decline in staffing reflected a shift of funding from the S&E account to the

[42] H.Rept. 116-456 (116th Cong.), pp. 37-38.

[43] For further discussion, see **Appendix A**, **Table A-1**, and accompanying text.

[44] For further discussion, see **Appendix A**, **Table A-3**, and accompanying text.

[45] OMB, *Budget of the U.S. Government, FY2021, Appendix*, p. 1148, at https://www.whitehouse.gov/omb/appendix/.

[46] OMB, *Budget of the U.S. Government, FY2021, Appendix*, p. 1142, at https://www.whitehouse.gov/omb/appendix/.

[47] See related discussion in this report's section titled "OMB Budget and Selected History."

[48] EOP, *Fiscal Year 2021 Congressional Budget Submission* (Washington: EOP, 2020), pp. OMB-3 and ITOR-10.

[49] EOP, *Fiscal Year 2021 Congressional Budget Submission* (Washington: EOP, 2020), p. OMB-3.

ITOR account as opposed to a reduction in OMB's core operations. In FY2010, actual FTE for the S&E account was 527.[50] In FY2014, actual FTE employment diminished to 435.[51] The FTE estimate for FY2020 was 477.[52]

In addition to OMB's overall FTE figures, the data can be broken down by OMB's organizational units.[53] OMB's RMOs account for the largest subset of OMB's FTEs (219 out of 466 FTEs in FY2019, or nearly 47%). With respect to three of OMB's statutory offices, OFFM had 17 FTEs, OIRA had 49, and OFPP had 15 in FY2019 (81 out of 466 FTEs in FY2019, or about 17%).[54] OMB includes E-Gov in its accounting of agency-wide support offices, which had 166 FTEs in FY2019 (166 out of 466 FTEs in FY2019, or nearly 36%).[55]

Alternatively, OMB's workforce can be thought about in terms of on-board employment. Since 2010, OMB's on-board employment was at its highest level (630) in September 2016, at its lowest level (452) in September 2013, and at 584 in June 2019 (most current available).[56] According to one scholar, 20 to 25 of OMB staff historically have been political appointees and the rest have been career civil servants,[57] although these figures may be difficult to document precisely.

OMB Senior Officials and Appointments

Selected OMB Leadership Positions Established by Statute

Congress has created several key, appointed leadership positions in OMB via statute. As discussed in this report's "Capsule Statutory History" section, the Budget and Accounting Act established the OMB director and deputy director positions. As the result of 1974 legislation, presidential appointments for these positions must be confirmed by the Senate. The Chief Financial Officers Act of 1990 established the deputy director for management (DDM) position, which is also subject to Senate confirmation. Congress also created leadership positions to oversee the four statutory offices.[58]

Table 1 below, provides more detailed information about statutorily established OMB leadership positions. The first column ("Statutory Position Title") displays the position title that was established by statute. The second column ("Original Enacting Law") offers citations to the *Statutes at Large* where the laws that established the positions are located. The third column ("*U.S. Code* Location(s)") includes citations to the locations of the positions within the *United States Code*. The fourth column ("Type of Appointment") labels each position as either (1) a presidential appointment with Senate confirmation (PAS) or (2) a presidential appointment (PA). Finally, the fifth column ("Statutory Pay Level") notes the corresponding pay level within the

[50] See **Table A-1**.

[51] Ibid.

[52] Ibid.

[53] This paragraph draws on data from Appendix A. See **Table A-2** and the accompanying text.

[54] Ibid.

[55] See **Table A-1**.

[56] See **Table A-3**.

[57] Shelley Lynne Tomkin, *Inside OMB: Politics and Process in the President's Budget Office* (Armonk, NY: M.E. Sharpe, 1998), pp 22-23.

[58] Statutory language further provides that OMB "has 3 Assistant Directors" whose responsibilities are delegated to them by the director. In addition, it provides that OMB "may have not more than 6 additional officers, each of whom is appointed in the competitive service by the Director. The Director shall specify the title of each additional officer." See 31 U.S.C. §502(d), (e). It is not clear to CRS how these provisions have been implemented in practice.

executive schedule for each position, excluding the chief statistician whose pay level was not established in law.

Table 1. Senior OMB Positions Established by Statute

Statutory Position Title	Original Enacting Law	*U.S. Code* Location(s)	Type of Appointment	Statutory Pay Level
Director of OMB	P.L. 67-13 (1921); 42 Stat. 22	31 U.S.C. §502(a)	PAS	EX Level I
Deputy Director of OMB	P.L. 67-13 (1921); 42 Stat. 22	31 U.S.C. §502(b)	PAS	EX Level II
Deputy Director for Management	P.L. 101-576 (1990); 104 Stat. 2838, at 2839	31 U.S.C. §502(c)	PAS	EX Level II
Administrator, OIRA	P.L. 96-511 (1980); 94 Stat. 2814, at 2815	44 U.S.C. §3503	PAS	EX Level III
Administrator, OFPP	P.L. 93-400 (1974); 88 Stat. 796, at 797	41 U.S.C. §1101	PAS	EX Level III
Administrator, E-Gov	P.L. 107-347 (2002); 116 Stat. 2899, at 2902	44 U.S.C. §3602	PA	EX Level III
Controller, OFFM	P.L. 101-576 (1990); 104 Stat. 2838, at 2841	31 U.S.C. §504	PAS	EX Level III
Chief Statistician	P.L. 99-500 (1986); 100 Stat. 1783-337	44 U.S.C. §3504(e)(7)	OMB Director	N/A (SES ES00; not established in law; see note below)

Source: CRS analysis.

Notes: PAS = presidential appointment with Senate confirmation; PA = presidential appointment; EX = Executive Schedule; SES = Senior Executive Service.

For the codification of pay rates, see 5 U.S.C. §5312 (EX Level I), 5 U.S.C. §5313 (EX Level II), and 5 U.S.C. §5314 (EX Level III). For EX salaries in 2020, see, U.S. Office of Personnel Management (hereinafter OPM), Salary Table No. 2020-EX, Rates of Basic Pay for the Executive Schedule (EX), at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/EX.pdf.

For the Chief Statistician as an SES position, see USAJOBS, Chief Statistician, Statistical Policy and Science Branch, Executive Office of the President, OMB, closing date 07/06/2020, at https://www.usajobs.gov/GetJob/ViewDetails/569699900. (Copy of the vacancy announcement available from CRS.) For SES salaries in 2020, see, OPM, Salary Table No. 2020-ES Rates of Basic Pay for Members of the Senior Executive Service (SES), at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/ES.pdf. The salary range for the Chief Statistician position for 2020 is $131,239 to $197,300.

OMB Appointments Issues

The OMB director, deputy director, and DDM positions are appointed by the President with Senate confirmation. Issues that arise relating to OMB's senior political appointees may vary from time to time. During the Trump Administration, for example, two developments that have persisted for these positions include officials serving in (1) acting capacities for extended periods of time and (2) two roles simultaneously (also sometimes called *dual-hatting*).

With regard to the first issue, the director position was filled on an acting basis from mid-December 2018 (when OMB Director Mick Mulvaney was named acting White House chief of staff)[59] until July 20, 2020 (when acting OMB Director Russell Vought was confirmed as director).[60] Following reports of Margaret Weichert's resignation from the DDM position in March 2020,[61] the DDM position was filled on an acting basis by Michael Rigas.[62]

As for the dual-hatting issue, Margaret Weichert also served as the acting director of OPM from early October 2018 until mid-September 2019,[63] when Dale Cabaniss was confirmed as OPM director.[64] As of October 2020, the acting DDM at OMB was Michael Rigas, who was the Senate-confirmed OPM deputy director and also the acting OPM director.[65] As a case study from the Trump Administration, **Table B-1** in **Appendix B** provides more detailed information related to the nomination and confirmation for each of these OMB positions.

OMB's Website and Documents[66]

In the mid-1990s, OMB established its own website providing content about several of its more significant activities as part of the www.whitehouse.gov domain. Currently, the website allows Congress and the public to explore OMB's functions and policies while also acting as a digital

[59] In mid-December 2018, the Senate-confirmed OMB director, Mick Mulvaney, was named acting White House chief of staff. National Public Radio reported that, "The White House clarified Friday night that Mulvaney will not resign from OMB. Spokeswoman Sarah Huckabee Sanders said in a statement that Mulvaney 'will spend all of his time devoted to his role as the acting chief of staff for the President.' OMB Deputy Director Russell Vought will 'handle day to day operations and run OMB.'" See Jessica Taylor, "President Trump Names Mick Mulvaney as Acting White House Chief Of Staff," National Public Radio, December 14, 2018, at https://www.npr.org/2018/12/14/676931195/president-trump-names-mick-mulvaney-as-acting-white-house-chief-of-staff.

[60] The Senate confirmed Russell Vought as director of OMB on a vote (Record No. 131) of 51 to 45 on July 20, 2020.

[61] President Donald Trump was inaugurated on January 20, 2017. OMB did not have a Senate-confirmed DDM until Margaret Weichert was confirmed on February 14, 2018, by voice vote. For discussion of Weichert's resignation, see Eric Katz, "Trump's Federal Personnel Point Person to Step Down," *Government Executive*, February 14, 2020, at https://www.govexec.com/workforce/2020/02/trumps-federal-personnel-point-person-step-down/163145/.

[62] See Nicole Ogrysko, "OPM's Rigas to Take on Second Position as OMB Acting Deputy," *Federal News Network*, March 25, 2020, at https://federalnewsnetwork.com/people/2020/03/opms-rigas-to-take-on-second-position-as-omb-acting-deputy/, which observed that "With his new acting appointment, Rigas will be the second person in three years to serve as the federal government's personnel leader for two separate agencies."

[63] In early October, 2018, Jeff Tien Han Pon resigned as Director of OPM. See Eric Katz, "White House Replaces Federal Personnel Director in Surprise Shakeup. Margaret Weichert, the Deputy Director for Management at the Office of Management and Budget, Will Serve as Acting OPM Director," *Government Executive*, October 5, 2018, at https://www.govexec.com/management/2018/10/white-house-replaces-federal-personnel-director-surprise-shakeup/151838/.

[64] The Senate confirmed Dale Cabaniss as OPM director on a vote (Record No. 271) of 54 to 38 on September 11, 2019.

[65] Adam Mazmanian, "Rigas to Take on DDM Role," *Federal Computer Week*, March 25, 2020, at https://fcw.com/articles/2020/03/25/rigas-omb-ddm-dualhat.aspx. See also discussion in Nicole Ogrysko, "OPM's Rigas to Take on Second Position as OMB Acting Deputy," *Federal News Network*, March 25, 2020, at https://federalnewsnetwork.com/people/2020/03/opms-rigas-to-take-on-second-position-as-omb-acting-deputy/, which observed that "With his new acting appointment, Rigas will be the second person in three years to serve as the federal government's personnel leader for two separate agencies."

[66] This section was written by Taylor N. Riccard, Analyst in Government Organization and Management and Meghan M. Stuessy, Analyst in Government Organization and Management.

platform for OMB to publish documents.[67] Under the Trump Administration, OMB's website offers information on a variety of topics,[68] including the following:

- **President's Budget**, which contains various volumes of the President's Budget.
- **Information and Guidance**, which contains guidance and written communications published by OMB.
- **Information and Regulatory Affairs**, which contains resources regarding OIRA.
- **U.S. Intellectual Property Enforcement Coordinator**, which contains documents relating to intellectual property policy and strategy.
- **Legislative**, which contains documents related to the President's legislative activities.
- **Management**, which contains information about the statutory offices and management-related initiatives.

The homepage also displays OMB's mission statement and information regarding OMB's leadership.[69] In addition, it features contact information and recent OMB statements and releases.[70]

The website has evolved over time and from Administration to Administration. The National Archives and Records Administration (NARA) has responsibilities under the Federal Records Act and the Presidential Records Act to ensure proper retention and access to records materials, including materials on the www.whitehouse.gov domain.[71] Whereas records created by OMB generally are considered to be federal records subject to retention requirements established by the Federal Records Act, other components of the EOP create presidential records that may have permanent preservation value pursuant to the Presidential Records Act.[72] As a result, federal records created by OMB may be subject to less stringent requirements than presidential records created by other components of the EOP. In practice, however, NARA treats all records on the White House website (including those created by OMB) as suitable presidential records content for preservation.

As part of its preservation efforts, NARA creates "frozen in time" website approximations of the www.whitehouse.gov domain and associated sites at the conclusion of a presidency but not at various points during an Administration.[73] NARA notes, "These websites are no longer updated so links to external websites and some internal pages will not work."[74] Policy decisions such as when and what to collect may impact the material's context (i.e., the circumstances that situate

[67] See OMB, "Office of Management and Budget," at https://www.whitehouse.gov/omb/.

[68] Ibid. Under the Trump Administration, OMB's website contains a number of different pages displayed in a menu located in the upper-left hand corner of the webpage and titled "In This Section." This menu links to pages titled "President's Budget," "Information and Guidance," Information and Regulatory Affairs," "U.S. Intellectual Property Enforcement Coordinator," "Legislative," and "Management."

[69] Ibid.

[70] Ibid.

[71] For discussion, see CRS In Focus IF11119, *Federal Records: Types and Treatments*, by Meghan M. Stuessy.

[72] NARA, *Guidance on Presidential Records*, p. 5, at https://www.archives.gov/files/presidential-records-guidance.pdf.

[73] NARA maintains a website that links to these "frozen in time" White House sites from President Clinton to the present. See NARA, "Archived Presidential White House Websites," at https://www.archives.gov/presidential-libraries/archived-websites.

[74] Ibid.

the material and give it meaning), usability, and completeness. Some accompanying digital information, such as who accessed the information or reviewed the document, may not be available without holistic preservation. Such decisions may have implications on the type of information available to future researchers, federal agencies, and Congress.[75]

Major Functions

As noted earlier in this report, OMB has significant and varied responsibilities.[76] In pursuing these activities, OMB is required to faithfully execute its statutory responsibilities as passed by Congress and, in addition, may act as an agent to pursue the President's policy preferences. From Congress's perspective, there may be tensions or contradictions between the two roles. When viewed through either of these lenses, most observers identify the following as major functions of OMB.

Budget Formulation and Execution

The U.S. Constitution vests Congress with the "power of the purse" but is largely silent regarding the President's role in the budget process.[77] Accordingly, the current executive budget process is largely an outgrowth of statutes enacted by Congress.[78] OMB plays a significant role in the executive budget process, and it engages in several budget-related activities to implement the statutes and to support the institutional presidency.

Under statutory provisions originally associated with the Budget and Accounting Act, 1921,[79] the President is required annually to submit a consolidated budget proposal for Congress's consideration. OMB frequently acts on the President's behalf in this process. To guide agencies in formulating proposals, OMB sends budget instructions to agencies via its *Circular No. A-11*.[80] OMB updates this multi-hundred page document each year to reflect new developments and the President's budget and management priorities. Agency heads then forward their formal budget requests to OMB for review, where the RMOs in cooperation with other OMB offices (e.g., E-Gov for information technology initiatives) assemble options and analysis for decisions by OMB and the White House. After an opportunity for agency appeals, the Budget Review Division coordinates production of the President's budget.[81]

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[75] Other government agencies, educational institutions, and private organizations have worked to fill such gaps both at the conclusion of a presidency and throughout a presidency by allowing users to capture the page or subpage as it appeared on a particular day. Whereas NARA is tasked with collecting and retaining materials that are federal records, these additional institutions may collect broader information that, while not record information, may provide valuable context to presidential documents. See End of Term Web Archive: U.S. Federal Web Domain at Presidential Transitions, *Project Partners*, at http://eotarchive.cdlib.org/partners.html; and Internet Archive, *Join us for a White House Social Media and Gov Data Hackathon!*, January 2, 2017, at https://blog.archive.org/2017/01/02/join-us-for-a-white-house-social-media-and-gov-data-hackathon/.

[76] See Morton Rosenberg and Mark Gurevitz, "Preliminary Catalogue of Office of Management and Budget Authorities and Directives," in U.S. Congress, Senate Committee on Governmental Affairs, *Office of Management and Budget: Evolving Roles and Future Issues*, committee print, 99th Cong., 2nd sess. (Washington: GPO, 1986), pp. 395-696.

[77] For discussion, see CRS Report R46240, *Introduction to the Federal Budget Process*, by James V. Saturno, and CRS Report R42633, *The Executive Budget Process: An Overview*, by Michelle D. Christensen.

[78] Ibid.

[79] 31 U.S.C. §1105.

[80] OMB, "Circulars," at https://www.whitehouse.gov/omb/information-for-agencies/circulars/.

[81] The most recent presidential budget submission is available at OMB, "President's Budget," at

When Congress passes appropriations bills and they are signed into law, "budget execution" begins. A group of statutory provisions that observers refer to collectively as the Antideficiency Act requires OMB to "apportion" appropriated funds—that is, make appropriations available to agencies in legally binding increments (e.g., quarterly). The statute's express purpose is to prevent federal officials from obligating or expending funds at a rate that would prematurely exhaust the funds, such as before the end of a fiscal year.[82] In practice, OMB may include within an apportionment certain "footnotes" that OMB states are legally binding for apportioned amounts.[83] OMB has indicated that a footnote may be used to make funds available for obligation only "when specified events occur (such as an agency taking certain action)."[84] In this way, OMB may attempt to influence an agency's implementation of appropriations and authorizing acts. At times, observers have expressed concerns about OMB's use of footnotes.[85]

OMB also provides budget-related guidance on additional topics, including but not limited to continuing resolutions,[86] government shutdowns,[87] agencies' use of discretion in allocating funds to specific locations and recipients,[88] and agencies' use of discretion with mandatory spending programs.[89]

Legislative Coordination and Clearance[90]

OMB plays a key role in coordinating the President's legislative activities. Under *Circular No. A-19*, the Legislative Reference Division (LRD) coordinates executive branch review and clearance of congressional testimony, congressional correspondence, and agencies' draft bills to help ensure compliance with the President's policy agenda.[91] In these ways, LRD may make known the Administration's views on legislation and may allow affected agencies, either directly or via RMOs, to provide input during intra-executive branch policy development. Through the legislative coordination and clearance process, LRD works with the RMOs and political

https://www.whitehouse.gov/omb/budget/. Previous versions since FY1996 are available at U.S. Government Publishing Office, "Budget of the United States Government," at https://www.govinfo.gov/app/collection/BUDGET/.

[82] 31 U.S.C. §§1511-1519.

[83] OMB, *Circular No. A-11: Preparation, Submission, and Execution of the Budget*, July 2020, §§120.15 and 120.36.

[84] Ibid., §120.12.

[85] See OMB, Letter from Mark R. Paoletta, General Counsel, OMB, to Tom Armstrong, General Counsel, GAO, December 11, 2019, at https://www.washingtonpost.com/context/white-house-budget-office-s-new-legal-memo-on-military-aid-to-ukraine/c2833adb-ef3a-4446-8a6a-c24bc34ba715/, and https://context-cdn.washingtonpost.com/notes/prod/default/documents/5dbd9f69-2537-4272-bd5d-60c94d3843b6/note/112b1caa-763c-4c4c-a5bb-0a04f7962d2c.pdf (letter from OMB to GAO, characterizing OMB's past apportionment practices and interpretations of relevant law); and GAO, *Office of Management and Budget—Withholding of Ukraine Security Assistance*, B-331564, January 16, 2020, at https://www.gao.gov/products/B-331564 (GAO response with a legal decision regarding the withholding of Ukraine-related funds). For background discussion, see text box titled "Ukraine Aid and the U.S. Presidential Impeachment," in CRS Report R45008, *Ukraine: Background, Conflict with Russia, and U.S. Policy*, by Cory Welt.

[86] CRS Report RL34700, *Interim Continuing Resolutions (CRs): Potential Impacts on Agency Operations*, by Clinton T. Brass.

[87] CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by Clinton T. Brass.

[88] CRS Report RL34648, *Bush Administration Policy Regarding Congressionally Originated Earmarks: An Overview*, by Clinton T. Brass, Garrett Hatch, and R. Eric Petersen.

[89] CRS Report R41375, *OMB Controls on Agency Mandatory Spending Programs: "Administrative PAYGO" and Related Issues for Congress*, by Clinton T. Brass and Jim Monke.

[90] This section was written by Meghan M. Stuessy, Analyst in Government Organization and Management.

[91] OMB, *Circular A-19: Legislative Coordination and Clearance*, September 20, 1979.

leadership of OMB to decide which agency views shall be accepted and which shall be discarded in forming the Administration's view on the matter at hand. These deliberations typically are not visible to Congress.

For non-appropriations legislation, LRD coordinates the preparation of "Statements of Administration Policy" (SAPs, pronounced "saps") on some pending legislation. As part of OMB's coordination process concerning legislative matters, LRD also authors memoranda to advise the President on enrolled bills (e.g., recommending signature or veto, or contents for signing statements) when legislation is presented to the President.[92] BRD performs similar duties for appropriations legislation. SAPs serve to inform the executive branch, Congress, and the public of the Administration's stance early in the legislative process. While SAPs provide Presidents an opportunity to assert varying levels of support for or opposition to a bill, a SAP also may signal whether the Administration intends to veto the bill. Members of Congress may pay particular attention to a SAP when a veto threat is being made.[93] At least one congressional leader characterized SAPs as forerunner indicators of a veto.[94]

Executive Orders and Proclamations[95]

OMB considers its role in the development, review, and promulgation of executive orders and proclamations to be one of its "five critical processes" (see this report's section titled "Characterizations of OMB's Mission").[96] Under Executive Order (E.O.) 11030,[97] the OMB director receives, reviews, and approves or disapproves executive orders and proclamations proposed by agencies.[98] The OMB director also prepares commemorative proclamations and plays a role in the implementation of some executive orders.[99] For example, some executive orders direct OMB to monitor the implementation of an order.[100] To fulfill this duty, OMB may issue guidance memoranda to the heads of departments and agencies.[101] Finally, OMB typically

[92] For more information on SAPs, see CRS Report R44539, *Statements of Administration Policy*, by Meghan M. Stuessy. For a visual representation of the process of presenting legislation to the President, see CRS Infographic IG10007, *Presentation of Legislation and the Veto Process*, by Meghan M. Stuessy.

[93] Some Members of Congress call particular attention to SAPs that contain veto threats in remarks on the floor. For examples of such references from the 114th Congress, see Rep. Michael Burgess, *Congressional Record*, daily edition, vol. 161, part 173 (December 1, 2015), pp. H8658-H8660; Rep. Alcee Hastings, *Congressional Record*, daily edition, vol. 161, part 170 (November 18, 2015), pp. H8295-H8296; and Rep. Alcee Hastings, *Congressional Record*, daily edition, vol. 161, part 63 (April 29, 2015), pp. H2512-H2513.

[94] Hon. Harry Reid, *Congressional Record*, daily edition, vol. 161, part 63 (April 29, 2015), p. S2492. For more information about vetoes, see CRS Report RS22188, *Regular Vetoes and Pocket Vetoes: In Brief*, by Meghan M. Stuessy. For more information about the different types of veto threats and their use in recent Administrations, see CRS Report R46338, *Veto Threats and Vetoes in the George W. Bush and Obama Administrations*, by Meghan M. Stuessy.

[95] This section was written by Ben Wilhelm, Analyst in Government Organization and Management.

[96] See OMB, "Office of Management and Budget," at https://www.whitehouse.gov/omb/.

[97] Executive Order 11030, "Preparation, Presentation, Filing, and Publication of Executive Orders and Proclamations," 27 *Federal Register* 5847, June 19, 1962. The current iteration of the older version of the order, which has been amended by several subsequent orders, can be found at 1 C.F.R. §19.

[98] 1 C.F.R. §19.2. Executive orders approved by the OMB director are also submitted to the Attorney General and the director of the Office the Federal Register for review prior to submission to the President.

[99] 1 C.F.R. §19.4.

[100] For a recent example, see Executive Order 13924, "Regulatory Relief to Support Economic Recovery," 85 *Federal Register* 31353, May 19, 2020. Section 8 of the executive order requires the director of OMB to "monitor compliance with this order" and authorizes the director to "issue memoranda providing guidance on implementing this order, including by setting deadlines for the [required] reviews and reports."

[101] See OMB, "Implementation of Executive Order 13924," M-20-25, June 9, 2020, at https://www.whitehouse.gov/

issues a Budgetary Impact Statement after the release of an executive order that provides the Administration's analysis of the projected budgetary impact of the executive order.[102][103]

Information and Regulatory Affairs[104]

As noted earlier, OMB's Office of Information and Regulatory Affairs (OIRA) was created by the Paperwork Reduction Act (PRA), which President Jimmy Carter signed into law in 1980.[105] The PRA provided that the OIRA administrator would serve as the "principal advisor to the [OMB] Director on Federal information policy."[106] The OIRA administrator is appointed by the President and subject to Senate confirmation.[107] Specific areas of responsibility assigned to the OMB director under the PRA have been delegated to OIRA, including information resources management, review and approval of federal information collection and reduction of paperwork burden, agency dissemination of and public access to information, statistical policy and coordination, records management, privacy, and the acquisition and use of information technology.[108] In addition to the specific statutory responsibilities listed in the PRA, OIRA has substantial responsibilities and influence over federal agencies' regulations under a centralized review process established through executive order.

OIRA Review of Regulations[109]

OIRA's most significant function may be its centralized review of federal regulations. Through this review, OIRA exerts considerable influence over the content of regulations, ensuring that federal agencies' actions are consistent with the President's policy preferences.[110]

The current process for OIRA review of regulations was established in 1993 by President Clinton in E.O. 12866, which was largely based upon a process established by President Ronald Reagan in 1981.[111] Under E.O. 12866, which remains in effect, covered agencies submit their

wp-content/uploads/2020/06/M-20-25.pdf.

[102] This is also sometimes referred to as a Budgetary Impact Analysis.

[103] For a list of Budget Impact Statements issued during the Trump Administration, see OMB, "Executive Order Budgetary Impact Statements," at https://www.whitehouse.gov/omb/information-for-agencies/executive-order-budgetary-impact-statements/.

[104] This introductory section was written by Maeve P. Carey, Specialist in Government Organization and Management.

[105] P.L. 96-511; December 11, 1980 (94 Stat. 2812). The PRA, as amended, is codified at 44 U.S.C. Chapter 35. See CRS Report RL32397, *Federal Rulemaking: The Role of the Office of Information and Regulatory Affairs*, coordinated by Maeve P. Carey.

[106] 44 U.S.C. §3504(a)(1). The PRA was reauthorized in 1986 (P.L. 99-500; 100 Stat. 1783-335) and 1995 (P.L. 104-13; 109 Stat. 163), and the list of OIRA's duties changed somewhat. For example, the 1995 amendments increased the specificity of the management-related provisions and changed "information policy" to "information resources management policy" (44 U.S.C. §3503(b)).

[107] The OIRA administrator was originally appointed by the director of OMB, but in the 1986 reauthorization, Congress amended the appointment provision to require Senate confirmation for the administrator (P.L. 99-500; 100 Stat. 1783-336).

[108] 44 U.S.C. §3504.

[109] This section was written by Maeve P. Carey, Specialist in Government Organization and Management.

[110] Information about regulations that have previously been, and are currently, under review at OIRA can be found on OIRA's website at https://www.reginfo.gov/public/do/eoPackageMain.

[111] Executive Order 12866, "Regulatory Planning and Review," 58 *Federal Register* 51735, October 4, 1993. E.O. 12866 replaced E.O. 12291 (Executive Order 12291, "Federal Regulation," 46 *Federal Register* 13193, February 19, 1981), which was issued by President Reagan soon after OIRA was created. Although E.O. 12866 replaced President Reagan's order, it left much of the centralized review process intact.

"significant" proposed and final rules to OIRA for review prior to publication.[112] OIRA reviews the content of each rule to ensure that it is consistent with the President's policy preferences. In addition, agencies must determine whether each rule is "economically significant" and, if it is, conduct a cost-benefit analysis of the rule, ensuring the benefits justify the costs of the rule.[113] OIRA reviews these cost-benefit analyses to ensure they comply with OMB *Circular A-4*, which OMB issued in 2003 to instruct agencies on how to conduct cost-benefit analysis.[114] Finally, OIRA also coordinates an interagency review process, which may include sending a rule to other parts of OMB, the EOP, or other federal agencies.

Although E.O. 12866 has remained in effect since 1993, and the process for OIRA review of regulations has remained largely consistent across Administrations, subsequent Presidents have sometimes added further requirements to the process established in the order. For example, President Trump issued E.O. 13771 in January 2017, creating a "one-in, two-out" requirement whereby agencies are told they must offset the costs of new rules by eliminating equivalent costs associated with at least two previously issued rules.[115] When OIRA reviews rules under E.O. 12866, it also checks whether agencies have followed this "one in, two out" policy.[116]

OIRA Review of Information Collections[117]

Although OIRA may attempt to wield significant power under the centralized regulatory review process described above, the primary function of OIRA, as established in the initial version of the PRA, was to oversee and enforce government-wide efforts to reduce the paperwork burden on the American public.[118] To achieve that goal, the PRA tasked OMB and OIRA with reviewing and approving federal agencies' collections of information—e.g., government surveys, tax forms, and

[112] "Significant" rules are those defined in section 3(f) of E.O. 12866 as the following: "Any regulatory action that is likely to result in a rule that may (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order." Rules falling into category (1) above are considered "economically significant." OIRA review and E.O. 12866's requirement for cost-benefit analysis do not currently apply to the statutorily designated "independent regulatory agencies," which are listed at 44 U.S.C. §3502(5)). For more information, see CRS Report R42821, *Independent Regulatory Agencies, Cost-Benefit Analysis, and Presidential Review of Regulations,* by Maeve P. Carey and Michelle D. Christensen.

[113] In conducting these cost-benefit analyses, agencies follow guidance issued by OMB in 2003 (OMB, *Circular A-4, Regulatory Analysis,* September 17, 2003). OMB has also issued a number of guidance documents on other aspects of the federal rulemaking process. These documents are available on OMB's website at https://www.whitehouse.gov/omb/information-regulatory-affairs/regulatory-matters/.

[114] OMB, *Circular A-4, Regulatory Analysis,* September 17, 2003. OMB also has issued a number of guidance documents on other aspects of the federal rulemaking process. These documents are available on OMB's website at https://www.whitehouse.gov/omb/information-regulatory-affairs/regulatory-matters/.

[115] Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs," 82 *Federal Register* 9339, February 3, 2017.

[116] OIRA issued guidance for implementing this E.O. in April 2017. See OMB, "Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs,'" M-17-21, April 5, 2017, at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-21-OMB.pdf.

[117] This section was written by Maeve P. Carey, Specialist in Government Organization and Management.

[118] *Paperwork burden* refers to the time, effort, and financial resources expended to respond to federal information collections, regardless of whether the collection is mandatory (such as a tax form) or voluntary (such as an application for benefits).

regulatory reporting requirements. The PRA applies to almost every executive agency and most federal information collections.[119]

The PRA requires agencies to provide a 60-day public comment period and then submit an information collection request (ICR) for review and approval by OIRA.[120] OIRA is then required to hold an additional 30-day public comment period prior to its review of the ICR.[121] In its review, OIRA is required to consider a number of factors, such as whether the collection is necessary, minimizes the burden imposed by the collection, and maximizes the practical utility or public benefit from the information collected.[122] Once OIRA grants its approval, a control number is assigned to the collection and the agency may proceed with collecting the information.[123] OIRA may grant approval for up to three years, after which the agency must undertake another approval process to renew the collection.[124]

Statistical Policy[125]

The PRA also requires OMB to coordinate the largely decentralized federal statistical system.[126] It consists of 13 "principal statistical agencies" and three "recognized statistical units" whose "principal mission is to produce official Federal statistics."[127] According to OMB, there are also more than "100 other Federal programs in statistical activities spanning measurement, information collection, statistical products, data management, and dissemination."[128] Under 44 U.S.C. §3504(e)(7), a chief statistician carries out related coordination activities. This official, who heads the Office of Statistical and Science Policy in OIRA, is responsible for ensuring that budget proposals conform to "system-wide priorities; establishing standards and guidance for data collection and dissemination; assessing agency compliance with those standards;

[119] 44 U.S.C. §3502.

[120] 44 U.S.C. §§3506 and 3507.

[121] 44 U.S.C. §3507(b).

[122] 44 U.S.C. §3504.

[123] Failure to obtain OIRA approval for an active collection represents a violation of the PRA and triggers the PRA's public protection provision (44 U.S.C. §3512). Under the PRA's public protection provision, an individual or entity may not be penalized for failing to comply with a collection of information subject to the act if the collection does not display a valid OMB control number.

[124] 44 U.S.C. §3507(g). For a brief overview of the PRA, see Cass R. Sunstein, Administrator, Office of Information and Regulatory Affairs, memorandum for the heads of executive departments and agencies, and independent regulatory agencies, April 7, 2010, "Information Collection under the Paperwork Reduction Act," at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/inforeg/PRAPrimer_04072010.pdf.

[125] This section was written by Jennifer D. Williams, Specialist in American National Government.

[126] 44 U.S.C. §3504(e).

[127] OMB, "Statistical Programs & Standards," at https://www.whitehouse.gov/omb/information-regulatory-affairs/statistical-programs-standards/. The principal agencies, with their executive branch locations, are Bureau of the Census, Department of Commerce; Bureau of Economic Analysis, Department of Commerce; Bureau of Justice Statistics, Department of Justice; Bureau of Labor Statistics, Department of Labor; Bureau of Transportation Statistics, Department of Transportation; Economic Research Service, Department of Agriculture; Energy Information Agency, Department of Energy; National Agricultural Statistics Service, Department of Agriculture; National Center for Education Statistics, Department of Education; National Center for Health Statistics, Department of Health and Human Services; National Center for Science and Engineering Statistics, National Science Foundation; Office of Research, Evaluation, and Statistics, Social Security Administration; and Statistics of Income, Department of the Treasury. See OMB, *Statistical Programs of the United States Government*, FY2018, pp. i and 6, at https://www.whitehouse.gov/omb/information-regulatory-affairs/statistical-programs-standards/.

[128] OMB, "Statistical Programs & Standards," at https://www.whitehouse.gov/omb/information-regulatory-affairs/statistical-programs-standards/.

coordinating interagency and international statistical activities; and reviewing Federal statistical programs."[129] Other statutory provisions grant significant authority to the OMB director to influence interagency data sharing and potential warehousing for "statistical purposes."[130]

Information Policy[131]

OIRA has issued guidance that leverages its authorities under 44 U.S.C. §3504 to provide direction and oversight of the federal government's records management activities, sharing of information, and use of electronic information technology. OMB's *Circular A-130* requires agencies to monitor and manage their information for privacy, confidentiality, and security risks, but also for opportunities to increase interoperability, openness, and transparency throughout the information's *life cycle*. The circular defines the *information life cycle* as the stages of creation or collection, processing, dissemination, use, storage, and disposition, to include destruction and deletion of the information.[132]

Building on these authorities, in 2013, President Barack Obama issued E.O. 13642, which required OMB to create an Open Data Policy to advance the management of government information as an asset.[133] Following the executive order, OMB issued Memorandum M-13-13 to encourage agencies to manage datasets contained in information systems in a way that improves the discoverability and usability of those datasets while weighing the value of openness against the cost of making those data public.[134] Across the executive branch, M-13-13 tasks the Federal Chief Information Officer (i.e., Administrator of E-Gov), the U.S. Chief Technology Officer, and administrator of OIRA to improve the interoperability and openness of government information.[135] Portions of these administrative directives were enacted into law in 2019, in the Open, Public, Electronic, and Necessary (OPEN) Government Data Act.[136]

Mission-Support Areas and Management Initiatives

OMB has responsibility for overseeing multiple aspects of the management of agencies in the executive branch. Among other things, OMB's DDM is charged with overall responsibility for general management policies in the executive branch, including issues within the purview of OMB's statutory offices, plus human resources management. The statutory offices also develop

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[129] Ibid. For the underlying statutory provisions, see 44 U.S.C. §3504(e).

[130] Title III of the Foundations for Evidence-Based Policymaking Act of 2018 (P.L. 115-435; 132 Stat. 5529, at 5544), the Confidential Information Protection and Statistical Efficiency Act of 2018 (CIPSEA). See Title 44, *U.S. Code*, Chapter 35, Subchapter III, including 44 U.S.C. §§3561 ("Definitions") and 3562 ("Coordination and oversight of policies").

[131] This section was written by Meghan M. Stuessy, Analyst in Government Organization and Management.

[132] OMB, *Circular No. A-130: Managing Information as a Strategic Resource*, July 2016, p. 29, at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A130/a130revised.pdf.

[133] Executive Order 13642, "Making Open and Machine Readable the New Default for Government Information," 78 *Federal Register* 28111, May 9, 2013. The Executive Order prescribes that the Open Data Policy be consistent with OMB Memorandum M-10-06 (Open Government Directive), OMB and National Archives and Records Administration Memorandum M-12-18 (Managing Government Records Directive), the Office of Science and Technology Policy Memorandum of February 22, 2013 (Increasing Access to the Results of Federally Funded Scientific Research), and the CIO's strategy entitled "Digital Government: Building a 21st Century Platform to Better Serve the American People."

[134] OMB, "Open Data Policy—Managing Information as an Asset," M-13-13, May 9, 2013, p. 6, at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2013/m-13-13.pdf.

[135] Ibid.

[136] Title II of the Foundations for Evidence-Based Policymaking Act of 2018 (P.L. 115-435; 132 Stat. 5529, at 5534).

policy and coordinate implementation in the mission-support areas of procurement policy (OFPP), financial management (OFFM), and information policy and technology (OIRA and E-Gov, respectively). The statutory offices work with OMB's RMOs, which are tasked with integrating budget, policy, and management issues for specific agencies in cooperation with the statutory offices.

Office of Federal Procurement Policy (OFPP)[137]

Headed by the administrator for federal procurement policy, OFPP is responsible for (1) providing "overall direction of Government-wide procurement policies, regulations, procedures, and forms" for executive branch agencies and (2) promoting "economy, efficiency, and effectiveness" in executive branch procurements.[138] Among numerous other functions, OFPP provides leadership in maintaining the *Federal Acquisition Regulation* (FAR),[139] the executive branch-wide procurement regulation, and provides for and directs the Federal Procurement Data System-Next Generation (FPDS-NG or FPDS), which is maintained by GSA.[140] OFPP is also responsible for directing the Federal Acquisition Institute (FAI) and developing policies for small-business contracting. FAI is responsible for developing "a high-performing, qualified civilian acquisition workforce."[141] In consultation with the head of the Small Business Administration (SBA), OFPP develops policies designed to help ensure that small businesses, generally, and certain types of small businesses (e.g., women-owned small businesses) "are provided with the maximum practicable opportunities to participate in procurements" that are below the simplified acquisition threshold.[142]

Office of Federal Financial Management (OFFM)[143]

The Chief Financial Officers Act of 1990 (CFO Act) established OFFM within OMB to centralize the development and implementation of financial management policies among executive branch agencies.[144] OFFM is headed by a controller, a political appointee who reports directly to the DDM.[145] The CFO Act also established the CFO Council—a consultative body led by the OFFM controller on behalf of the DDM—which provides the perspectives of agencies to OMB and assists OFFM with the drafting of some financial management policies.[146] OFFM promulgates final policies via OMB circulars.[147]

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[137] This section was written by L. Elaine Halchin, Specialist in American National Government.

[138] 41 U.S.C. §1101(b).

[139] The FAR consists of Parts 1-53 of Title 48 of the *Code of Federal Regulations* (CFR).

[140] FPDS is a federal government database. Executive branch agencies are required to submit data regarding unclassified contract actions whose value is greater than a certain dollar amount to FPDS (48 CFR §4.606(a)).

[141] Federal Acquisition Institute, "Our Mission," at https://www.fai.gov/about/our-mission.

[142] 41 U.S.C. §1122(a)(1), (4), (5), and (11).

[143] This section was written by Dominick Fiorentino, Analyst in Government Organization and Management.

[144] P.L. 101-576, 104 Stat. 2838. See CRS Insight IN11495, *The Chief Financial Officers (CFO) Act of 1990: 30th Anniversary and Potential Issues for Congress*, by Dominick A. Fiorentino and Clinton T. Brass.

[145] 31 U.S.C. §504. See CRS In Focus IF11620, *The Office of Federal Financial Management: An Overview*, by Dominick A. Fiorentino.

[146] 31 U.S.C. §901 note.

[147] Office of Management and Budget, "Office of Management and Budget Office of Federal Financial Management," at https://www.whitehouse.gov/omb/management/office-federal-financial-management/.

Additionally, agencies must submit their annual audit reports—typically included in Performance and Accountability Reports or Agency Financial Reports—to OFFM.[148] OFFM reviews these reports to verify they contain the required information under *Circular A-136* and compiles the material weaknesses described in the audit reports. A provision originally enacted in the CFO Act also requires OMB to annually submit to Congress a revised government-wide five-year plan describing how the OMB director, the DDM, the OFFM controller, and agency CFOs will improve federal financial management.[149] Since 2009, OMB has ceased publishing a unified document covering the statutory requirements, and it is unclear to CRS where the required components may be found.[150]

Office of Electronic Government (E-Gov)[151]

The E-Government Act of 2002 (E-Gov Act) established the Office of Electronic Government.[152] OMB refers to it as the Office of E-Government and Information Technology, or E-Gov.[153] The administrator of E-Gov is presidentially appointed and is responsible for, among other things, providing overall leadership for the executive branch on electronic government and setting IT standards and guidelines for executive branch agencies.[154] By law, the E-Gov administrator leads the activities of the Chief Information Officers (CIO) Council—also established by the E-Gov Act—on behalf of OMB's DDM.[155] The CIO Council has several statutory responsibilities, including dissemination of IT best practices among executive agencies. E-Gov must annually submit a report to Congress covering the implementation of E-Gov Act provisions.[156]

Subsequent legislation, namely the Federal Information Security Modernization Act (FISMA) of 2014 and the Federal Information Technology Acquisition Reform Act (FITARA),[157] imposed additional reporting requirements including, but not limited to, annual reviews of the technology

[148] 31 U.S.C. §3521(f).

[149] 31 U.S.C. §3512(a).

[150] U.S. Government Accountability Office, Federal Financial Management: Substantial Progress Made since the CFO Act of 1990 and Preliminary Observations on Opportunities for Enhancement, GAO-20-203T, October 30, 2019, p. 2, at https://www.gao.gov/assets/710/702414.pdf.

[151] This section was written by Dominick Fiorentino, Analyst in Government Organization and Management.

[152] P.L. 107-347, December 17, 2002 (116 Stat. 2899, at 2902). Relevant provisions are codified at 44 U.S.C. 3602 (see https://www.congress.gov/107/plaws/publ347/PLAW-107publ347.pdf). Prior to this law's enactment, OIRA had a branch that focused on both information policy and information technology issues. Sometime after the E-Government Act became law, the name of this OIRA branch dropped "information technology" from its name and became the Information Policy Branch.

[153] OMB, "Office of Management and Budget Office of E-Government & Information Technology," at https://www.whitehouse.gov/omb/management/egov/.

[154] 44 U.S.C. §3602.

[155] 44 U.S.C. §3603.

[156] 44 U.S.C. §3606. CRS was unable to locate instances of the report on OMB's website beyond the FY2016 version, see https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/egov/documents/omb-fy-2016-egov-act-report.pdf.

[157] FISMA: P.L. 113-283, Federal Information Security Modernization Act of 2014, 128 Stat. 3073, at https://www.congress.gov/113/plaws/publ283/PLAW-113publ283.pdf; FITARA: See P.L. 113-291, the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, Division A, Title VIII, Subtitle D, "Federal Information Technology Acquisition Reform," 128 Stat. 3292, at 3438, at https://www.congress.gov/113/plaws/publ291/PLAW-113publ291.pdf#page=148. This subtitle of the act—which practitioners generally refer to as the Federal Information Technology Acquisition Reform Act—was named after earlier, stand-alone versions of the legislation (e.g., H.R. 1232, 113th Cong.). This law covers IT acquisition and investment management at large executive branch agencies.

portfolio of executive branch agencies,[158] and reporting on the status of federal cybersecurity.[159] OMB also uses ITOR funding to support several IT initiatives including, but not limited to, the IT policy-making and technology investment oversight activities of E-Gov.[160] To implement these statutory requirements, E-Gov helps to develop OMB memoranda, circulars, and strategy documents guiding executive branch agencies on information security, IT standards, IT workforce planning, and IT capital planning, among other topics.[161]

OMB Roles in Federal Personnel Policy

The DDM and the OMB director have various responsibilities that are associated with general government management and human resources management (HRM) in the federal government. With the OMB director's direction and approval, the DDM is to establish general management policies for executive agencies and perform the director's functions that are related to HRM.[162] The DDM is also required to facilitate congressional and executive branch actions to improve federal government operations and administration and advise agencies on the qualifications, recruitment, performance, and retention of federal managers.[163] The DDM is the chairperson of the President's Management Council whose functions include "improving overall executive branch management."[164] A Cross-Agency Priority Goal under the Trump Administration's "President's Management Agenda" coordinates and tracks implementation on "Developing a Workforce for the 21st Century."[165] The DDM is also the vice chairperson of the Chief Human Capital Officers Council which advises and coordinates federal agency activities on modernizing human resources systems, improving the quality of human resources information, and suggesting legislation on human resources operations and organizations.[166] In some contingency situations, OMB may address federal personnel issues. For example, in the wake of the Coronavirus Disease 2019 (COVID-19) pandemic, the OMB director, separately and jointly with the OPM director, issued memoranda providing guidance to executive agencies on conducting government operations.[167] OMB also provides extensive guidance to agencies in the event of a government shutdown.[168]

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[158] 40 U.S.C. §11319.

[159] 44 U.S.C. §3553.

[160] EOP, *Congressional Budget Submission: Fiscal Year 2020*, p. 85.

[161] OMB, "Office of Management and Budget Office of E-Government & Information Technology," at https://www.whitehouse.gov/omb/management/egov/#A1.

[162] 31 U.S.C. §503(b)(2)(F).

[163] 31 U.S.C. §503(b)(3), (4), and (9).

[164] A memorandum titled, "Implementing Government Reform," issued by President George W. Bush on July 11, 2001, established the President's Management Council. The memorandum can be found at 31 U.S.C. §501 note.

[165] Information on this Cross-Agency Priority Goal is at https://www.performance.gov/CAP/workforce/.

[166] P.L. 107-296; November 25, 2002, 116 Stat. 2135, established the Chief Human Capital Officers Council. The council is authorized at 5 U.S.C. §1401 note.

[167] See OMB, Memorandum for the Heads of Departments and Agencies, From Russell T. Vought, Acting Director, "Federal Agency Operational Alignment to Slow the Spread of Coronavirus COVID-19," M-20-16, March 17, 2020, at https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-16.pdf. OMB and OPM, Memorandum for Heads of Executive Departments and Agencies, From Russell T. Vought, Acting Director, OMB, and Michael J. Rigas, Acting Director, OPM, "Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again," M-20-23, April 20, 2020, at https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf.

[168] See CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by Clinton T. Brass.

In addition, OMB plays a significant role in federal employee pay. The OMB director, the Secretary of Labor, and the director of OPM comprise the President's Pay Agent, which has a significant role in setting and adjusting General Schedule (GS) pay. The Pay Agent receives the annual report of the Federal Salary Council and submits an annual report to the President with recommendations on GS pay adjustment, locality pay areas, and the methodology underlying surveys on locality pay.[169]

Management Reform and Government Performance Efforts[170]

In recent decades, OMB also has led the development of the President's agenda for executive branch management reform initiatives.[171] Subject to the approval and direction of the OMB director, the DDM is statutorily charged with leading such efforts.[172] During the George W. Bush Administration, OMB led the development and implementation of the President's Management Agenda, a package of initiatives intended to address management of federal personnel, procurement, financial management, information technology, and linkage of budgeting and performance.[173] Under President Obama, OMB developed and implemented a range of government-wide management efforts. Most often these initiatives were rolled out individually on an incremental basis,[174] but sometimes they were presented under a common "President's Management Agenda" framework.[175] More recently, OMB released the Trump Administration's version of the President's Management Agenda, which articulated government-wide priorities for the management of information technology, data transparency, and federal workforce development.[176] This was followed by a separate, but related, government reform and

[169] 5 U.S.C. §5304(d).

[170] This section was written by Henry B. Hogue, Specialist in American National Government, and Clinton T. Brass, Specialist in Government Organization and Management.

[171] Historically, Presidents have also used other mechanisms for developing and advancing government reform initiatives. See Ronald C. Moe, *Administrative Renewal: Reorganization Commissions in the 20th Century* (Lanham: University Press of America, 2003); and Peri E. Arnold, *Making the Managerial Presidency: Comprehensive Reorganization Planning, 1905-1996* (Princeton: Princeton University, 1998).

[172] 31 U.S.C. §503. The DDM is to carry out the OMB Director's functions that pertain to "organizational studies, long-range planning ... productivity improvement, and experimentation and demonstration programs." They are further directed to "[f]acilitate actions by the Congress and the executive branch to improve the management of Federal Government operations and to remove impediments to effective administration [and to] [p]rovide leadership in management innovation."

[173] For a copy of the plan, see "President's Management Agenda," archived White House website from the presidency of George W. Bush, at https://georgewbush-whitehouse.archives.gov/omb/budintegration/pma_index.html.

[174] CRS Congressional Distribution Memorandum, *Obama Administration Agenda for Government Performance: Evolution and Related Issues for Congress*, January 19, 2011, by Clinton T. Brass (available to congressional clients upon request).

[175] See, for example, OMB, *Management Agenda Priorities for the FY2016 Budget*, M-14-12, July 18, 2014, at https://www.whitehouse.gov/omb/information-for-agencies/memoranda/#memoranda-2014. "The President's Management Agenda seeks to improve the way that Government works and delivers for citizens. It is guided by four pillars: efficiency, effectiveness, economic growth, and people and culture. The Management Agenda is being executed through eight distinct Management Cross-Agency-Priority Goals that fall under these four pillars (p. 1)." The eight goals pertained to customer service, smarter information technology delivery, strategic sourcing, shared services, benchmarking, open data, transfer of new federally-funded technology to the private sector, and workforce development (p. 8).

[176] OMB, *President's Management Agenda: Modernizing Government for the 21st Century*, Washington, 2018, at https://www.whitehouse.gov/omb/management/pma/.

reorganization plan that was intended to address executive branch agency mission alignment, service delivery, and effective use of public funds.[177]

OMB also has focused on the performance of executive agencies in pursuing their statutory missions and exercising discretion under law. Many of these initiatives have potential implications for the generation, perceived usefulness, and use of information by a variety of stakeholders in support of learning and informed policy deliberations. Some efforts relate primarily to implementation of the Government Performance and Results Act of 1993 (GPRA), as modified by subsequent legislation (e.g., GPRA Modernization Act of 2010).[178] These statutory provisions require agencies to, among other things, articulate mission statements, goals, and performance measures. Agencies are required to develop these items under their relevant authorizing statutes in consultation with Congress and nonfederal stakeholders, albeit in policy processes that historically have been driven by presidential priorities. Other efforts have related to analytical methods. For example, OMB had led implementation of administratively driven efforts to address government performance, such as the George W. Bush Administration's Program Assessment Rating Tool and the Obama Administration's varied initiatives.[179] These efforts especially emphasized certain evaluation methods above others, which at times generated both support and controversy.[180] More recently, with enactment of the Foundations for Evidence-Based Policymaking Act of 2018,[181] OMB may be taking a broader view of analytical and evaluation methods as agencies develop "learning agendas."[182]

Potential Issues for Congress

This report surveys multiple perspectives on OMB: a capsule history, selected aspects of OMB as an institution, and OMB's major functions. As noted, OMB is tasked with numerous statutorily and administratively established duties relating to the operations of executive branch agencies. These functions are varied and pervasive, ranging from the budget process to rulemaking to mission-support functions such as government procurement. In pursuing these activities, OMB is required to faithfully execute its statutory responsibilities as passed by Congress. In addition, OMB may act as an agent to pursue presidential policy preferences. From Congress's perspective, there may be tensions or contradictions between the two roles.

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[177] U.S. Office of Management and Budget, *Delivering Government Solutions in the 21st Century: Reform Plan and Reorganization Recommendations*, Washington, 2018, at https://www.performance.gov/GovReform/index.html. For a CRS analysis of the plan, see CRS Congressional Distribution Memorandum, *Trump Administration Reform and Reorganization Plan: Discussion of 35 "Government-Wide" Proposals*, July 25, 2018, coordinated by Henry B. Hogue and Clinton T. Brass (available to congressional clients upon request).

[178] CRS Report R42379, *Changes to the Government Performance and Results Act (GPRA): Overview of the New Framework of Products and Processes*, by Clinton T. Brass.

[179] For discussion, see, respectively, CRS Report RL32663, *The Bush Administration's Program Assessment Rating Tool (PART)*, by Clinton T. Brass; and CRS Congressional Distribution Memorandum, *Obama Administration Agenda for Government Performance: Evolution and Related Issues for Congress*, January 19, 2011, by Clinton T. Brass (available to congressional clients upon request).

[180] See ibid. and CRS Report RL33301, *Congress and Program Evaluation: An Overview of Randomized Controlled Trials (RCTs) and Related Issues*, by Clinton T. Brass, Erin D. Williams, and Blas Nuñez-Neto.

[181] P.L. 115-435; January 14, 2019 (132 Stat. 5529).

[182] See OMB, "Phase 1 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Learning Agendas, Personnel, and Planning Guidance," M-19-23, July 10, 2019; and OMB, "Phase 4 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Program Evaluation Standards and Practices," M-20-12, March 10, 2020; at https://www.whitehouse.gov/omb/information-for-agencies/memoranda/.

OMB also may be viewed in the broader context of how the President attempts to use policy and institutional tools. Some observers have expressed concerns about potential "politicization" of OMB. One scholar has characterized politicization as

> a term that has been used by critics ... to denote an increasing number of political appointees [at OMB] and the responsiveness of the agency to the personal political interests of the president rather than to institutional interests of the presidency..... [Yet] OMB has not been the only presidential institution to undergo these developments; they are part of a broader historical trend over the past several decades to increase centralized control of the executive branch in the White House. OMB is only one part of that trend.[183]

Other observers have focused on the nature of OMB's behavior. OMB has been characterized as both "neutrally competent" and "responsively competent."[184] Neutral competence has been described as "operational expertise, nonpartisanship, and professionalism."[185] Responsive competence, in turn, refers to "centralizing the activities of policy development and executive branch coordination within the White House and by appointing presidential loyalists to positions deep within the bowels of executive agencies."[186]

Critics who perceive a trend toward responsive competence (i.e., potential political centralization) express concern this might adversely affect the quality of analysis and coordination from OMB.[187] At the same time, others have argued that labeling OMB as neutrally competent or responsively competent presents a false dichotomy. Instead, from their point of view, it seems that both terms may at times be simultaneously applicable to OMB.[188]

In light of these complicated dynamics, it is clear that Congress faces potential trade-offs when considering issues that involve OMB. Congress may choose to authorize OMB to undertake certain activities in order to leverage its expertise and position to help implement Congress's institutional and policy objectives.[189] However, granting such authorities may leave room for OMB to implement policies more in line with presidential agendas regardless of the intent of Congress. As a result, Congress may face difficult choices when considering how to legislate with respect to OMB's activities. Congress also may face related challenges in conducting oversight of OMB in situations when OMB's interactions with agencies are not publicly visible.

Nonetheless, OMB was created by Congress, and Congress has control over many aspects of the organization, scope, activities, and authority of OMB through the legislative process.[190] Congress,

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[183] James P. Pfiffner, "OMB: Professionalism, Politicization, and the Presidency," in *Executive Leadership in Anglo-American Systems*, ed. Colin Campbell, S.J., and Margaret Jane Wyszomirski (Pittsburgh, PA: University of Pittsburgh Press, 1991), pp. 195-196 and 212.

[184] Matthew J. Dickinson and Andrew Rudalevige, "Presidents, Responsiveness, and Competence: Revisiting the "Golden Age" at the Bureau of the Budget," *Political Science Quarterly*, vol. 119, no. 4 (Winter 2004/2005), pp. 633-654.

[185] Patrick J. Wolf, "Neutral and Responsive Competence: The Bureau of the Budget 1939-1948, Revisited," *Administration & Society*, vol. 31, no. 1 (March 1999), p. 143.

[186] Ibid., pp. 142-143.

[187] Hugh Heclo, "OMB and the Presidency—the Problem of 'Neutral Competence'," *Public Interest*, no. 38 (Winter 1975), pp. 97-98, at https://www.nationalaffairs.com/public_interest/issues/winter-1975.

[188] Ibid., p. 163.

[189] For example, Congress might consider using OMB to coordinate among executive agencies in pursuit of agencies' statutory missions or to address issues that cut across agency boundaries, while safeguarding against undesired OMB discretion.

[190] For discussion, see CRS Report R45442, *Congress's Authority to Influence and Control Executive Branch Agencies*, by Todd Garvey and Daniel J. Sheffner; and Morton Rosenberg, *When Congress Comes Calling: A Study on the Principles, Practices, and Pragmatics of Legislative Inquiry* (Washington: The Constitution Project, 2017), p. 6, at https://archive.constitutionproject.org/wp-content/uploads/2017/05/WhenCongressComesCalling.pdf.

for instance, may assign statutory duties to OMB in several ways, sometimes in response to administratively established practices that the President has delegated to OMB. Looking back, Congress has assigned statutory responsibilities to OMB for the governance of procurement, financial management, and paperwork reduction practices across the executive branch. Other legislation has addressed the manner in which OMB implements presidential delegations and administratively established processes, such as those relating to budget formulation, regulatory review, and executive-legislative relations. In some of these contexts, Congress may intend for OMB to promote interagency coordination.

Across this variety of contexts, potential issues for Congress may be grouped into two categories: (1) opportunities to conduct oversight of OMB's activities and (2) options for potential legislation that would modify OMB's role or authority over particular issues. With regard to oversight and legislation, Congress may consider several questions when formulating and evaluating any options, including the option of continuing with the status quo.

- **Oversight.** Which OMB activities are of interest to Congress? Are these activities transparent to Congress and the public? Is OMB pursuing these activities in line with congressional intent? Has OMB been effective at addressing problems? Who defines the problems to be solved? Are there areas in which OMB and other institutions might improve?
- **Legislation.** Are there opportunities for Congress to legislate on OMB's roles and activities? Is OMB an appropriate institution for addressing a particular issue, or might Congress consider assigning responsibilities to other agencies? How might authority or responsibility provided to OMB by Congress alter power relationships between Congress and the President or between agencies and OMB? For example, might an increase in transparency of executive branch agency activities enable OMB to exercise undesired influence over statutory authorities that are vested in agency heads?[191]

Given the breadth of areas in which OMB operates, considerations for Congress may vary substantially from context to context. In addition, the advantages and disadvantages of particular options, including continuation of the status quo, may be evaluated from multiple perspectives. Questions such as these may be relevant as Congress continues to fulfill its constitutional obligations and work with OMB, agencies, the President, and the public.

[191] For discussion, see Clinton T. Brass and Wendy Ginsberg, "Congress Evolving in the Face of Complexity: Legislative Efforts to Embed Transparency, Participation, and Representation in Agency Operations," in CRS Committee Print CP10000, *The Evolving Congress: A Committee Print Prepared for the Senate Committee on Rules and Administration*, coordinated by Walter J. Oleszek, Michael L. Koempel, and Robert Jay Dilger.

Appendix A. OMB Budget and Staffing History

Table A-1, below, shows the appropriations and full-time equivalent (FTE) employment for the Office of Management and Budget (OMB) from FY2010 (actual) to FY2020 (estimate). FTEs assign workforce estimates to agencies based on the number of work years required to achieve agency missions and objectives. One work year is equivalent to 2,080 hours of work and could represent, for example, one employee working 40 hours per week for 52 weeks, or two employees working 20 hours per week for 52 weeks. The work year estimate is based on the maximum cumulative number of hours that can be worked by all employees, including full-time, part-time and intermittent employees. Over the period, the data show that actual appropriations ranged from a low of $89.3 million in FY2014 to a high of $102.0 million in FY2019, and actual FTE levels ranged from a low of 435 in FY2014 to a high of 527 in FY2010.

Table A-1. OMB Salaries and Expenses (S&E) Account: Appropriations, Obligations, and Full-Time Equivalent (FTE) Employment

FY2010 (Actual) to FY2020 (Estimate)

Fiscal Year (FY)	Appropriations	Obligations (rounded to nearest million)	FTE Employment (direct)
FY2010	$92,863,000	$93	527
FY2011	$91,934,000	$92	506
FY2012	$89,456,000	$89	511
FY2013	$89,456,000	$85	466
FY2014	$89,300,000	$89	435
FY2015	$91,750,000	$93	457
FY2016	$95,000,000	$95	487
FY2017	$95,000,000	$95	467
FY2018	$101,000,000	$101	472
FY2019	$102,000,000	$103	466
FY2020	$101,600,000	$102 (estimate)	477 (estimate)

Sources: The appropriations amounts for FY2010, FY2012, FY2014, FY2015, FY2016, and FY2020 are taken from OMB, *Budget of the U.S. Government, Appendix*, Fiscal Years 2011, 2013, 2015, 2016, 2017, and 2021 (Washington, GPO, February 2010, 2012, 2014, 2015, 2016, and 2020), pp. 1150, 1212, 1186, 1144, 1162, and 1142, respectively. Obligations amounts for FY2010-FY2020 are taken from *Budget Appendix* volumes FY2012-FY2021, which provide figures rounded to the nearest million. More detailed information on OMB appropriations and obligations is available from OMB's MAX Web portal, at https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html.

The appropriations for FY2011 are taken from Division B, Title V, Section 1516 of P.L. 112-10, Department of Defense and Full-Year Continuing Appropriations Act, 2011, 125 Stat. 133.

The appropriations for FY2013 are taken from Title I, Section 1101(2) of P.L. 113-6, Consolidated and Further Continuing Appropriations Act, 2013, 27 Stat. 412, which provides appropriations at the FY2012 level.

The appropriations for FY2017 are taken from Division E, Title II of P.L. 115-31, Consolidated Appropriations Act, 2017, 131 Stat. 339.

The appropriations for FY2018 are taken from Division E, Title II of P.L. 115-141, Consolidated Appropriations Act, 2018, 132 Stat. 548.

The appropriations for FY2019 are taken from Division D, Title II of P.L. 116-6, Consolidated Appropriations Act, 2019, 133 Stat. 151.

The FTE totals correspond to direct FTEs and not reimbursable FTEs. These figures are taken from OMB, *Budget of the U.S. Government, Appendix*, Fiscal Years 2012 through 2021 (Washington, GPO, February 2011 through February 2020), pp. 1113, 1213, 1123, 1187, 1145, 1163, 1053, 1059, 1063, and 1143 (for FY2019 and FY2020), respectively.

Notes: Typically, an agency's prior year appropriations are shown in the *Budget of the U.S. Government, Appendix*. For those years in which appropriations are provided in consolidated or continuing appropriations, the enacted appropriations provide the funding amounts. This was the case for the FY2011, FY2013, FY2017, FY2018, and FY2019 appropriations.

The requirements for reporting FTE employment in the President's budget are prescribed in Section 85 of the Office of Management and Budget *Circular No. A-11* on "Estimating Employment Levels and the Employment Summary (Schedule Q)." See, OMB, *Circular No. A-11*, Preparation, Submission, and Execution of the Budget (Washington: GPO, July 2020).

The table does not include any supplemental appropriations amounts.

Table A-2, below, shows FTEs corresponding to OMB's Salaries and Expenses (S&E) account. Specifically, the table displays FTEs broken down by OMB "program activity" from FY2016 actual to FY2021 proposed. These categories generally refer to OMB's organizational units. The first five rows correspond to the resource management offices. The next three rows correspond to three of OMB's statutory offices. The final row includes one of the statutory offices, the Office of Electronic Government, and the OMB-wide support offices (see table notes for a list). Over this period, the data show that the largest number of FTEs is allocated among the offices that provide services across the agency, including the director, the deputy director, and the deputy director for management (DDM). The smallest number of FTEs is allocated to the Office of Federal Financial Management and the Office of Federal Procurement Policy.

Table A-2. OMB's S&E Account: FTE Positions, by "Program Activity"

FY2016 (Actual) to FY2021 (Proposed)

	FTE Positions					
Program Activity	**FY2016 Actual**	**FY2017 Actual**	**FY2018 Actual**	**FY2019 Actual**	**FY2020 Estimate**	**FY2021 Proposed**
National Security Programs	57	57	55	50	53	57
General Government Programs	55	53	54	49	55	56
Natural Resource Programs	55	52	48	50	47	50
Health Programs	44	41	41	41	42	43
Education, Income Maintenance, and Labor Programs	30	29	30	29	28	30
Office of Federal Financial Management	17	15	13	17	16	16
Information and Regulatory Affairs	48	46	46	49	61	67
Office of Federal Procurement Policy	16	15	14	15	17	17

FTE Positions						
Program Activity	**FY2016 Actual**	**FY2017 Actual**	**FY2018 Actual**	**FY2019 Actual**	**FY2020 Estimate**	**FY2021 Proposed**
OMB-Wide Offices	165	159	159	166	158	185
Total	**487**	**467**	**460**	**466**	**477**	**521**

Source: Executive Office of the President (EOP), *Congressional Budget Submission*, Fiscal Years 2018 through 2021 (Washington: EOP, February 2017 through February 2020), pp. OMB-13, OMB-13, OMB-8 and OMB-10, respectively.

Notes: OMB-Wide Offices include the director's office, the deputy director, the DDM, the executive associate director, Communication, the General Counsel, Legislative Affairs, Economic Policy, the Management and Operations Division, the Performance and Personnel Management Division, the Legislative Reference Division, the Budget Review Division, and the Office of the Federal Chief Information Officer.

The requirements for reporting FTE employment in the President's budget are prescribed in Section 85 of the OMB *Circular No. A-11* on "Estimating Employment Levels and the Employment Summary (Schedule Q)." See OMB, *Circular No. A-11, Preparation, Submission, and Execution of the Budget*, (Washington: GPO, July 2020).

The FTE totals correspond to those that are shown in **Table 1**, except for the FY2018 total. No explanation for the difference is provided in the respective budget documents.

Table A-3, below, shows on-board employment at OMB from September 2010 through June 2019 (most current available). On-board employment is the number of employees in pay status at a particular point in time. Over this multiyear period, employment was at its highest level (630) in September 2016, at its lowest level (452) in September 2013, and at 584 in June 2019 (most current available).

Table A-3. OMB: On-Board Employment

September 2010 Through June 2019

Month and Year	On-Board Employment
September 2010	535
September 2011	527
September 2012	525
September 2013	452
September 2014	466
September 2015	582
September 2016	630
September 2017	581
September 2018	606
June 2019	584

Source: OPM, FedScope database, Employment cubes, September 2010 through September 2018 and June 2019, at https://www.fedscope.opm.gov/.

Note: For 2019, the most current data available are for June.

Appendix B. Case Study of Trump Administration OMB Appointments

Table B-1, below, provides information on the positions of director, deputy director, and DDM at OMB during the Administration of President Donald Trump. These positions are appointed by the President and confirmed by the Senate. The table shows the incumbent for the position, date the nomination was sent to the Senate, and the confirmation date and vote for each position.

Table B-1. OMB: Positions of Director, Deputy Director, and Deputy Director for Management, Nomination and Confirmation

Administration of President Donald Trump

Position	Incumbent	Nomination Sent to the Senate	Confirmation
Director	Mick Mulvaney	January 30, 2017	February 16, 2017 51 to 49 vote (Record No. 68) Became Acting White House Chief of Staff in mid-December 2018
Director	Russell Vought	May 4, 2020	July 20, 2020 51 to 45 vote (Record No. 131) Vought had been serving as Acting OMB Director since mid-December 2018
Deputy Director	Russell Vought	May 2, 2017	February 28, 2018 50 to 49 vote (Record No. 40) Became Acting OMB Director in mid-December 2018
Deputy Director	Derek Kan	June 2, 2020	July 30, 2020 71 to 21 vote (Record No. 152)
Deputy Director for Management (DDM)	Margaret Weichert	September 5, 2017	February 14, 2018 Voice vote Resigned mid-March 2020
Deputy Director for Management	Michael Rigas	Has not been nominated for the position. Became Acting DDM in mid-March 2020.	Not applicable

Source: CRS analysis of nominations database at Congress.gov.

Notes: Margaret Weichert also served as acting director of OPM from early October 2018 until mid-September 2019.

Michael Rigas, the Senate-confirmed deputy director at OPM, is also serving as the acting director of OPM.

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