

The Office of Information and Regulatory Affairs (OIRA): Overview and Major Responsibilities

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The Office of Information and Regulatory Affairs (OIRA) is an entity within the Office of Management and Budget (OMB). OIRA was created by the Paperwork Reduction Act (PRA) of 1980, which restructured federal responsibilities related to the coordination of federal reporting to more broadly encompass the coordination of federal information policy overall.

The PRA provided that the OIRA administrator would serve as the principal advisor to the OMB director on federal information policy. The OIRA administrator is appointed by the President and subject to Senate confirmation. Specific areas of responsibility assigned to the OMB director under the PRA have been delegated to OIRA. In 1995, the PRA was amended to define OIRA's seven areas of responsibility, including (1) information resources management, (2) information collection and control of paperwork, (3) information dissemination, (4) statistical policy and coordination, (5) records management, (6) privacy and security, and (7) federal information technology. Pursuant to the statutory responsibilities listed in the PRA, OIRA has substantial responsibilities and influence over how agencies collect, use, and share their information. As the principal entity responsible for managing information resources within the Executive Office of the President, OIRA operates under a mixture of statute, guidance, and institutional practice.

Soon after OIRA was created, President Ronald Reagan issued an executive order that greatly increased the office's responsibilities by creating a process for OIRA review of most federal regulations. Under that order, most federal agencies were required to submit their proposed and final rules to OIRA for approval prior to publication. This represented a substantial increase in OIRA's responsibilities and in presidential control over the substance of federal agencies' policy-setting through rulemaking. OIRA review of regulations has occasionally been modified, depending on the priorities of each presidential Administration, but its centralized review functions have remained largely the same since President Reagan issued Executive Order 12291 in 1981.

Congress may consider whether OIRA's current priorities, staffing levels, and organization align with congressional expectations regarding its various functions.

SUMMARY

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The Office of Information and Regulatory Affairs (OIRA) is one of four statutory offices within the Office of Management and Budget (OMB). OMB is a component of the Executive Office of the President (EOP) that serves as a source of support to the institutional presidency and is responsible for numerous statutory duties related to executive branch agencies.¹ OIRA was created by the Paperwork Reduction Act (PRA) of 1980 within OMB.² The PRA provided that the OIRA administrator would serve as the “principal advisor to the [OMB] Director on Federal information policy.”³ Since 1986, the appointment of the OIRA administrator has been subject to Senate confirmation.⁴

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 (IT).⁵

In addition to the specific statutory responsibilities listed in the PRA, OIRA has substantial responsibilities and influence over federal regulations under a centralized review process established through executive order.

This report provides an overview of OIRA’s history, staffing levels, and budget levels over time. It also briefly outlines the primary statutory responsibilities of OIRA’s administrator. This report then discusses OIRA’s major functions in four main areas: (1) review of regulations, (2) review of information collections, (3) information policy, and (4) statistical policy. Finally, the report discusses potential issues related to the oversight of OIRA that may be of interest to Congress.

Legislative History and Establishment in the Paperwork Reduction Act of 1980⁶

The need for more thorough federal paperwork and records management policy emerged in the late 19th and early 20th centuries as increasing public and agency demands for information paralleled the growth of the federal government.⁷ Key legislative developments during this time included the Federal Reports Act of 1942, enacted to coordinate federal reporting, eliminate duplication, and reduce costs; and the Administrative Procedure Act of 1946, enacted to improve the fairness of administrative procedure.⁸ In 1974, in response to concerns that reporting requirements were placing “an unprecedented paperwork burden” upon members of the public,

¹ See CRS Report RS21665, *Office of Management and Budget (OMB): An Overview*, coordinated by Taylor N. Riccard.

² P.L. 96-511; December 11, 1980 (94 Stat. 2812). The PRA, as amended, is codified at 44 U.S.C. Chapter 35.

³ 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)).

⁴ P.L. 99-500; 100 Stat. 1783-336). See Wendy L. Gramm, “Regulatory Review Issues, October 1985-February 1988,” *Administrative Law Review*, vol. 63 (2011), pp. 28-30.

⁵ 44 U.S.C. §3504.

⁶ This section was written by Meghan M. Stuessy, Analyst in Government Organization and Management.

⁷ This section leverages previous research from former CRS staff Curtis W. Copeland. See also Curtis W. Copeland, “The Role of the Office of Information and Regulatory Affairs in Federal Rulemaking,” *Fordham Urban Law Journal*, vol. 33, no. 4 (2006).

⁸ P.L. 77-831, 56 Stat. 1078-1080, and P.L. 79-404, 60 Stat. 237-244.

businesses, and state and local governments, Congress established a Commission on Federal Paperwork to issue recommendations to improve government statutes and policies related to information gathering, processing, dissemination, and management of information activities.⁹ Following up on the commission's final report and recommendations, Congress enacted the PRA of 1980, which required agencies to take certain "statutory steps needed to reduce and minimize the burden Government paperwork imposes on the public" and centralized certain federal information management responsibilities within the newly established OIRA within OMB.¹⁰ In implementing the act, OMB moved staff from other divisions focused on regulatory policy, wage and price stability, and statisticians into the new statutorily required office.¹¹

The PRA of 1980 restructured federal responsibilities related to the coordination of federal reporting to more broadly encompass the coordination of federal information policy overall, reflecting an emerging understanding that information management terminology should be "flexible enough to allow for future changes in technology and Government activities."¹² The accompanying Senate committee report defined *information management functions* as including general information policy, clearance and paperwork control, statistical activities, records management, privacy, federal automatic data processing, and telecommunications related to the collection of information. The committee also found that the "purpose of aggregating these functions within the single office is to establish a government-wide policy framework" for information management.¹³ The committee further noted that "improved management of information resources is the means to achieve the basic mission of [OIRA]; to reduce and minimize the public burden involved in providing information to the federal government."¹⁴ The PRA was subsequently reauthorized in 1995 and its scope extended to include federal contractors and tribal governments, among others. The reauthorization also revised certain OIRA and OMB authorities and functions related to information dissemination and agency oversight responsibilities.¹⁵

Shortly after OIRA's establishment, President Reagan issued Executive Order (E.O.) 12291 on "Federal Regulation," which added review of most federal regulations to the scope of OIRA's responsibilities.¹⁶ Although the original function of OIRA, as established in the PRA, was to

⁹ P.L. 93-556, 88 Stat. 1789. See also U.S. Government Accountability Office (GAO), *Program to Follow Up Federal Paperwork Commission Recommendations Is in Trouble*, GGD-80-36, March 14, 1980, <https://www.gao.gov/assets/ggd-80-36.pdf>. The commission's recommendations may be requested through GAO, *Work of the Commission on Federal Paperwork and the General Accounting Office's Role in Reducing Paperwork Burdens*, June 28, 1978, <https://www.gao.gov/products/095407>.

¹⁰ U.S. Congress, Senate Homeland Security and Governmental Affairs Committee, *Paperwork Reduction Act of 1980*, To accompany S. 1411, 96th Cong., 2nd sess., September 8, 1980, S.Rept. 96-930 (GPO, 1980), pp. 2, 7-8.

¹¹ Andrew Rudalevige, "Beyond Structure and Process: The Early Institutionalization of Regulatory Review," *Journal of Policy History*, vol. 30, no. 4 (2018), p. 590.

¹² Senate Homeland Security and Governmental Affairs Committee, *Paperwork Reduction Act of 1980*, S.Rept. 96-930, p. 8. See also the Office of Legal Council's editorial note concerning codification of Chapter 35, Title 44 of the *U.S. Code*. "This chapter was originally added by Pub. L. 90-620, October 22, 1968, 82 Stat. 1302, which act enacted this title, and was based on act December 24, 1942, ch. 811, 56 Stat. 1078, known as the Federal Reports Act of 1942."

¹³ Senate Homeland Security and Governmental Affairs Committee, *Paperwork Reduction Act of 1980*, S.Rept. 96-930, p. 7.

¹⁴ Senate Homeland Security and Governmental Affairs Committee, *Paperwork Reduction Act of 1980*, S.Rept. 96-930, p. 8.

¹⁵ P.L. 104-13; see CRS bill summary of S. 244.

¹⁶ Executive Order (E.O.) 12291, "Federal Regulation," 46 *Federal Register* 13193, February 19, 1981. See also Shelley Lynne Tomkin, *Inside OMB: Politics and Process in the President's Budget Office* (M. E. Sharpe, 1998), p. 206; and Susan E. Dudley, "The Office of Information and Regulatory Affairs and the Durability of Regulatory Oversight in the United States," *Regulation and Governance*, vol. 16, no. 1 (January 2022), p. 243.

oversee and enforce government-wide efforts to reduce the paperwork burden on the American public, today OIRA may be best known for its review of federal regulations.¹⁷

Overview of OIRA Administrator's Statutory Responsibilities Under the PRA¹⁸

This section identifies the primary statutory responsibilities of the OIRA administrator, all of which relate to federal information policy. As has been noted and will be discussed further below, the OIRA administrator also plays a significant role in regulatory policy. That role has largely been created through a series of executive orders and other executive actions, such as OMB guidance, not through statute.

The PRA required the OMB director to delegate responsibilities for the coordination of federal information policy to the OIRA administrator and empowers the administrator to promulgate rules and regulations to effect such coordination.¹⁹ The administrator is to oversee the use of *information resources* “to improve the efficiency and effectiveness of governmental operations to serve agency missions, including burden reduction and service delivery to the public.”²⁰ *Information resources* is defined as “information and related resources, such as personnel, equipment, funds, and IT.”²¹

Overall, the administrator is directed to develop, coordinate, and oversee federal information resources management policies, principles, standards, and guidelines. In addition, the administrator—in consultation with the Administrator of General Services, Archivist of the United States, director of the National Institute of Standards and Technology (NIST), and director of the Office of Personnel Management—is to periodically review agency information resources management activities.²² *Information resources management* (IRM) is defined as “the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public.”²³

The PRA of 1995 established seven categories of responsibilities with respect to information management:²⁴

1. **IRM.** The administrator shall develop and oversee the implementation of uniform IRM policies; foster greater sharing, dissemination, and access to public information; initiate and review proposals for legislation, regulations, and agency procedures with respect to IRM; oversee agency integration of program and management functions with IRM, and issue IRM guidance for agencies.²⁵

¹⁷ For more information, see CRS Report RL32397, *Federal Rulemaking: The Role of the Office of Information and Regulatory Affairs*, coordinated by Maeve P. Carey.

¹⁸ This section was written by Meghan M. Stuessy, Analyst in Government Organization and Management, except where noted.

¹⁹ 44 U.S.C. §3503(b) and §3516.

²⁰ 44 U.S.C. §3504(a)(1).

²¹ 44 U.S.C. §3502(6).

²² 44 U.S.C. §3513.

²³ 44 U.S.C. §3502(7).

²⁴ P.L. 104-13, 109 Stat. 171-176. Agency responsibilities for these seven areas are generally managed by the agency chief information officer. For more information, see CRS Report R48147, *Chief Information Officers (CIOs): Agency Roles and Responsibilities*, by Meghan M. Stuessy and Dominick A. Fiorentino.

²⁵ 44 U.S.C. §3504(b).

2. **Information collection and control of paperwork.** The administrator shall review and approve proposed agency information collections, minimize the information collection burden and maximize the practical utility of information collected, and coordinate the review of information collections associated with federal procurement and acquisition with the Office of Federal Procurement Policy (OFPP), among other responsibilities.²⁶
3. **Information dissemination.** The administrator shall develop and oversee policies that apply to federal agency dissemination of public information and promote public access to such information.²⁷
4. **Statistical policy and coordination.** The administrator shall coordinate the activities of the federal statistical system; develop and oversee policies related to statistical collection procedures, data classification, and information presentation; and promote the sharing of statistical information with privacy rights and confidentiality pledges, among other responsibilities.²⁸
5. **Records management.** The administrator shall provide advice and assistance to the Archivist of the United States and the Administrator of General Services with respect to implementation and compliance with the Federal Records Act,²⁹ including records management practices for electronic information.³⁰
6. **Privacy and security.** The administrator shall develop and oversee policies related to privacy, confidentiality, security, disclosure, and sharing of information and oversee compliance with the Freedom of Information Act (FOIA),³¹ the Privacy Act of 1974,³² and information security, information systems, and computer standards.³³
7. **Federal IT.** In consultation with the director of NIST and the Administrator of General Services, the administrator shall develop and oversee policies related to the IT functions and periodically evaluate major information systems. In addition, the administrator is to coordinate the development and review of federal procurement and acquisition of IT with OMB's OFPP.³⁴

These responsibilities mirror the federal information policy responsibilities of agency chief information officers.³⁵ Although OIRA is also known for its role in the regulatory review process, these regulatory functions are derived from executive orders rather than from statutory text such

²⁶ 44 U.S.C. §3504(c).

²⁷ 44 U.S.C. §3504(d).

²⁸ 44 U.S.C. §3504(e).

²⁹ 44 U.S.C. Chapters 21, 29, 31, and 33.

³⁰ 44 U.S.C. §3504(f).

³¹ 5 U.S.C. §552. See also CRS Report R46238, *The Freedom of Information Act (FOIA): A Legal Overview*, by Benjamin M. Barczewski.

³² 5 U.S.C. §552a. See also CRS Report R47863, *The Privacy Act of 1974: Overview and Issues for Congress*, by Meghan M. Stuessy.

³³ 44 U.S.C. §3504(g).

³⁴ 44 U.S.C. §3504(h).

³⁵ 44 U.S.C. §3506(a)(2). Chief information officers (CIOs) are also required to fulfill additional statutory obligations for IT management in Title 40 of the *U.S. Code*. For more information about CIOs, see CRS Report R48147, *Chief Information Officers (CIOs): Agency Roles and Responsibilities*, by Meghan M. Stuessy and Dominick A. Fiorentino.

as in the PRA.³⁶ For more information on this regulatory aspect of OIRA, see “Review of Regulations” below.

The PRA additionally requires the administrator to “keep the Congress and congressional committees fully and currently informed” with respect to information policy coordination activities and submit, at least annually, a report on such activities to the President of the Senate and the Speaker of the House of Representatives. The report is to include information on the extent of agency efforts to reduce information collection burdens, improve the quality and utility of statistical information, improve public access to government information, and improve program performance and the accomplishment of agency missions through IRM.³⁷ Relatedly, statute further requires that OIRA furnish information to the Comptroller General of the United States as necessary for the discharge of his or her responsibilities concerning audit, evaluation, and investigative duties.³⁸

Organizational Structure³⁹

OIRA’s internal organization has fluctuated over time, indicating changes in emphasis in terms of OIRA’s role in coordinating different types of federal information. According to an OMB organization chart from the 1996 *U.S. Government Manual*, the first year for which an organization chart was included, OIRA was composed of five branches, which included (1) information policy and technology, (2) statistical policy, (3) human resources and housing, (4) natural resources, and (5) commerce and lands.⁴⁰ From 2005 reporting through at least 2014, OIRA was composed of four renamed branches: (1) information policy and technology; (2) statistical and science policy; (3) natural resources, energy, and agriculture; and (4) health, transportation, and general government.⁴¹ An additional branch covering privacy policy was established in 2016.⁴² In 2023, OIRA appeared to be organized into six branches: (1) information policy; (2) statistical and science policy; (3) natural resources and environment; (4) food, health, and labor; (5) transportation and security; and (6) privacy.⁴³ These shifts and name changes may reflect an evolving understanding or prioritization of OIRA’s responsibilities. For example, the creation of new branches could indicate that OIRA viewed them as distinct policy areas from existing branches, that certain areas were being deprioritized compared with the previous branch organization, or that the accountability structures or expertise for these areas were sufficiently different from other areas.

Although OIRA appears to be organized into the thematic branches, a closer examination of staffing within these branches may further indicate how OIRA is leveraging its current resources

³⁶ E.O. 12291, “Federal Regulation,” 46 *Federal Register* 13193, February 19, 1981.

³⁷ 44 U.S.C. §3514.

³⁸ 44 U.S.C. §3519 and 31 U.S.C. §716(a)(1).

³⁹ This section was written by Meghan M. Stuessy, Analyst in Government Organization and Management.

⁴⁰ Office of the Federal Register, National Archives and Records Administration (NARA), *The United States Government Manual: 1996/1997*, May 31, 1996, p. 101. Organizational charts for OMB are available through the *United States Government Manual* from 1996 to 2014.

⁴¹ NARA, *The United States Government Manual: 2005/2006*, June 1, 2005, p. 93.

⁴² Shaun Donovan, “Announcing a New Privacy Office within OIRA,” The White House, October 19, 2016, <https://obamawhitehouse.archives.gov/blog/2016/10/19/announcing-new-privacy-office-within-oira>.

⁴³ GovernmentAttic.org, *Office of Management and Budget (OMB) Office of Information and Regulatory Affairs (OIRA) Organization Chart 2023*, Response to FOIA Request, 2023-006, December 12, 2023, <https://www.governmentattic.org/52docs/OMBBoiraOrgChart2023.pdf>.

against competing executive order and statutory obligations. According to one third-party source, as of January 2025, the percentage of total OIRA staff appeared to be allocated as follows:

- Information policy (12.9%)
- Statistical and science policy (17.7%)
- Natural resources and environment (12.9%)
- Food, health, and labor (14.5%)
- Transportation and security (6.5%)
- Privacy (1.6%)

The remaining 33.9% of staff were not listed as being associated with a particular branch or were housed within the office of the OIRA administrator.⁴⁴ Although two of OIRA's seven statutory responsibilities appear to have discrete branches (statistical policy and coordination, and privacy and security), it is unclear how the remaining five statutory responsibilities and the administrative rulemaking responsibility are divided among the branches.

Administrator Appointment Structure⁴⁵

In the PRA as originally enacted, the OIRA administrator position was to be filled through appointment by the OMB director. In 1986, however, following some disagreements over regulatory policy between the Reagan Administration and some Members of Congress, Congress made the position subject to Senate advice and consent.⁴⁶ A Senate-confirmed appointee filled the position for the first time in 1988.⁴⁷ A full list of Senate-confirmed and recess-appointed OIRA administrators is located in the **Appendix**.

Appropriations and Staffing⁴⁸

OIRA's budget and staffing levels have fluctuated over time (see **Figure 1**). In recent years, Congress has provided funds to OMB through annual appropriations in Title II of the Financial Services and General Government appropriations bill. These funds are included in the OMB budget's "Salaries and Expenses" (S&E) account. The S&E account funds the core operations of OMB, including the operations of OIRA.⁴⁹ For more information on OMB's S&E account, EOP congressional budget justifications (CBJs) discuss changes to OMB's staffing and workload at a

⁴⁴ CRS search of Leadership Connect database on January 13, 2025. The number of staff listed was 62 at the time of the search, with 10 position vacancies. This number does not necessarily reconcile with the estimated number of 58 staff for FY2025.

⁴⁵ This section was written by Maeve P. Carey, Specialist in Government Organization and Management.

⁴⁶ Congress made this change in a PRA reauthorization that was included in an appropriations measure for FY1987 (P.L. 99-500; 11 Stat. 1783-336). For a description of some of the events leading to this change, see Gramm, "Regulatory Review Issues," pp. 27-36.

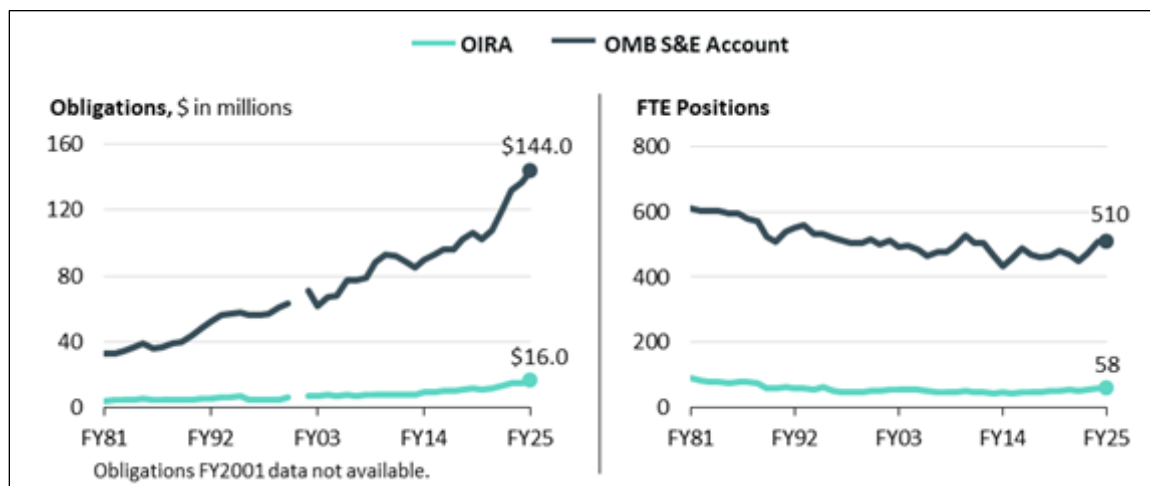
⁴⁷ The first confirmed OIRA administrator was S. Jay Plager. See also CRS Insight IN12020, *President Biden Nominates OIRA Administrator*, by Maeve P. Carey and Kathleen E. Marchsteiner, for additional discussion about the OIRA administrator.

⁴⁸ This section was written by Taylor N. Riccard, Analyst in Government Organization and Management.

⁴⁹ OMB, *Budget of the U.S. Government, FY2025, Appendix*, p. 1049, <https://www.govinfo.gov/content/pkg/BUDGET-2025-APP/pdf/BUDGET-2025-APP.pdf>. See also U.S. Executive Office of the President (EOP), *Fiscal Year 2025 Congressional Budget Submission*, p. 85, <https://www.whitehouse.gov/wp-content/uploads/2024/03/FY-2025-Executive-Office-of-the-President-Congressional-Budget-Submission.pdf>. These numbers have not been adjusted for inflation.

high level.⁵⁰ In some cases, the CBJs offer more specific commentary on changes to OIRA's staffing or workload.⁵¹

Figure I. OIRA Obligations and Full-Time Equivalent Employees
FY1981-FY2025



Sources: EOP, congressional budget justifications, FY1982-FY2025, March 1981 through February 2025; OMB, *Budget of the U.S. Government, Appendix*, FY1995-FY2025 and FY1981-FY1990; *Budget of the U.S. Government, Budget Volume*, FY1991-FY1994. See **Appendix** for more information.

Notes: Obligations are rounded to the nearest million. CRS was unable to locate the relevant obligation information for FY2001. Full-time equivalent positions (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 would also constitute one FTE. The FTE totals correspond to direct FTEs and not reimbursable FTEs.

Overall, the funds in OMB's S&E account are dedicated mainly to personnel costs. In FY2023, OMB's S&E account obligations were \$132 million in total. OIRA's FY2023 obligations were \$15 million, which is approximately 11.4% of OMB's S&E account total obligations. OIRA's obligations are estimated to be \$16 million in FY2025. For detailed information on OIRA's budget from FY1981 to FY2025, see the **Appendix**.

In FY2023, OIRA had an actual FTE count of 55 out of OMB's total 472 FTEs (approximately 11.7%). It is estimated that OIRA will have 58 FTEs in FY2024 and FY2025 out of an estimated OMB total of 510 FTEs (approximately 11.4%). OIRA had its highest staffing level in FY1981 (90 FTEs) and its lowest in FY2015 (43 FTEs). For detailed information on OIRA's staffing from FY1981 to FY2025, see the **Appendix**.

Description of OIRA's Major Functions

As discussed, OIRA's authorities derive from both statute and executive orders, and its internal organization has evolved over time. Because of this complexity, understanding OIRA's operations may be best accomplished by organizing them into groups of major functions. For purposes of

⁵⁰ For example, see EOP, *Fiscal Year 2025 Congressional Budget Submission*, <https://www.whitehouse.gov/wp-content/uploads/2024/03/FY-2025-Executive-Office-of-the-President-Congressional-Budget-Submission.pdf>.

⁵¹ For example, see EOP, *Congressional Budget Submission Fiscal Year 2021*, p. OMB-4, <https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/02/FY21-Budget.pdf>.

this report, OIRA's major functions may be organized into four groups: (1) review of regulations, (2) review of information collections, (3) information policy, and (4) statistical policy.

Review of Regulations⁵²

OIRA plays a significant role in the centralized review of federal regulations, as established by executive order shortly after OIRA's creation under the PRA of 1980. Through this centralized regulatory review, OIRA has the potential to exert influence over federal regulations by ensuring that most federal agencies' actions are consistent with the President's policy preferences.

Regulatory Review: Background

In February 1981, President Ronald Reagan issued E.O. 12291, which greatly increased the scope and significance of OIRA's responsibilities to include reviewing regulations.⁵³ The order required covered agencies to send draft proposed and final rules to OMB before publication, and it required covered agencies to prepare and submit to OMB a regulatory impact analysis (RIA) for each "major" rule, which was defined in the order to include rules expected to have an annual effect on the economy of at least \$100 million.⁵⁴ The order did not specifically mention OIRA, but the Reagan Administration decided to integrate the regulatory review responsibilities with the responsibilities that had been given to OMB under the PRA and delegated to OIRA.

In September 1993, President Bill Clinton issued E.O. 12866 on "Regulatory Planning and Review," which revoked and replaced E.O. 12291.⁵⁵ Although different from its predecessor in some respects, E.O. 12866 continued the general framework of requiring centralized review of most proposed and final rules through OIRA and RIA for rules expected to have large economic effects. In 2025, President Trump amended E.O. 12866 to also require that "independent regulatory agencies" submit their rules to OIRA for review, a policy choice that had been contemplated by earlier Presidents but never executed.⁵⁶

Regulatory Review: Overview

E.O. 12866 requires agencies to submit their "significant" proposed and final rules to OIRA, and OIRA's approval is generally required before the agency may proceed. Significant rules are those defined in E.O. 12866 as those that may

⁵² This section was written by Maeve P. Carey, Specialist in Government Organization and Management.

⁵³ E.O. 12291, "Federal Regulation," 46 *Federal Register* 13193, February 19, 1981.

⁵⁴ Neither E.O. 12291 nor E.O. 12866 extended the requirements for OMB review of regulations and cost-benefit analysis to the independent regulatory agencies, which are listed in the PRA at Title 44, Section 3502(5), of the *U.S. Code*. These agencies were excluded from OIRA review out of respect for the independence of those agencies, which were established by Congress to be more insulated from presidential control. See Testimony of Sally Katzen, U.S. Congress, House Committee on the Judiciary, Subcommittee on Courts, Commercial and Administrative Law, *Cost Justifying Regulations: Protecting Jobs and the Economy by Presidential and Judicial Review of Costs and Benefits*, 112th Cong., 1st sess., May 4, 2011, p. 8, <http://judiciary.house.gov/hearings/pdf/Katzen05042011.pdf>. 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.

⁵⁵ E.O. 12866, "Regulatory Planning and Review," 58 *Federal Register* 51735, October 4, 1993.

⁵⁶ E.O. 14215, "Ensuring Accountability for All Agencies," 90 *Federal Register* 10447, February 24, 2025. The independent regulatory agencies are identified in statute at Title 44, Section 3502(5), of the *U.S. Code*. This amendment was made amid several contemporaneous changes to the regulatory process including establishing a "one in, 10 out" requirement for regulations. E.O. 14192, "Unleashing Prosperity Through Deregulation," 90 *Federal Register* 9065, January 31, 2025.

(1) have an annual effect on the economy of \$200 million or more (adjusted every 3 years by the Administrator of OIRA for changes in gross domestic product); 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, territorial, 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 this Executive order.⁵⁷

E.O. 12866 gives OIRA up to 90 days to conduct its review of each rule.⁵⁸ OIRA review can be thought of as having three main elements. First, it ensures that federal agencies' rules are consistent with the policy preferences of the current Administration. In this way, OIRA review provides a mechanism for presidential control over agencies.⁵⁹

Second, for rules that trigger the requirement for an RIA, OIRA evaluates the RIA alongside the rule. E.O. 12866 requires agencies to conduct an RIA for rules falling into category (1) of the definition of *significant*—primarily, rules that may have an annual effect on the economy of at least \$100 million. These rules are referred to as “economically significant” rules. OMB Circular A-4 instructs agencies on how to conduct an RIA to comply with this requirement of the E.O.⁶⁰

Third, OIRA coordinates an interagency review process. This review may involve sending a rule to other parts of OMB or other entities in the EOP. OIRA may also send a rule to other agencies and departments that may have an interest or shared jurisdiction over the policy area.⁶¹

OIRA's Role in Implementing Regulatory Policy

In addition to reviewing individual regulations, OIRA is also responsible for implementing the regulatory policy goals of the current Administration. For example, OIRA has taken a number of actions to implement various aspects of the President Trump's regulatory policy, including issuing guidance on the Trump Administration's “one in, 10 out” regulatory program and initial guidance for the independent regulatory agencies that are newly subject to OIRA review.⁶²

⁵⁷ E.O. 12866.

⁵⁸ The order contains two ways in which this 90-day review period may be extended: upon the written approval of the OMB director or at the request of the agency head.

⁵⁹ For a discussion of OIRA review as a means of presidential control, see, for example, Ashraf Ahmed et al., “The Making of Presidential Administration,” *Harvard Law Review*, vol. 137, no. 8 (June 2024), pp. 2131-2221.

⁶⁰ OMB, “Regulatory Analysis,” Circular A-4, September 17, 2003, <https://trumpwhitehouse.archives.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf>. Circular A-4 was originally issued in 2003. It was updated for the first time by the Biden Administration in November 2023. In 2025, the Trump Administration revoked the 2023 update and reinstated the 2003 version. See OMB, “Recission and Reinstatement of Circular A-4,” M-25-15, February 12, 2025, <https://www.whitehouse.gov/wp-content/uploads/2025/03/M-25-15-Recission-and-Reinstatement-of-Circular-A-4.pdf>.

⁶¹ For more information on this interagency review process, and on OIRA review in general, see Cass R. Sunstein, “The Office of Information and Regulatory Affairs: Myths and Realities,” *Harvard Law Review*, vol. 126, no. 7 (May 2013), pp. 1838-1878.

⁶² OMB, “Guidance Implementing Section 3 of Executive Order 14192, Titled ‘Unleashing Prosperity Through Deregulation,’” M-25-20, March 26, 2025, <https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-20-Guidance-Implementing-Section-3-of-Executive-Order-14192-Titled-Unleashing-Prosperity-Through-Deregulation.pdf>; OMB, “Interim Guidance Implementing Section 3 of Executive Order 14215, Titled ‘Ensuring Accountability for All Agencies,’” M-25-24, April 17, 2025, <https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-24-Interim-Guidance-Implementing-Section-3-of-Executive-Order-14215-Titled-Ensuring-Accountability-for-All-Agencies.pdf>.

Review of Information Collections and Reducing Paperwork Burden⁶³

OIRA plays a central role in a long-standing desire within Congress to reduce the burden that the federal government's information needs impose on the public. While the information that agencies seek from the public may be useful and necessary for their proper performance, providing it imposes on the public a *burden* that is measured in terms of time, effort, and financial resources.⁶⁴ The PRA assigned OIRA the responsibility of minimizing the burden associated with federal *collections of information*.⁶⁵ Information collections include but are not limited to forms, applications, questionnaires, and surveys as well as recordkeeping and reporting requirements—including disclosures to the public or to third parties—that are called for in statute and in agencies' regulations. While these collections are often referred to as being a kind of paperwork, information collection burdens may also accrue from oral communications and from automated, electronic, mechanical, or other technological collection methods that agencies may employ.⁶⁶ OIRA has defined what is and is not *information* for the purposes of information collections under the PRA.⁶⁷

Reviewing and Approving Federal Collections of Information⁶⁸

The PRA tasked OIRA with several responsibilities related to the federal collection of information. Perhaps chief among these responsibilities is reviewing and approving agencies' information collections.⁶⁹ In practice, this is sometimes referred to as the clearance process. OIRA must review and approve, or clear, all types of information collections conducted by an agency, whether mandatory, voluntary, or required to obtain or retain a federal benefit. The PRA's requirements for OIRA to review and approve collections of information apply to nearly all executive branch agencies.⁷⁰ This includes information collections that are called for in rules.⁷¹ At

⁶³ This section was written by Natalie R. Ortiz, Analyst in Government Organization and Management.

⁶⁴ *Burden* means the “time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for (A) reviewing instructions; (B) acquiring, installing, and utilizing technology and systems; (C) adjusting the existing ways to comply with any previously applicable instructions and requirements; (D) searching data sources; (E) completing and reviewing the collection of information; and (F) transmitting, or otherwise disclosing the information” (44 U.S.C. §3502(2)).

⁶⁵ *Collection of information* means “(A) the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either (i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or (ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes” (44 U.S.C. §3502(3)). It does not include the types of information collections described in Title 44, Section 3518(c)(1), of the *U.S. Code*.

⁶⁶ 5 C.F.R. §1320.3(c).

⁶⁷ 5 C.F.R. §1320.3(h).

⁶⁸ For additional information on this topic, see CRS In Focus IF11837, *The Paperwork Reduction Act and Federal Collections of Information: A Brief Overview*, by Maeve P. Carey and Natalie R. Ortiz.

⁶⁹ 44 U.S.C. §3504(c)(1).

⁷⁰ *Agency* is defined for the PRA's purposes at Title 44, Section 3502(1), of the *U.S. Code*. The definition excludes (1) GAO; (2) the Federal Election Commission; (3) the government of the District of Columbia and the governments of U.S. territories and possessions; and (4) government-owned contractor-operated facilities, including national defense laboratories.

⁷¹ 44 U.S.C. §3507(d). OIRA has clearance procedures for information collections contained within proposed rules (5 C.F.R. §1320.11) and for those contained in final rules that are currently in effect (5 C.F.R. §1320.12).

a given time, OIRA can have more than 1,000 information collections in review by its desk officers.⁷²

OIRA considers a number of factors when deciding whether to approve an information collection. By statute, it must determine whether the information has *practical utility* and is necessary for the proper performance of the agency's functions.⁷³ While OIRA can disapprove a proposed information collection or require an agency to make substantive or material changes to the collection, it approves a vast majority of agencies' requests.⁷⁴ Over 10,000 information collections requests can have OIRA's approval at a given time.⁷⁵

Other Responsibilities Related to Collections of Information

In addition to reviewing and approving information collections, OIRA has other responsibilities that are related to federal information collection.⁷⁶ These other responsibilities include (1) developing and overseeing how agencies estimate the *burden* of federal information collections,⁷⁷ (2) maximizing the *practical utility* and public benefit of information collected by or for a federal agency, (3) coordinating information collections related to federal procurement and acquisition with OFPP,⁷⁸ and (4) publicizing resources for small businesses on complying with agencies' information collection requirements.⁷⁹

In addition, OIRA is to report to Congress on an annual basis on agencies' efforts to reduce information collection burdens on the public.⁸⁰ OIRA has usually accomplished this by issuing an "information collection budget."⁸¹

Other Authorities Related to Federal Collections of Information

The PRA gives OIRA certain authorities related to information collections. For example, OIRA can delegate its authority to approve an agency's information collections to a senior official within that agency if certain conditions exist.⁸² For example, OIRA has delegated its review and

⁷² OIRA provides information on its review of agencies' information collections at reginfo.gov.

⁷³ 44 U.S.C. §3508. *Practical utility* is "the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion" (44 U.S.C. §3502(11)).

⁷⁴ When OIRA disapproves or requires changes to an information collection, OIRA is to make such actions and their explanations publicly available (44 U.S.C. §3507(e)).

⁷⁵ OIRA provides certain government-wide totals for information collections on reginfo.gov.

⁷⁶ 44 U.S.C. §3504(c).

⁷⁷ For more information on how *burden* is estimated, see CRS In Focus IF12673, *Burden and the Paperwork Reduction Act: An Overview*, by Natalie R. Ortiz

⁷⁸ Federal forms that have been approved by OIRA for government-wide use in the procurement and acquisition process are referenced throughout the *Federal Acquisition Regulation* (48 C.F.R. §53).

⁷⁹ The requirements relating to small businesses were created by the Small Business Paperwork Relief Act (P.L. 107-198).

⁸⁰ 44 U.S.C. §3514(2)(A).

⁸¹ The "Information Collection Budget of the United States Government" is available at <https://www.bidenwhitehouse.gov/omb/information-regulatory-affairs/reports/#ICB>.

⁸² 44 U.S.C. §3507(i). OIRA must find that the senior official is sufficiently independent of program responsibility to fairly evaluate whether information collections should be approved and has the resources necessary to carry out this delegation of authority. "Senior official" in this context is someone identified by the head of an agency according to Title 44, Section 3506(a). The term *senior official* in Section 3506(a) was replaced by *Chief Information Officer* in Section 5125 of P.L. 104-106 (110 Stat. 684).

approval authority to the Board of Governors of the Federal Reserve System and to the managing director of the Federal Communications Commission.⁸³

OIRA is also permitted to direct an agency to make information collected available to another agency when it is not inconsistent with applicable law.⁸⁴ How often this occurs, however, is unclear. Additionally, OIRA may designate a central collection agency to obtain information for two or more agencies if the information needed by the agencies would be adequately served by a single collection agency and that such sharing of data between the particular agencies is not inconsistent with applicable law.⁸⁵

For example, the Census Bureau sought OIRA's approval for a multiagency attempt at using a nationally representative survey to track public opinion on a variety of topics that are of interest to numerous federal agencies, including the Departments of Defense, Transportation, Labor, and Agriculture, among others.⁸⁶ Similarly, the Commodity Futures Trading Commission (CFTC) said that it would ask OIRA to designate certain agencies that regulate banking as the central collection agencies for implied information collections contained within a certain CFTC rule.⁸⁷ The CFTC said that other federal banking agencies, such as the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation, had sought OIRA's approval of information collections that imposed the same substantive requirements on certain regulated entities, possibly creating duplicative information collections and additional burden on respondents.⁸⁸

Information Policy⁸⁹

OIRA has issued guidance that leverages its statutory authorities to provide direction and oversight of the federal government's information policy activities, including records management, information dissemination, and privacy and security. OMB's Circular A-130, concerning the management of information as a strategic resource, requires agencies to monitor and manage their information for privacy, confidentiality, and security risks but also to increase

⁸³ This delegation of authority can be found at Title 5, Section 1320.16(d), of the *Code of Federal Regulations*. Statute requires that delegation occur by rule using the notice and comment provisions of Chapter 5, Title 5, of the *U.S. Code* (44 U.S.C. §3507(i)(1)). Additional details on these delegations can be found in Appendix A to Section 1320, Title 5, of the *Code of Federal Regulations*.

⁸⁴ 44 U.S.C. §3510(b).

⁸⁵ 44 U.S.C. §3509.

⁸⁶ Census Bureau, "Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Ask U.S. Panel," March 1, 2022, 87 *Federal Register* 11408, <https://www.govinfo.gov/content/pkg/FR-2022-03-01/pdf/2022-04222.pdf>. OIRA approved this information collection (see https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202202-0607-008). For more information on this project, see Census Bureau, "Ask U.S. Panel Pilot," revised February 7, 2023, <https://www.census.gov/programs-surveys/askuspanel.html>.

⁸⁷ Commodity Futures Trading Commission (CFTC), "Prohibitions and Restrictions on Proprietary Trading and Certain Interests in, and Relationships with, Hedge Funds and Private Equity Funds," January 31, 2014, 79 *Federal Register* 6064, <https://www.govinfo.gov/content/pkg/FR-2014-01-31/pdf/2013-31476.pdf#page=239>.

⁸⁸ The CFTC said that it did not propose or finalize an information collection for its rule because the Board of Governors of the Federal Reserve System had indicated in a separate but related proposed rulemaking that it would obtain an OMB control number for an information collection that would account for the burden associated with the information that would be required by it, certain other agencies, and the CFTC, assuming similarities (see Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and Securities and Exchange Commission, "Prohibitions and Restrictions on Proprietary Trading and Certain Interests in, and Relationships with, Hedge Funds and Private Equity Funds," November 7, 2011, 76 *Federal Register* 68936, <https://www.govinfo.gov/content/pkg/FR-2011-11-07/pdf/2011-27184.pdf#page=91>).

⁸⁹ This section was written by Meghan M. Stuessy, Analyst in Government Organization and Management.

interoperability, openness, and transparency throughout the information's *life cycle*. The circular defines *information life cycle* as the stages of creation or collection, processing, dissemination, use, storage, and disposition to include destruction and deletion of the information.⁹⁰ In addition, OMB Circular A-108, concerning federal agency responsibilities under the Privacy Act of 1974, specifically requires agencies to coordinate and consult with OIRA on implementation.⁹¹

Public Access and Open Data

In certain ways, the *information life cycle* concept informs policies surrounding public access to information and providing it in open formats. Because the concept describes the ways in which information develops and transforms over time, the life cycle stage in which the requested information currently resides impacts whether and in what format the requested information may be provided. For example, records management policies originally conceived as applying to paper materials have now evolved to include digital information, and such policies include additional metadata and software requirements where paper materials had no need for those requirements. Resultingly, expectations for agencies to provide additional usable metadata or information compatible with different software may have changed or expanded. These format implications can have different impacts for agency use, sharing, and storage of the information.⁹² 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.⁹³

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. Specifically, M-13-13 tasked the administrator of OIRA, the administrator of OMB's Office of E-Government, and the U.S. Chief Technology Officer (the head of the Office of Science and Technology Policy, or OSTP) to work to improve the interoperability and openness of government information.⁹⁴ As part of this effort, OMB and OSTP created "Project Open Data"—a repository of tools, best practices, and schema to help agencies comply with M-13-13—

⁹⁰ OMB, *Managing Information as a Strategic Resource*, Circular A-130, July 2016, p. 29, https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A130/a130revised.pdf.

⁹¹ OMB, *Federal Agency Responsibilities for Review, Reporting, and Publication Under the Privacy Act*, Circular A-108, December 2016, p. 2, https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A108/omb_circular_a-108.pdf.

⁹² 36 C.F.R. §1236. See also NARA, "Metadata Requirements for Permanent Electronic Records," October 1, 2024, <https://www.archives.gov/records-mgmt/policy/metadata-compiled>.

⁹³ E.O. 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 NARA 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 titled "Digital Government: Building a 21st Century Platform to Better Serve the American People."

⁹⁴ OMB, "Open Data Policy—Managing Information as an Asset," M-13-13, May 9, 2013, p. 6, <https://obamawhitehouse.archives.gov/sites/default/files/omb/memoranda/2013/m-13-13.pdf>. OMB has in recent years referred to the Office of E-Government administrator as the "Federal CIO." See, for example, The White House, Office of the Press Secretary, "Presidential Memorandum—Building a 21st Century Digital Government," press release, May 23, 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/05/23/presidential-memorandum-building-21st-century-digital-government>; and The White House, "Office of the Federal Chief Information Officer," retrieved July 5, 2024, <https://www.whitehouse.gov/omb/management/ofcio/>.

and the 2019 “Federal Data Strategy,” which provides agencies with specific required practices to leverage the value of federal data.⁹⁵

Portions of these administrative directives were subsequently enacted into law in 2019 in the Open, Public, Electronic, and Necessary Government Data Act,⁹⁶ which requires, in part, that each agency make its data open by default—that is, publicly disclose data assets if they would otherwise be made available under FOIA—and ensure that such public data assets are released in machine-readable formats.⁹⁷ Under the act, OMB, via OIRA, is required to issue guidance on how to make data open and available and how agencies are to construct their data inventories.⁹⁸ In January 2025, OMB issued Memorandum M-25-05 containing this guidance, which also rescinded and replaced Memorandum M-13-13.⁹⁹

Federal Privacy Policy

Since the enactment of the Privacy Act of 1974—which governs federal agencies’ access, use, and disclosure of information concerning individuals—policymakers have grappled with how to preserve individual privacy while also leveraging computerized information.¹⁰⁰ This information concerning individuals is sometimes referred to as personally identifiable information. Under the E-Government Act of 2002, the administrator of OMB’s Office of E-Government has been required to work with the OIRA administrator to implement aspects of digital information policy, including requirements under the Privacy Act.¹⁰¹

The E-Government Act of 2002 also requires agencies to conduct privacy impact assessments (PIAs) when they develop or procure IT that collects, maintains, or disseminates information that is in an identifiable form.¹⁰² A PIA includes elements such as what and why the information is being collected, how the information will be secured and shared, and what notice or opportunities for consent are provided to individuals regarding the information collection and sharing.¹⁰³

⁹⁵ “Project Open Data” now directs to resources.data.gov. The Federal Data Strategy was issued as an OMB memorandum. See OMB, “Federal Data Strategy—A Framework for Consistency,” M-19-18, June 4, 2019, <https://trumpwhitehouse.archives.gov/wp-content/uploads/2019/06/M-19-18.pdf>.

⁹⁶ Title II of the Foundations for Evidence-Based Policymaking Act of 2018 (P.L. 115-435; 132 Stat. 5529, at 5534).

⁹⁷ U.S. Congress, House Oversight and Accountability Committee, *Foundations for Evidence-Based Policymaking Act of 2017*, 115th Cong., 1st sess., November 15, 2017, H.Rept. 115-411 (GPO, 2017), pp. 11-12; and 44 U.S.C. §3511(a)(2)(E)).

⁹⁸ See also CRS In Focus IF12299, *The OPEN Government Data Act: A Primer*, by Meghan M. Stuessy.

⁹⁹ OMB, “Phase 2 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Open Government Data Access and Management Guidance” M-25-05, January 15, 2025, p. 2, <https://bidenwhitehouse.archives.gov/wp-content/uploads/2025/01/M-25-05-Phase-2-Implementation-of-the-Foundations-for-Evidence-Based-Policymaking-Act-of-2018-Open-Government-Data-Access-and-Management-Guidance.pdf>. The guidance follows a years-long delay since the Open, Public, Electronic, and Necessary Government Data Act’s enactment. See also GAO, *OMB Priority Recommendations*, GAO-24-107364, August 9, 2024, p. 14, <https://www.gao.gov/assets/gao-24-107364.pdf>. For more information on Memorandum M-25-05, see CRS Insight IN12502, *OMB Releases OPEN Government Data Act Guidance*, by Meghan M. Stuessy.

¹⁰⁰ For more information about the Privacy Act, see CRS Report R47863, *The Privacy Act of 1974: Overview and Issues for Congress*, by Meghan M. Stuessy.

¹⁰¹ 44 U.S.C. §3602(d).

¹⁰² P.L. 107-347, 116 Stat. 2921, 35 U.S.C. §3501 note. For more information on the concept of identifiable form, see “What Is Considered to Be “Identifiable Form?”” in CRS Report R47863, *The Privacy Act of 1974: Overview and Issues for Congress*, by Meghan M. Stuessy.

¹⁰³ See “Privacy Impact Assessments (PIAs)” in CRS Report R47863, *The Privacy Act of 1974: Overview and Issues for Congress*, by Meghan M. Stuessy.

With the expanding agency use of digital information and artificial intelligence, Congress may explore whether OIRA is able to keep pace with issuing guidance and assessing privacy risks for these emerging formats and technologies.¹⁰⁴ In particular, there are new risks to privacy resulting from increased access to information from a variety of governmental and nongovernmental sources.¹⁰⁵ OMB has described these risks as relating to the *mosaic effect*, where seemingly de-identified information could be collected and recombined to reveal individuals' identities.¹⁰⁶

Observers have also questioned what role private entities, such as commercial data brokers, may play in supplementing or comingling with government information and what recourse individuals have in the event of inappropriate use or quality of this third-party information.¹⁰⁷ Furthering this conversation, E.O. 14110, issued in 2023, required in part that the OMB director improve the effectiveness of PIAs in light of these developing technologies.¹⁰⁸ Given the requirement for the OMB director to update the PIA process and the overlap between the Office of E-Government and OIRA with respect to the Privacy Act and PIAs, OMB's organization may further blur the delineation of responsibilities with respect to privacy.¹⁰⁹

Statistical Policy¹¹⁰

The administrator of OIRA is responsible for coordinating the federal statistical system, which includes more than 100 agencies, organizational units, and programs.¹¹¹ Historically, the federal statistical system has included 13 *principal statistical agencies* (PSAs) whose principal missions are related to the collection, compilation, processing, analysis, and dissemination of data for statistical and other purposes. The federal statistical system describes these entities as *recognized statistical agencies or units* (RSAUs), a group of 16 entities whose principal mission is to produce statistics. According to OMB, there are also more than 100 other statistical programs “that produce and disseminate statistics in support of other mission areas and conduct a variety of evidence-building functions, including program evaluation, scientific research, data collection,

¹⁰⁴ See also CRS Insight IN12308, *The AI Executive Order and Considerations for Federal Privacy Policy*, by Meghan M. Stuessy.

¹⁰⁵ See, for example, the discussion of commingled data in OMB, “Establishment of Standard Application Process Requirements on Recognized Statistical Agencies and Units,” M-23-04, p. 5, <https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-04.pdf>.

¹⁰⁶ OMB, “Open Data Policy-Managing Information as an Asset,” M-13-13, p. 4.

¹⁰⁷ Robert Gellman and Pam Dixon, “Data Brokers and the Federal Government: A New Front in the Battle for Privacy Opens,” World Privacy Forum, October 30, 2013, pp. 4-5, https://www.worldprivacyforum.org/wp-content/uploads/2013/10/WPF_DataBrokersPart3_fs.pdf. E.O. 14110 defines the term *commercially available information* as “any information or data about an individual or group of individuals, including an individual’s or group of individuals’ device or location, that is made available or obtainable and sold, leased, or licensed to the general public or to governmental or non-governmental entities.”

¹⁰⁸ E.O. 14110, “Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence,” 88 *Federal Register* 75191, November 1, 2023. OMB issued guidance related to E.O. 14110 in March 2024 at OMB, “Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence,” M-24-10, <https://www.whitehouse.gov/wp-content/uploads/2024/03/M-24-10-Advancing-Governance-Innovation-and-Risk-Management-for-Agency-Use-of-Artificial-Intelligence.pdf>. This guidance discusses “AI impact assessments” and does not discuss PIAs. Pursuant to the E.O.’s requirements, OMB issued a public request for information on PIAs in the *Federal Register*. The notice may be located at OMB, “Request for Information: Privacy Impact Assessments,” 89 *Federal Register* 5945, January 30, 2024.

¹⁰⁹ See also “CIO Institutional Relationships” in CRS Report R48147, *Chief Information Officers (CIOs): Agency Roles and Responsibilities*, by Meghan M. Stuessy and Dominick A. Fiorentino.

¹¹⁰ This section was written by Taylor R. Knoedl, Analyst in American National Government.

¹¹¹ 44 U.S.C. §3504(e) and OMB, *Statistical Programs of the United States Government: Fiscal Year 2021/2022*, p. 4, <https://www.bidenwhitehouse.gov/wp-content/uploads/2024/02/statistical-programs-20212022.pdf>.

policy and program analysis, and the provision of funding and other support for external research.”¹¹²

RSAUs often operate independently from one another, where they may have their own budgets and conduct separate statistical activities. Though they are decentralized, the Chief Statistician is nonetheless responsible for issuing statistical policy directives that all RSAUs must adhere to and organizing advisory committees and councils centered on the government-wide performance of the federal statistical system, as discussed below.

Chief Statistician

The OIRA administrator, via authority delegated by the OMB director, is responsible for appointing the Chief Statistician.¹¹³ The position was created by the PRA of 1995 and heads OIRA’s Statistical and Science Policy Office.¹¹⁴ The Chief Statistician has the broad responsibility of providing coordination, guidance, and oversight of the federal statistical agencies and their activities.¹¹⁵ The Chief Statistician also appoints the chair of the Federal Committee on Statistical Methodology (FCSM)¹¹⁶ and chairs the Interagency Council on Statistical Policy (ICSP).¹¹⁷

Federal Committee on Statistical Methodology

The FCSM serves as an advisory board for OMB and the federal statistical system with the stated purpose of informing statistical-policy-related decisionmaking and providing technical guidance on statistical and methodological issues. It was originally established in 1975 by OMB’s Office of Statistical Policy and later moved to OIRA’s statistical and science policy branch. The FCSM is chaired by an appointee of the Chief Statistician, with other members selected by OMB.¹¹⁸

The FCSM conducts other activities, including sponsoring regular conferences in partnership with the Council on Professional Associations on Federal Statistics,¹¹⁹ hosting seminars and workshops that are often in collaboration with partner organizations, writing reports relating to the federal statistical system and the federal statistical community, and creating various subcommittees and interest groups¹²⁰ that focus on topics considered relevant to the federal statistical community.¹²¹

Interagency Council on Statistical Policy

The ICSP was introduced administratively in 1989 with the original goal of improving communication among heads of the PSAs.¹²² Congress enacted ICSP into law in 1995.¹²³ The role of the ICSP has since expanded to include advising and assisting the Chief Statistician. It consists

¹¹² OMB, *Statistical Programs of the United States Government*, p. 5.

¹¹³ 44 U.S.C. §§3503(b) and 3504(e)(7).

¹¹⁴ P.L. 104-13, 109 Stat. 168.

¹¹⁵ 44 U.S.C. §3504(e)(7).

¹¹⁶ Federal Committee on Statistical Methodology (FCSM), “Office of Management and Budget Charter of the Federal Committee on Statistical Methodology,” <https://www.fcsm.gov/about/charter/>.

¹¹⁷ 44 U.S.C. §3504(e)(8)(A).

¹¹⁸ FCSM, “About FCSM,” <https://www.fcsm.gov/about/>.

¹¹⁹ Council on Professional Associations of Federal Statistics, “About,” <https://copafs.org/about/>.

¹²⁰ FCSM, “Groups Overview,” <https://www.fcsm.gov/groups/>.

¹²¹ FCSM, “About FCSM.”

¹²² StatsPolicy.gov, “About Us,” <https://www.statspolicy.gov/about/>.

¹²³ P.L. 104-13, 109 Stat. 168.

of 27 statistical officials across executive agencies, including 11 heads of PSAs and the Chief Statistician,¹²⁴ who serves as chair, as authorized by the PRA of 1995¹²⁵ and the Foundations for Evidence-Based Policymaking Act.¹²⁶

Statistical Policy Directives

OMB expects federal statistical agencies to follow minimum requirements as identified by its Statistical Policy Directives (SPDs) when the agencies conduct statistical activities.¹²⁷ Generally authorized under Title 44, Section 3504(e), of the *U.S. Code*, SPDs are issued as needed to ensure quality and coordination of federal statistical activities.¹²⁸ According to OMB, the statistical and science policy office within OIRA periodically reviews and revises SPDs to maintain their relevance and utility.¹²⁹

The fundamental responsibilities of RSAUs are established in OMB's SPD No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Units,¹³⁰ which require RSAUs to:

- produce and disseminate relevant and timely information,
- conduct credible and accurate statistical activities,
- conduct objective statistical activities, and
- protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their responses.

These fundamental responsibilities are also established in the *U.S. Code* through the 2018 reauthorization of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA).¹³¹ In 2024, OMB sought to further solidify these fundamental responsibilities while addressing concerns of declining public trust in federal statistics through the Fundamental Responsibilities of Recognized Statistical Agencies and Units rule, also known as the "Trust Regulation."¹³²

"Trust Regulation"

Declining trust in federal statistics is a long-standing concern that was previously addressed in the reauthorization of CIPSEA, where Congress found

¹²⁴ StatsPolicy.gov, "About Us."

¹²⁵ 44 U.S.C. §3504(e)(8), P.L. 104-13, 109 Stat. 168.

¹²⁶ P.L. 115-435; StatsPolicy.gov, "About Us."

¹²⁷ OMB, "Fundamental Responsibilities of Recognized Statistical Agencies and Units," 88 *Federal Register* 56708, August, 18, 2023, p. 56712, <https://www.govinfo.gov/content/pkg/FR-2023-08-18/pdf/2023-17664.pdf#page=5>.

¹²⁸ OMB "Statistical Programs and Standards," <https://www.bidenwhitehouse.gov/omb/information-regulatory-affairs/statistical-programs-standards/>.

¹²⁹ OMB, *Statistical Programs of the United States Government*, p. 48.

¹³⁰ OMB, "Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units," 79 *Federal Register* 71610, December 2, 2014, <https://www.govinfo.gov/content/pkg/FR-2014-12-02/pdf/2014-28326.pdf>.

¹³¹ 44 U.S.C. §3563.

¹³² OMB, "Fundamental Responsibilities of Recognized Statistical Agencies and Units," 88 *Federal Register* 159, October 11, 2024, <https://www.govinfo.gov/content/pkg/FR-2024-10-11/pdf/2024-23536.pdf>.

[d]eclining trust of the public in the protection of information provided under a pledge of confidentiality to the agencies adversely affects both the accuracy and completeness of statistical analyses.¹³³

The Trust Regulation provides formal guidance for RSAUs and their parent agencies to carry out their fundamental responsibilities, aiming to improve public trust in federal statistics. Provisions of the Trust Regulation mean to establish greater autonomy from the RSAUs with the support of their parent agencies. Requirements of the Trust Regulation include consistent branding and websites across RSAUs, budget requests specific to RSAUs, decisionmaking authority for RSAUs in their statistical activities, ensuring equitable data access to users, and certain confidentiality protections, among others.¹³⁴

The original proposal for the Trust Regulation was published on August 18, 2023, with a public comment period that lasted until October 2, 2023.¹³⁵ The final guidance took effect on December 10, 2024.¹³⁶

Issues for Congress

Congress may consider whether OIRA's current priorities, staffing levels, and organization align with congressional expectations, especially as new questions concerning digital information and artificial intelligence emerge.

For example, OIRA operates under both statutory directives and executive orders, which do not provide clarity on how to prioritize review of information collections, information policy, statistical policy, and review of regulations. OIRA has described itself as a central authority for the review of proposed and final executive branch regulations, bringing into question whether OIRA views its other seven categories of statutory responsibilities as being of the same priority level as its rulemaking authorities.¹³⁷

With regard to OIRA's organization and staffing levels, Congress may inquire whether OIRA's internal organization and allocation of resources are consistent with congressional priorities or whether the current workload requires the current distribution. Congress could also provide additional clarity on which responsibilities should take precedence over others and consider whether this ordering should change over time.

Relatedly, certain statutory responsibilities require OIRA to cooperate with other offices within OMB, the EOP, and other executive branch agencies. In other instances, OIRA's responsibilities might partially overlap with the responsibilities of another agency, as is the case with OMB's Office of E-Government.¹³⁸ Congress may investigate whether OIRA sufficiently collaborates with other entities for its responsibilities regarding IRM, information collection, records

¹³³ H.Rept. 107-778, p. 3.

¹³⁴ OMB "Fundamental Responsibilities of Recognized Statistical Agencies and Units," 88 *Federal Register* 159, October 11, 2024.

¹³⁵ OMB, "Fundamental Responsibilities of Recognized Statistical Agencies and Units," 88 *Federal Register* 56708, August 18, 2023, <https://www.govinfo.gov/content/pkg/FR-2023-08-18/pdf/2023-17664.pdf>.

¹³⁶ OMB, "Fundamental Responsibilities of Recognized Statistical Agencies and Units," 88 *Federal Register* 159, October 11, 2024.

¹³⁷ The White House, "Information and Regulatory Affairs," <https://bidenwhitehouse.archives.gov/omb/information-regulatory-affairs/>.

¹³⁸ OMB has in recent years referred to the Office of E-Government as the "Office of the Federal CIO." See, for example, The White House, "Building a 21st Century Digital Government"; and The White House, "Office of the Federal Chief Information Officer," retrieved July 5, 2024, <https://www.bidenwhitehouse.gov/omb/management/ofcio/>.

management, regulatory review, and federal IT. Congress may also prescribe additional collaboration with other entities that have expertise in information dissemination, statistical policy, and privacy and security, as necessary, or Congress may reduce existing collaboration requirements in an attempt to clarify OIRA's primacy in certain areas.

Congress may also consider whether OIRA's current staffing levels are sufficient for carrying out its statutory and administrative responsibilities. When OIRA was created in FY1981, the office was staffed by 90 FTEs, which is the highest staffing level in OIRA's history. OIRA's staffing levels gradually declined to an all-time low of 43 FTEs in FY2015, though some fiscal years show small upticks in OIRA's FTE count. Since FY2015, OIRA's staffing level gradually increased to 55 FTEs in FY2023—approximately 61% of OIRA's original FY1981 staffing level. For more detailed information, see **Appendix**.

These staffing fluctuations, in combination with OIRA's changing responsibilities, have raised questions regarding the office's capacity to carry out its duties. OIRA's budget and staffing levels are allocated from OMB's totals. At various times in its history, some Members of Congress have attempted to reduce funding for OIRA in order to signal congressional displeasure with the office's actions.¹³⁹ Other observers, however, believe that OIRA's funding should be increased, arguing that a relatively small number of additional resources for OIRA could yield substantial benefits.¹⁴⁰

In addition, Congress may consider the impact that the recent inclusion of independent regulatory agencies for purposes of OIRA regulatory review may have on the timing, volume, and content of regulations pursued by those agencies, as well as what impact this change may have on OIRA's workload and resources.

¹³⁹ For example, in OMB's appropriation for 2002, Congress stipulated that nearly \$1.6 million should not be obligated until OMB submitted a report assessing the total costs and benefits of implementing E.O. 13166. Also, in the conference report for OMB's FY2004 appropriation (under the heading "Office of Information and Regulatory Affairs"), the conferees directed that \$1 million "be withheld from obligation until resolution of existing programmatic concerns by House conferees are addressed and the House and Senate Committee on Appropriations approve of such obligations." OIRA was also briefly defunded in 1986, in part because certain Members of Congress wanted OIRA to spend more time on procurement and information technology issues, among other areas. See Gramm, "Regulatory Review Issues," p. 29.

¹⁴⁰ See, for example, Robert W. Hahn and Robert E. Litan, "Why Congress Should Increase Funding for OMB Review of Regulations," AEI-Brookings Joint Center for Regulatory Studies, October 2003.

Appendix. OIRA Nominations, Staffing, and Budget

Table A-1. Nominations to the Position of OIRA Administrator

Timing of Senate Consideration

Administrator	Date Nomination Received in Senate	Hearings	Date Ordered Reported	Date of Senate Confirmation
Richard L. Revesz	09/12/2022	09/29/2022 (scheduled)	11/16/2022	12/21/2022
Paul J. Ray	10/15/2019	12/04/2019	12/17/2019	01/09/2020
Neomi Rao	05/18/2017	06/07/2017	06/21/2017	07/10/2017
Howard A. Shelanski	04/25/2013	06/12/2013	06/24/2013	06/27/2013
Cass R. Sunstein	04/20/2009	05/12/2009	05/20/2009	09/10/2009
Susan Dudley (recess appointed)	08/01/2006	11/13/2006	—	04/04/2007 (date of recess appointment; nomination was not confirmed by the Senate)
John D. Graham	03/28/2001	05/17/2001	05/23/2001	07/19/2001
John T. Spotila	01/07/1999	04/29/1999	05/20/1999	07/01/1999
Sally Katzen	04/21/1993	05/19/1993	05/26/1993	05/28/1993
S. Jay Plager	04/19/1988	06/14/1988	06/27/1988	07/12/1988

Source: Congress.gov nominations database. Kathleen E. Marchsteiner, Senior Research Librarian, contributed to this table.

Note: This table does not include acting administrators who served on an interim basis.

Table A-2. OIRA and OMB Staffing

Full-Time Equivalent Positions (FTEs) by Fiscal Year

Fiscal Year	OIRA FTE Positions	OMB S&E Account FTE Positions
FY2025 (estimated)	58	510
FY2024 (estimated)	58	510
FY2023	55	472
FY2022	50	448
FY2021	54	469
FY2020	52	482
FY2019	49	466
FY2018	46	460
FY2017	46	467

Fiscal Year	OIRA FTE Positions	OMB S&E Account FTE Positions
FY2016	48	487
FY2015	43	457
FY2014	45	435
FY2013	44	466
FY2012	46	506
FY2011	46	506
FY2010	50	527
FY2009	46	497
FY2008	46	475
FY2007	46	475
FY2006	50	466
FY2005	54	484
FY2004	56	497
FY2003	55	491
FY2002	55	512
FY2001	49	502
FY2000	52	516
FY1999	47	504
FY1998	46	504
FY1997	48	513
FY1996	51	522
FY1995	62	533
FY1994	53	532
FY1993	57	561
FY1992	60	553
FY1991	61	540
FY1990	58	507
FY1989	60	524
FY1988	76	570
FY1987	78	580
FY1986	79	594
FY1985	75	594
FY1984	80	604
FY1983	80	604
FY1982	84	604
FY1981	90	610

Source: Executive Office of the President, congressional budget justifications (CBJs), FY1982-FY2025, March 1981 through February 2025. Carol Wilson, Senior Research Librarian, contributed to this table.

Notes: Full-time equivalent positions (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 would also constitute one FTE. The FTE totals correspond to direct FTEs and not reimbursable FTEs. Before FY1991, the CBJs presented the personnel counts for OIRA and OMB as “allocations” in a table of “Distribution of Permanent Positions” rather than FTEs.

Table A-3. OIRA and Total OMB Salaries and Expenses (S&E) Account Obligations
In Millions of Dollars

Fiscal Year	OIRA Obligations	Total OMB S&E Account Obligations
FY2025 (estimated)	16	144
FY2024 (estimated)	15	137
FY2023	15	132
FY2022	13	120
FY2021	12	108
FY2020	11	102
FY2019	12	106
FY2018	11	102
FY2017	10	96
FY2016	10	96
FY2015	9	93
FY2014	9	90
FY2013	8	85
FY2012	8	89
FY2011	8	92
FY2010	8	93
FY2009	8	88
FY2008	8	79
FY2007	7	77
FY2006	8	77
FY2005	7	68
FY2004	8	67
FY2003	7	62
FY2002	7	71
FY2001	—	—
FY2000	6	63
FY1999	5	61
FY1998	5	57
FY1997	5	56

Fiscal Year	OIRA Obligations	Total OMB S&E Account Obligations
FY1996	5	56
FY1995	7	58
FY1994	6	57
FY1993	5.8	56
FY1992	5.5	52
FY1991	5.2	48
FY1990	4.9	44
FY1989	4.5	40
FY1988	4.9	39
FY1987	5	37
FY1986	4.9	36
FY1985	5.4	39
FY1984	5	37
FY1983	4.6	34
FY1982	4.5	33
FY1981	4	33

Source: OMB, *Budget of the U.S. Government, Appendix*, FY1995-FY2025 and FY1981-FY1990; *Budget of the U.S. Government, Budget Volume*, FY1991-FY1994. Carol Wilson, Senior Research Librarian, contributed to this table.

Notes: Obligations are rounded to the nearest million. The budget appendices for FY1991-FY1994 were not published in a separate *Appendix* volume. Instead, they were included in the main budget volumes. CRS was unable to locate the relevant obligation information for FY2001.

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