

Agencies shall cooperate with the Council and provide such assistance, information, and advice to the Council as the Council may request, to the extent permitted by law.

4. *Independent Agencies.*

Independent agencies are requested to comply with this memorandum.

5. *Revocation and Judicial Review.*

(a) the memorandum of October 1, 1993, entitled “Implementing Management Reform in the Executive Branch” is revoked.

(b) this memorandum is for the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

6. *Publication.*

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

GOVERNMENT REFORM FOR COMPETITIVENESS AND INNOVATION

Memorandum of President of the United States, Mar. 11, 2011, 76 F.R. 14273, provided:

Memorandum for the Heads of Executive Departments and Agencies

As I outlined in my State of the Union address to the Congress on January 25, 2011, winning the future in the global economy will require reducing our deficit while investing in areas critical to long-term economic growth and competitiveness such as education, innovation, and infrastructure. By out-educating, out-innovating, and out-building our competitors, we will enable our Nation to grow, create jobs, and thrive in the years ahead.

At the same time, we cannot win the future with a government built for the past. We live and do business in the information age, but the organization of the Federal Government has not kept pace. Government agencies have grown without overall strategic planning and duplicative programs have sprung up, making it harder for each to reach its goals. Already, my Administration has taken on this waste and duplication. My current budget proposes more than 200 terminations, reductions, and savings in agency programs totaling approximately \$30 billion in fiscal year 2012. And in areas as varied as surface transportation to job training, public health, and education, I have proposed to consolidate scores of programs into more focused, effective, and streamlined initiatives.

But we must go further. Winning the future will take a government that judiciously allocates scarce government resources to maximize its efficiency and effectiveness so that it can best support American competitiveness and innovation. Now is the time to act to consolidate and reorganize the executive branch of the Federal Government in a way that best serves this goal.

By this memorandum, I assign our Nation’s first Chief Performance Officer, who also serves as the Deputy Director for Management of the Office of Management and Budget (the “Chief Performance Officer”), the responsibility of leading the effort to create a plan for the restructuring and streamlining of the executive branch of the Federal Government. The first focus of this effort shall be on the executive departments and agencies and the functions that support one of our most important priorities—increasing trade, exports, and our overall competitiveness (“trade and competitiveness”).

Accordingly, I direct the following:

(1) The Chief Performance Officer shall establish a Government Reform for Competitiveness and Innovation Initiative, led by an Executive Director, to conduct a comprehensive review of the Federal agencies and programs involved in trade and competitiveness,

including analyzing their scope and effectiveness, areas of overlap and duplication, unmet needs, and possible cost savings.

(2) As part of this review, the Chief Performance Officer and Executive Director shall confer broadly with the heads and staff of executive departments and agencies, including the offices and agencies within the Executive Office of the President (collectively, the “agencies”). They should also consult broadly with external stakeholders, including Members of Congress, business leaders, unions, nongovernmental organizations, and government reform experts, to hear their individual and independent perspectives on what we are doing well and where we could improve our effectiveness and efficiency.

(3) Within 90 days from the date of this memorandum, the Chief Performance Officer shall submit recommendations to me for presidential and, ultimately, congressional action to restructure and streamline Federal Government programs focused on trade and competitiveness, based on the following principles:

(a) the functions of the executive branch of the Federal Government involved in trade and competitiveness should be organized so that the Federal Government can most efficiently and effectively facilitate the competitiveness of American businesses, large and small, and American workers in the changing global economy;

(b) the responsibilities, authorities, programs, and requirements of agencies should be transparent, understandable, and easily accessible to the American public; and

(c) agencies and programs should be organized to reduce inefficiencies and overlapping responsibilities or functions, maximize return on taxpayer dollars, and best serve the American public.

(4) Agencies shall provide, consistent with law, information and assistance requested by the Chief Performance Officer and Executive Director to inform their work as directed by this memorandum.

(5) Agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

(6) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(7) The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 502. Officers

(a) The head of the Office of Management and Budget is the Director of the Office of Management and Budget. The Director is appointed by the President, by and with the advice and consent of the Senate. Under the direction of the President, the Director shall administer the Office.

(b) The Office has a Deputy Director of the Office of Management and Budget, appointed by the President, by and with the advice and consent of the Senate. The Deputy Director—

(1) shall carry out the duties and powers prescribed by the Director; and

(2) acts as the Director when the Director is absent or unable to serve or when the office of Director is vacant.

(c) The Office has a Deputy Director for Management appointed by the President, by and with the advice and consent of the Senate. The Deputy Director for Management shall be the chief official responsible for financial management in the United States Government.

(d) The Office has 3 Assistant Directors who shall carry out the duties and powers prescribed by the Director.

(e) The Office may have not more than 6 additional officers, each of whom is appointed in the competitive service by the Director, with the approval of the President. Each additional officer shall carry out the duties and powers prescribed by the Director. The Director shall specify the title of each additional officer.

(f) When the Director and Deputy Director are absent or unable to serve or when the offices of Director and Deputy Director are vacant, the President may designate an officer of the Office to act as Director.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 886; Pub. L. 101-576, title II, §201, Nov. 15, 1990, 104 Stat. 2839.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)  | Source (Statutes at Large)  |
|-----------------|---|---|
| 502(a) .....    | 31:16(2d sentence related to Director).                     | June 10, 1921, ch. 18, §207(2d, 3d sentences), 42 Stat. 22; Reorg. Plan No. 1 of 1939, eff. July 1, 1939, §1, 53 Stat. 1423; July 31, 1953, ch. 302, §101(1st proviso in par. under heading "Bureau of the Budget"), 67 Stat. 299; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), (b), (d), (e), (f)(less words between parentheses), 84 Stat. 2085; Mar. 2, 1974, Pub. L. 93-250, §1, 88 Stat. 11. |
| 502(b) .....    | 31:16(2d sentence related to Deputy Director, 3d sentence). |   |
| 502(c) .....    | 31:16a.   | Reorg. Plan No. 1 of 1939, eff. July 1, 1939, §1, 53 Stat. 1423; July 31, 1953, ch. 302, §101(last proviso in par. under heading "Bureau of the Budget"), 67 Stat. 299; Sept. 6, 1966, Pub. L. 89-554, §8(a), 80 Stat. 657; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(b), (e), 84 Stat. 2085.  |
|                 | 31:16c.   | Reorg. Plan No. 1 of 1939, eff. July 1, 1939, §1, 53 Stat. 1423; Aug. 1, 1956, ch. 838, 70 Stat. 887; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(b), (e), 84 Stat. 2085.  |
| 502(d), (e)     | 31:16(note).  | Reorg. Plan No. 1 of 1939, eff. July 1, 1939, §1, 53 Stat. 1423; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(c)(words before last comma), (e), (f)(words between parentheses), 84 Stat. 2085.  |

In subsections (a) and (b), the words related to salaries in section 207 of the Budget and Accounting Act, 1921 (ch. 18, 42 Stat. 22), are omitted as covered by 5:5313(11) and 5314(34).

In subsection (a), the text of section 102(d)(1st sentence) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) is omitted as covered by 3:301 and for consistency in the revised title and with other titles of the United States Code. The word "administer" is substituted for "supervise and direct the administration of" in section 102(d) of the Reorganization Plan to eliminate unnecessary words.

In subsections (b) and (c), the words "designated by this reorganization plan" in section 102(e) of Reorganization Plan No. 2 of 1970 are omitted as executed. The words "carry out the duties and powers prescribed by" are substituted for "perform such functions as" for consistency in the revised title and with other titles of the Code. The words "may from time to time direct" are omitted as unnecessary.

In subsection (c), the words "the duties and powers prescribed by" in section 102(e)(related to Assistant Directors) of Reorganization Plan No. 2 of 1970 are substituted for "such functions as" for consistency. The words "may from time to time direct" are omitted as unnecessary. The words related to compensation in 31:16c are omitted as covered by 5:5315(37).

In subsection (d), the words "as determined from time to time by the Director of the Office of Management and Budget (hereinafter referred to as the Director)" in section 102(c)(1st sentence) of Reorganization Plan No. 2 of 1970 are omitted as unnecessary. The words "in the competitive" are substituted for "under the classified civil" in section 102(c)(2d sentence) of the Reorganization Plan to conform to 5:2102. The words "The Director shall specify the title of each additional officer" are substituted for "shall have such title as the Director shall from time to time determine" to eliminate unnecessary words. The words "provided for in subsection (c) of this section" in section 102(e)(related to officers) of the Reorganization Plan are omitted because of the restatement. The words "carry out the duties and powers prescribed by" are substituted for "perform such functions as" for consistency in the revised title and with other titles of the Code. The words "may from time to time direct" are omitted as unnecessary.

In subsection (e), the words "When the Director and Deputy Director are absent or unable to serve or when the offices of Director and Deputy Director are vacant" are substituted for "or during the absence or disability of the Deputy Director or in the event of a vacancy in the office of Deputy Director" and "during the absence or disability of the Director or in the event of a vacancy in the office of Director" in section 102(f)(words between parentheses) of Reorganization Plan No. 2 of 1970 for clarity and consistency with other titles of the Code. The words "an officer" are substituted for "such other officials" for clarity and consistency in the chapter. The words "in such order as" are omitted as unnecessary. The words "from time to time" are eliminated as unnecessary.

AMENDMENTS

1990—Subsecs. (c) to (f). Pub. L. 101-576 added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively.

§ 503. Functions of Deputy Director for Management

(a) Subject to the direction and approval of the Director, the Deputy Director for Management shall establish governmentwide financial management policies for executive agencies and shall perform the following financial management functions:

(1) Perform all functions of the Director, including all functions delegated by the President to the Director, relating to financial management.

(2) Provide overall direction and leadership to the executive branch on financial management matters by establishing financial management policies and requirements, and by monitoring the establishment and operation of Federal Government financial management systems.

(3) Review agency budget requests for financial management systems and operations, and advise the Director on the resources required to develop and effectively operate and maintain Federal Government financial management systems and to correct major deficiencies in such systems.

(4) Review and, where appropriate, recommend to the Director changes to the budget and legislative proposals of agencies to ensure