



October 13, 2023

Honorable Rand Paul
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

Re: CBO's Operations in the Event of a Shutdown

Dear Senator:

In a letter dated September 29, 2023, you asked for information about the Congressional Budget Office's operations in the event of a shutdown on October 1. CBO's chief responsibility under the Congressional Budget Act of 1974 is to help the House and Senate Budget Committees with the matters under their jurisdiction. Accordingly, CBO consulted those committees for guidance on how the agency should operate should there be a lapse in appropriations. The information provided in response to your requests below reflect that guidance.

1. The total number of employees as of the date of this letter, broken down by component, office, and/or sub-agency.

As of September 29, 2023, CBO had 269 employees. For a breakdown of the data you requested, see Table 1 on page 5.

2. The total number of employees designated as "exempt" and will continue to perform their job duties, broken down by component, office, and/or sub-agency.

Employees who are funded outside of the annual appropriations process are considered exempt, and none of CBO's employees are funded in that manner.

- 3. The total number of employees designated as “excepted” and will continue to perform their job duties, broken down by component, office, and/or sub-agency.**

Because of CBO’s role in supporting the Congress in its constitutional function, the agency had been instructed by the Budget Committees that if appropriated funds lapse and normal operations of the federal government were suspended, all of CBO’s 269 employees would have been considered “excepted employees” and continued working through at least October 10.

- 4. The total number of employees designated as “non-exempt” and will be furloughed, broken down by component, office, and/or sub-agency.**

At least through October 10, none of CBO’s employees would have been considered “non-exempt.”

- 5. The total number of employees designated as Presidential appointees not subject to furlough, broken down by component, office, and/or sub-agency.**

CBO does not have any Presidential appointees.

- 6. A comprehensive list of all Congressional Budget Office’s activities and/or functions considered to be “exempt” or “excepted” and are authorized to continue during the lapse of appropriations, broken down by component, office, and/or sub-agency and specific program.**

At least through October 10, a shutdown would have had little effect on CBO’s activities. The agency’s divisions would have continued to provide the same services to the Congress as they would have during normal operations. For example, the Budget Analysis Division would have continued to provide cost estimates for legislation, and CBO’s program divisions would have continued to provide analysis for congressional committees and in support of the agency’s work on cost estimates. Additionally, CBO’s administrative and support staff (such as those in human resources and information technology) would have continued performing their roles so that the agency could accomplish its mission.

- 7. A comprehensive list of all Congressional Budget Office’s “non-exempt” activities/functions that will not be carried out during the lapse of appropriations, broken down by component, office, and/or sub-agency and specific program.**

During a lapse in appropriations, CBO would have canceled training and travel, and continued to discuss the extent of our operations with the Budget Committees.

- 8. A copy of the Congressional Budget Office’s lapse in appropriations policy and/or guidance.**

Below is the text of the guidance that CBO provided to the House and Senate Appropriations Committees:

For CBO, every shutdown is different, and we tailor our plans to the needs of the Congress.

Since the Budget Committees are our authorizing committees, we consult them first for how we should operate during a shutdown.

In the case of this potential shutdown, initially it would have little effect on CBO’s activities. We have been instructed by the Budget Committees that because of the press of work related to legislation, all CBO employees are needed—and thus are “excepted employees”—until we are told otherwise and at least through Tuesday, October 10. We will keep talking with them and let you know of any changes.

Should the Budget Committees conclude that, after Oct. 10, we are no longer excepted employees, we would then check with other committees given that we serve the entire Congress.

If after those consultations it is concluded that CBO employees are no longer “excepted,” then we would begin an orderly shutdown process. In the past, parts of CBO have remained excepted, such as Scorekeeping, while others shut down. During the 2013 shutdown, some parts of CBO were reactivated later in the shutdown as new Congressional needs arose.

Honorable Rand Paul

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Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip L. Swagel", with a long, sweeping flourish extending to the right.

Phillip L. Swagel
Director

cc: Honorable Gary Peters
Chairman
Senate Committee on Homeland Security and
Governmental Affairs

Honorable Sheldon Whitehouse
Chairman
Senate Committee on the Budget

Honorable Chuck Grassley
Ranking Member
Senate Committee on the Budget

Honorable Jack Reed
Chairman
Subcommittee on the Legislative Branch
Senate Committee on Appropriations

Honorable Deb Fischer
Ranking Member
Subcommittee on the Legislative Branch
Senate Committee on Appropriations

Table 1.

Number of Employees at CBO, as of September 29, 2023

Organizational unit	Employees
Office of the Director ^a	19
Budget Analysis	87
Financial Analysis	8
Health Analysis	31
Labor, Income Security, and Long-Term Analysis	19
Macroeconomic Analysis	16
Management, Business, and Information Systems	43
Microeconomic Studies	14
National Security	12
Tax Analysis	20
Total	269

a. Includes the Office of Communications and the Office of the General Counsel.
