

SECTION 51—BASIC JUSTIFICATION MATERIALS

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Summary of Changes

Removes requirement for a separate submission of an Agency Reform Plan (section [51.1](#)).

Specifies that the draft Agency IT Investment Portfolio Summary submission is optional, and only necessary where the agency has added a new major IT investment or upgraded an existing IT investment to major (section [51.3](#)).

Includes guidance that agencies' Evidence Submissions include 1) priority proposals to conduct program evaluations that are identified on their respective Learning Agendas and/or Annual Evaluation Plans and 2) priority proposals that will further develop agencies' capacity to facilitate building and using evidence and the data collection infrastructure needed for such activities, pursuant to the Foundations for Evidence-Based Policymaking Act (Evidence Act) (section [51.9](#)).

Reflects the most recent "Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships" (section [51.17](#)).

51.1 General requirements

Your initial budget submission to OMB (due in September) should begin with a summary statement from the head of your agency and include:

- The broad policies and strategies proposed and the total amounts of discretionary and mandatory budgetary resources requested;
- The relationship of the policies, strategies, and resources requested to the planning guidance for budgetary resources provided by OMB;
- Significant proposed differences, if any, from current Administration policies;
- A thorough discussion of the evidence, both positive and negative, for major proposed policies. This evidence includes evaluation results, program performance indicators and performance goals, and other relevant data analytics and research studies;
- Any significant proposals for changes in the current year budget and the relationship of such changes to the budget year and outyear requests;
- Any significant proposals or changes in spending patterns for the 5- to 10-year period beyond the budget year and their relationship to outyear planning guidance and the policies proposed for the current and budget year;
- A separate submission that proposes and justifies (if your agency so determines) the need for additional funding for individual programs in excess of the budget year guidance levels to meet the President's priorities. This separate submission should also identify potential discretionary offsets in lower priority programs within your agency's budget; and
- Significant changes in full-time equivalent (FTE) employment. Provide justification for changes in relationship to projected workload, strategic planning initiatives, and reengineering efforts.

Other sections in this Circular that address budget justification materials include sections [25](#) through [54](#), and sections [200-290](#). Budget submissions to OMB should be in the form of a performance plan to the greatest extent possible. Section [230](#), [240](#) and [210](#) provide detailed instruction on developing and submitting an updated agency strategic plan and performance plan as required by GPRA Modernization Act of 2010.

51.2 Requirements for program justification

You must provide a written justification when you submit your budget. You should determine specific informational requirements and timing of submissions in consultation with your OMB representative.

Where possible, you should include the full cost of a program, and you should align budget accounts and program activity lines with programs or the components of the programs that contribute to a single strategic objective.

Your request should be consistent with the funding levels included in policy guidance. If the request is not consistent with policy guidance, you must provide a summary of what your budget request would be at the policy guidance levels and the reasons why a budget request consistent with the guidance is not appropriate. In addition, you may be asked by your OMB representative to identify and discuss the implications of other funding levels.

Prepare your justification in concise, specific terms and cover all programs and activities of your agency. Use tables, charts, and graphs in lieu of or to supplement text. Prepare materials in a manner designed to

provide all of the information that you and OMB have agreed is necessary for OMB to understand and evaluate your agency's request and make its determinations.

Where programs are jointly administrated by or impact multiple agencies, information on shared program budgets should be coordinated through OMB.

Your request should include any new appropriations language provisions or changes to complex appropriations language, including general provisions. Any change to appropriations language with a budgetary impact, including changes to general provisions, requires OMB approval. See section [95](#) for additional information on appropriations language.

At the discretion of OMB, you should include the following information for legislative proposals:

- Your estimates of the costs of implementing or administering proposed legislation.
- The assumptions underlying your estimates, including new work years, program outputs, and costs of inputs such as materials, contract costs or personnel costs. You should also include a discussion of alternative implementation strategies considered (e.g., contracting out versus in-house), and a discussion of any models used to develop your estimates.
- The budget classification (mandatory or discretionary) of the costs of implementing and administering the legislative proposal along with a written justification for your selection.
- Productivity savings and/or offsets for these costs. You should also provide a discussion of the methods and assumptions underlying your estimates for productivity savings and offsets.

You should also include the following:

- A comparison of total program benefits and total program costs, using quantitative, objective data to the maximum extent possible, as well as qualitative or judgmental material.
- A comparison of the marginal benefits and the marginal costs associated with the additional funds or reduced funding proposed.
- Supporting information that takes into consideration agency and outside (e.g., think tanks, GAO, CBO, universities, interest groups) program evaluations and related analytic studies, whether or not they agree with the proposed policy.

At the discretion of your OMB representative, these requirements may be modified or alternative justification materials specified. It should be emphasized that late decisions on proposed law provisions for the budget will require flexibility in this process. Other materials may be requested by your OMB representative.

51.3 IT Capital Planning and Investment Control Milestones

Agencies are no longer required to submit an IT Resources Statement as part of their agency budget submission to OMB. Other IT related materials are required, as detailed in section [55](#), and submitted according to the following IT Capital Planning and Investment Control Milestones:

- August
 - Optional draft Agency IT Investment Portfolio Summary submission if the agency has added a new major IT investment or upgraded an existing IT investment to “major”;
 - Verification that the required E-Gov/Line of Business (LoB) contribution levels are being included in the agency's budget plans.
- September
 - Agency IT Portfolio Summary submission;
 - Agency IT Portfolio Summary Details.
- January
 - Final Agency IT Portfolio Summary and IT Portfolio Summary Details based on the President's Budget submissions.
- June
 - Optional Mid-Session Review submission

To the extent possible, you should align your budget accounts with programs, distinguishing among components that contribute to different strategic objectives. This alignment should relate program objectives (see section [240](#)) and budget accounts or sub-accounts.

51.4 Relationship of justification to account structure

Where the major programs in your justification materials do not coincide with the budget account structure, prepare a table to show the relationship. Arrange this table by program, with all relevant accounts and parts of accounts listed, showing budgetary resources (usually budget authority) in millions of dollars and FTE. Report programs that are mainly grants, contracts or other transfers of funds to entities other than your agency, related salaries and expense accounts and parts of accounts, including allocations of overhead amounts. Where it is helpful to explain the coverage of the table or the relationship among accounts, prepare a short narrative to accompany the table. This requirement only applies to major programs and activities. You should consult your OMB representative to ensure that you provide tables for appropriate activities and that you avoid unnecessary paperwork.

51.5 Agency restructuring or work process redesign

You should identify restructuring or process reengineering activities resulting from proposed and current investments in IT and other areas that yield budgetary savings. Indicate how these activities allow your agency to utilize existing resources better while improving program management and service delivery.

51.6 Information on grant programs and infrastructure investment

Include copies of systematic economic analyses of expected benefits and costs completed in accordance with [Executive Order 12893](#).

51.7 Performance goals, measures, and indicators

Agency budget submissions for the FY 2023 Budget may be structured as the performance plan required by the GPRA Modernization Act of 2010 (see also [31 U.S.C. 1115](#)). Therefore, you need not submit a separate performance plan to comply with the Act. Your budget submission should cover all of your agency's programs and should address all statutory requirements of the "annual performance plan" required by the GPRA Modernization Act of 2010. Sections [240](#) and [210](#) contain detailed information on performance plan requirements. Additional details on applicable public posting and notification requirements are also included in section [22](#).

51.8 Other analytical information

Additional information may be required in budget justifications on the following:

- Workload analyses;
- Unit costs;
- Productivity trends;
- Enterprise Risk Management Profiles; and
- Impact of capital investment proposals on productivity.

Use productivity measurement, unit costs, enterprise risk management, and organizational performance standards to the maximum extent possible in justifying staffing and other requirements.

Include as a specific element in productivity improvement for activities of Federal staff the gains planned or being realized from streamlining, including reduction of unnecessary overhead, creative use of technology, and elimination of low priority tasks and programs.

You should also be prepared to provide information on the basis for distributing funds (e.g., formulas or principles for allocation, matching, policies regarding the awarding of loans, grants, or contracts, etc.) and data on resulting geographic distribution (e.g., by State, etc.), with identification of any issues.

51.9 Evidence and evaluation

Agencies should strengthen the use of evidence (defined in section [200.22](#)) and data to drive better decision-making and more effectively deliver on mission. OMB expects that agencies' budget requests will draw on the full range of existing evidence, including program evaluation findings, as part of their FY 2023 Budget submissions. . Agencies are also required to submit an [Evidence Submission](#) as part of their FY 2023 budget submissions with the following information:

- Priority funding or administrative proposals to conduct program evaluations of policies, programs, operations, or regulations identified in an agency's Learning Agenda and/or Annual Evaluation Plan.
- Priority funding or administrative proposals that will further develop an agency's capacity to build and use evaluation, statistics, and other analysis, as identified in the Capacity Assessment for Statistics, Evaluation, Research and Analysis developed pursuant to the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), or that address other barriers to evidence-building (e.g., data access and infrastructure, data linkages).
- The agency's progress in implementing monitoring and evaluation policies and practices aligned with the guidelines issued in [OMB Memorandum M-18-04](#), as required by the Foreign Aid Transparency and Accountability Act of 2016 (as applicable).

51.10 Explanations relating to supplemental appropriations requests

If you request a supplemental, explain why the request was not included in the regular estimates for the period concerned and the reasons why it is considered essential that the additional appropriation be granted during the year. Submit proposals for offsets to be made elsewhere in your agency for both mandatory and discretionary resources and indicate related FTE savings or requirements and appropriate financing changes. Show the effect of requested supplementals in the appropriate portions of the justification material for the program elements affected.

51.11 Taxes and tax expenditures

Reflect full and explicit consideration of the resources made available by the Federal Government through tax expenditures and other tax incentives. Tax expenditures are attributable to provisions of the Federal income tax laws that allow a special exclusion, exemption, or deduction from gross income or that provide a special credit, rate of tax, or deferral of tax ([2 U.S.C. 622](#)). Tax expenditures include subsidies provided through the income tax system.

You must consult with the Office of Tax Analysis, Department of the Treasury on all proposals for new taxes or modifications of existing taxes whether or not the modification results in a tax expenditure. After consulting with the Office of Tax Analysis submit a justification of the proposal to OMB. The justification should include the views of the Office of Tax Analysis and address the following items:

- The nature and extent of the problem addressed by the proposal.
- The reason a subsidy is needed.
- The non-tax alternatives.
- The reason a tax change is preferable to the non-tax alternatives.

In addition, you should be prepared to submit justifications for continuing or reenacting existing taxes and tax expenditures in the program areas for which you have primary responsibility. Such justifications will contain the information described above.

In general, tax expenditures are subject to the same degree of performance reviews as spending and regulatory programs. Tax expenditures often complement or substitute for agencies' spending or regulatory programs that contribute to strategic objectives, and the resources and incentives provided through tax expenditures can be substantial. Work with the Office of Tax Analysis, which has lead responsibility for tax policy and analysis of tax expenditures, to develop data and methods to evaluate the effects of tax expenditures that affect (or are directed at the same goals as) your programs. You should be prepared to furnish, upon request, problem analyses, estimates of economic effects, and other materials that will provide explicit quantitative information on the relationship of existing or proposed tax expenditures to proposed budget expenditures.

51.12 Major changes in receipts estimates

Provide narrative explanations for major changes from one fiscal year to the next in the amounts of receipts reported for any account, trends in receipt estimates for the related programs, and any other unusual circumstances relating to the estimates.

Advise OMB of increases in amounts reported to the Treasury Department accounts 1435.00 (General fund proprietary interest receipts, not otherwise classified) and 3220.00 (All other general fund proprietary receipts) when you expect that the amounts collected from a single source will exceed \$10 million in any year or when legislation is proposed that will affect any receipts reported to those accounts.

Make your explanations of legislative proposals consistent with your legislative program and outyear policy estimates. Cover the expected timing of enactment and the annual level of receipts anticipated.

51.13 User Charges

Your budget request should reflect the results of your biennial review of existing user charges and of the potential for establishing user charges, as required by section 8 of [OMB Circular No. A-25](#). If you propose new user charges that require authorizing legislation, provide a clear explanation of the new user charge

and the legislation that will be required to authorize it. Include a detailed discussion of plans for achieving enactment of the legislation and the administrative actions planned for collecting the charges if the legislation is enacted. Assess the proposal's chances of enactment and explain why the President should propose it in the Budget, taking into account the likely reaction to the proposal by the Congress and the users. Describe the basis for your assessment in detail.

Refer to [OMB Circular No. A-25](#) for additional information and requirements regarding user charges. You may also find [GAO's Federal User Fees: A Design Guide](#) useful.

51.14 Unobligated balances in liquidating accounts

All unobligated balances in liquidating accounts must be transferred to the general fund at the end of the fiscal year unless an exemption has been granted by OMB. You must submit information justifying any unobligated balances you expect to carry forward into the current year (see section [185.3\(l\)](#)).

51.15 Direct loan and loan guarantee programs

Proposed changes to technical assumptions must be included with justification materials for all credit programs unless another date is agreed upon by OMB. Required materials include any proposed changes to technical assumptions, methodology, or source data underlying the credit subsidy cost estimate cash flows, and justification for such changes. Consult with your OMB representative and refer to [OMB Circular A-129](#) regarding other requirements for direct loan and loan guarantee programs, including policy proposals for new or existing programs (see section [185](#)).

51.16 Information on funding for Inspectors General

If your agency is covered by the Inspector General Act of 1978, as amended ([5 U.S.C. App.](#)), your justification materials must include the following information required by section 6(f) of the Act:

1. Information submitted by the Inspector General to the head of the agency under section 6(f)(1) of the Act:

- The budget estimate and request of the Inspector General to the head of the agency;
- The portion of the budget amount requested by the Inspector General for training, including a certification that the amount requested satisfies all training requirements for that fiscal year; and
- The portion of the budget amount sought by the Inspector General as necessary to support the Council of the Inspectors General on Integrity and Efficiency.

2. Information required to be submitted by the head of the agency under section 6(f)(2) of the Act:

- An aggregate request by the head of the agency for the Office of Inspector General (OIG);
- Amounts requested by the head of the agency for OIG training;
- Amounts requested by the head of the agency for support of the Council of the Inspectors General on Integrity and Efficiency; and
- Any comments of the affected Inspector General with respect to the overall Inspector General request by the head of the agency.

Prior to the submission of the President's Budget to the Congress, all of the above categories of pre-decisional deliberative information are subject to the confidentiality provisions of section [22](#).

The Act requires some of the above categories of information to be included in the President's Budget submitted to the Congress. All of the other categories of information listed above continue to remain subject to the confidentiality provisions of section [22](#) even after submission to the Congress of the President's Budget.

51.17 Information on agency's tribal consultation process

Your agency's initial budget submission to OMB must include a description of the tribal consultation process that the agency conducted related to budget development, and the input that was received. If the agency has no programs with tribal implications, the section should indicate that no consultation is required. Please confer with your agency lead on tribal consultation in developing an appropriate and effective approach to consultation, in light of your agency's programs. This requirement is based on [Executive Order 13175](#) (Nov. 6, 2000) and the President's [Memorandum of January 26, 2021](#), which reaffirmed the Executive Order.

51.18 Radio spectrum-dependent communications-electronics systems

Agencies must provide a narrative that: 1) states whether the system will share spectrum with other Federal or non-Federal existing systems/operations and, if so, the nature and extent of the sharing relationship; 2) states whether sharing of an existing Federal system to meet the capability requirement is possible, or whether sharing capabilities of similar Federal users has been considered; 3) describes, compares, and evaluates the spectrum efficiency and effectiveness for various alternatives considered utilizing the methodology described in section [31.11](#), or another methodology developed by the agency and approved by OMB; and 4) certifies consideration of non-spectrum dependent or commercial alternatives to meet mission/operational requirements.

51.19 Budgeting for the acquisition of capital assets

(a) Overview

The Government should have a high level of assurance that the funds dedicated to capital acquisitions support the agency mission and provide value to the taxpayer. In addition, agencies should be able to justify the acquisition and operation of an asset. The generation of a sound business case is a best practice for providing that justification and assurance. A business case should include the rationale for the investment and reference any supporting analysis.

The [Capital Programming Guide](#) provides guidance on the principles and techniques for effective capital programming. Additionally, budget terms and definitions are included in Appendix [J](#), "Principles of Budgeting for Capital Asset Acquisitions." Other references related to capital assets are included in Appendix [K](#), "Selected OMB Guidance and Other References Regarding Capital Assets."

The policy, budget justification, and reporting requirements for capital assets apply to all agencies of the Executive Branch of the Government subject to Executive Branch review. Agency business cases are due at the same time as your agency's annual budget submission (see Table 1 in section [25](#)).

(b) Information Technology (IT)

Required data for all IT investments is provided by agencies reporting through the IT Dashboard addressing both overall IT investment spending (the agency's IT portfolio), and the information required for major IT investments, as described at:

https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/egov_docs/fy20_it_budget_guidance.pdf

Agencies not reporting data to the IT Dashboard are also accountable for adhering to the guidance provided to all agencies on how to conduct IT capital planning internally, as addressed in the above guidance, and also in Circular A-130, and the Capital Programming Guide. Budget process guidance is communicated to such agencies individually, regarding the data to be submitted as part of their agency budget submissions in the fall, based on the requirements of OMB RMO with agency oversight responsibility, and other considerations.

(c) Non-Information Technology (Non-IT)

In general, business cases are required for the acquisition and operation of non-IT capital assets. The definition of capital asset can be found in Appendix 1 of the [Capital Programming Guide](#). Links to the template and instructions for the business case are provided in section 25, Table 1. The instructions include submission requirements, deadlines, and exemptions.

(i) Aircraft

An aircraft is a type of non-IT capital asset. A business case template tailored to the needs of the aircraft community is available. Links to the template and instructions are provided in section 25, Table 1. The instructions include submission requirements, deadlines, and exemptions.

(ii) Facilities

Facilities are a type of non-IT capital asset. When justifying a major investment in a facility, including new construction, full and partial building or modernization, or facility investments that meet the agency's capital threshold, you should be prepared to provide the materials identified in section 31.8(a) if requested by your OMB representative.

51.20 Requests for increases to reception and representation allowances

If your agency's request for reception and representation (R&R) expenses exceeds the FY 2021 budget level or the current enacted level, the information below must be included in the initial budget submission:

- The proposed increase in the R&R account;
- The account title, account number, and draft of appropriations language for the account; and
- A brief rationale for why the FY 2022 Budget should propose this increase.

51.21 Analysis of Spending Priorities for Low-Value Programs

OMB's spring planning guidance provides funding targets and policy guidance to agencies for their budget submissions. While these planning targets vary, and Administration priorities change in response to emerging needs, the budget formulation process always requires agencies and OMB to balance competing

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demands for Federal resources. Since Federal resources are always limited, it is critical for all agencies to closely scrutinize their current spending when preparing their budget submissions to OMB. In particular, agencies should look for opportunities to redirect resources from lower priority activities to higher priority activities and eliminate unnecessary spending altogether.

Opportunities to redirect resources may include:

- Identifying activities that duplicate or overlap with other Federal efforts, both within agencies and across Government;
- Proposing to reallocate funding for activities where a Federal role is improper, no longer necessary, or not the most efficient means of achieving agency priorities;
- Recommending restructuring programs or offices that receive funds for activities described in the previous two bullets; and
- Proposing reduction or elimination of unnecessary or high-cost administrative spending, as outlined in section [31.5](#) and section [31.15](#).

Agencies should review OMB's spring planning guidance for additional instructions on identifying low priority spending to highlight in their budget submissions.