

Document created by DouglasLucas.com, May 20, 2025 | Congressionally granted presidential reorganization authority:  
Precedents of the precise powers Congress gave or tried to give to Bush 43 or Obama since the start with Hoover in 1932  
Limitations: I didn't pursue Reorg. Gov. Act of 2025's "independent establishment of the United States" nor "corporation wholly owned by the" U.S. nor  
"an office or officer of the executive branch" language—all those could/should be compared against. past reorg. authority attempts or grantings  
Regarding the definition of executive agencies in the 1984-expired version, see §902 [here](#).

**Bottom line (see next pages for details):**

George W. Bush, aka Bush 43 (2001-09) Reorganization power in the contemplated presidential reorganization authority was limited in that it could be exercised only upon intelligence-related organizational units/elements. But, the authority would have been unexpiring. And with it, the president could have proposed abolishing, for departments and/or independent regulatory agencies, the entities altogether, or some/all of their statutory programs.

Obama (2009-17) Reorganization power in the contemplated presidential reorganization authority was limited in that it was *intended*—per how the Obama admin's legislative proposal was written—to be used only pursuant to consolidating. Insofar as that limitation was followed, the president could have proposed abolishing departments and/or some/all of their statutory programs. But the president could not have proposed abolishing independent regulatory agencies or all of their statutory programs—only *some* of their statutory programs, and of course, pursuant to what the legislative proposal called 'consolidation authority.'

George W. Bush, aka Bush 43 (2001-09)

Legislation examined: 108th Congress's S. 2845 with engrossed House amendments

Legislation enacted yes/no - passed House but provisions removed in conference with Senate

N.B. Per the 2012 Hogue CRS [report](#) (PDF p. 35, doc p. 32): the [House-passed, Senate-removed provisions](#) for "grant of reorganization authority" to Bush 43 "would have been permanent, rather than subject to periodic congressional reauthorization"<sup>1</sup>. HOWEVER, the entire reorg. authority contemplated by the legislation was for intelligence-related units/elements only, per Hogue report (PDF p. 36, doc p. 33): "the President would have been permitted to submit reorganization plans under this authority only for intelligence-related units identified in the provision or 'other elements of any other department or agency as may be designated by the President, or designated jointly by the National Intelligence Director and the head of the department or agency concerned, as an element of the intelligence community'"<sup>2</sup>

Ability to propose abolition of a department (yes could propose such abolition if intelligence related): Per the Hogue report (PDF p. 36, doc p. 33): "limitations on the President's authority under this chapter would have been eliminated, including the prohibition on the use of reorganization plans [...] to abolish or transfer an existing department or independent regulatory agency"<sup>3</sup>

Ability to propose abolition of all of a department's statutory programs (yes could propose such abolition if intelligence related): Per the Hogue report (PDF p. 36, doc p. 33): "a submitted plan could have included 'the abolition of all or a part of the functions of an agency' without the formerly included limitation that 'no enforcement function or statutory program shall be abolished by the plan.'"<sup>4</sup>

Ability to propose abolition of some of a department's statutory programs (yes could propose such abolition if intelligence related): Per the Hogue report (PDF p. 36, doc p. 33): "a submitted plan could have included 'the abolition of all or a part of the functions of an agency' without the formerly included limitation that 'no enforcement function or statutory program shall be abolished by the plan.'"<sup>5</sup>

Ability to propose abolition of an independent regulatory agency (yes could propose such abolition if intelligence related): See above for "Ability to propose abolition of a department ..."

Ability to propose abolition of all of an independent regulatory agency's statutory programs (yes could propose such abolition if intelligence related): See above for "Ability to propose abolition of all of a department's statutory ..."

Ability to propose abolition of some of an independent regulatory agency's statutory programs (yes could propose such abolition if intelligence related): See above for "Ability to propose some of a department's statutory ..."

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1 The citation the CRS report gives here is: S. 2845 (Engrossed Amendment House) (108th Cong.), §§ 5021(b) 5021(d), and 5021(e)(2)(A).

2 The citation the CRS report gives here is: S. 2845 (Engrossed Amendment House) (108th Cong.), § 5021(b).

3 The citation the CRS report gives here is: S. 2845 (Engrossed Amendment House) (108th Cong.), § 5021(b).

4 The citation the CRS report gives here is: S. 2845 (Engrossed Amendment House) (108th Cong.), § 5021(a)

5 The citation the CRS report gives here is: S. 2845 (Engrossed Amendment House) (108th Cong.), § 5021(a)

Obama (2009-17)

Legislation examined: Obama admin's [legislative proposal](#) conveyed to Congress on February 16, 2012.

Legislation enacted yes/no - the [House](#) and [Senate](#) bills, introduced subsequent to the legislative proposal, never made it out of Committee

N.B. The proposal would have reactivated the authority for two years from the date of enactment, unlike the Bush 43 for unexpiring ability to propose changes to intelligence-related units/elements, and the Obama proposal wasn't limited to intelligence-related units/elements. HOWEVER, the key provisions of the Obama legislative proposal were intended as pursuant to reorg plans for consolidating. So, akin to how being related to intelligence units/elements was a limitation on the contemplated Bush 43 authority, so being pursuant to plans for consolidation appears to have been a limitation on the Obama-sought authority, though the bills' lack of progress through Congress reduced debate/discussion/details on that exact topic.

Ability to propose abolition of a department (yes could propose such abolition; power intended as pursuant to consolidation authority): Per the 2012 Hogue [report](#) (PDF p. 37, doc page 34): "It would [...] allow the abolition or renaming of an existing department" in a proposed reorg plan, but appears to me it would have had to have been pursuant to reorg. plans for consolidating—see the Obama admin proposal's subheading: "Providing Consolidation Authority."

Ability to propose abolition of all of a department's statutory programs (yes could propose such abolition; power intended as pursuant to consolidation authority): Yes, but, the 'some of the department's statutory programs' to be abolished would have to be abolished in the course of transferring/consolidating them elsewhere—see the Obama admin proposal's subheading: "Providing Consolidation Authority."

Ability to propose abolition of some of a department's statutory programs (yes could propose such abolition; power intended as pursuant to consolidation authority): Not addressed by the 2012 Hogue report directly. Not expressly forbidden by the 1984-expired statute. Appears permitted under the expired authority's §902(1)(a) unless expressly forbidden, so yes, at least, however, as pursuant to—see this language in the Obama admin proposal—"Providing Consolidation Authority."

Ability to propose abolition of an independent regulatory agency (no could not have proposed such abolition): Obama's proposal would have expressly forbade this by amending the §905 limitations section of Title 5 Chapter 9 to include a block on: "abolishing or transferring an independent regulatory agency, or all the functions thereof"

Ability to propose abolition of all of an independent regulatory agency's statutory programs (no could not have proposed such abolition): Obama's proposal would have expressly forbade this by amending the §905 limitations section of Title 5 Chapter 9 to include a block on: "abolishing or transferring an independent regulatory agency, or all the functions thereof"

Ability to propose abolition of some of an independent regulatory agency's statutory programs (yes could propose such abolition; power intended as pursuant to consolidation authority): Not addressed by the 2012 Hogue report directly. Not expressly forbidden by the 1984-expired statute. Appears permitted under the expired authority's §902(1)(a) unless expressly forbidden, so yes, at least, however, as pursuant to—see this language in the Obama admin proposal—"Providing Consolidation Authority." So the 'some of the independent regulatory agency's statutory programs' to be abolished would have to be abolished in the course of transferring/consolidating them elsewhere.