

1985—Subsec. (a). Pub. L. 99-177 added par. (4) and substituted “estimates, comparison, and description” for “estimates and comparison” in last sentence.

1981—Subsec. (a). Pub. L. 97-108, §2(a)(1)–(6), designated existing provisions as subsec. (a), added par. (2), redesignated former par. (2) as (3), in par. (3) as so redesignated, substituted “estimates” for “estimate” in two places, and substituted reference to pars. (1) and (2) for reference to par. (1), and in provision following par. (3) substituted “estimates” for “estimate”.

Subsecs. (b) and (c). Pub. L. 97-108, §2(a)(7), added subsecs. (b) and (c).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-4 effective Jan. 1, 1996, or on the date 90 days after appropriations are made available as authorized under section 1516 of this title, whichever is earlier, and applicable to legislation considered on and after such date, see section 110 of Pub. L. 104-4, set out as an Effective Date note under section 1511 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99-177, formerly set out as an Effective and Termination Dates note under section 900 of this title prior to repeal by Pub. L. 112-25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 2(b) of Pub. L. 97-108 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to bills or resolutions reported by committees of the House of Representatives and the Senate after September 30, 1982.”

EFFECTIVE DATE

Amendment by Pub. L. 93-344 effective on day on which first Director of Congressional Budget Office is appointed under section 601(a) of this title, see section 905(b) of Pub. L. 93-344, formerly set out as an Effective Date note under section 621 of this title.

AUTHORIZATION OF APPROPRIATIONS

Section 3 of Pub. L. 97-108 provided that: “There are authorized to be appropriated such sums as may be necessary to carry out this Act [amending this section and enacting provisions set out as notes under this section and section 621 of this title].”

EXPIRATION OF AUTHORIZATION

Section 4 of Pub. L. 97-108, which provided for expiration on Sept. 30, 1987, of authorization granted under Pub. L. 97-108, which amended this section and enacted provisions set out as notes under sections 621 and 653 of this title, was repealed by Pub. L. 100-119, title II, §204, Sept. 29, 1987, 101 Stat. 784.

§ 654. Study by Government Accountability Office of forms of Federal financial commitment not reviewed annually by Congress

The Government Accountability Office shall study those provisions of law which provide mandatory spending and report to the Congress its recommendations for the appropriate form of financing for activities or programs financed by such provisions not later than eighteen months after December 12, 1985. Such report shall be revised from time to time.

(Pub. L. 93-344, title IV, §404, formerly §405, as added Pub. L. 99-177, title II, §214, Dec. 12, 1985, 99 Stat. 1059; renumbered §404 and amended Pub. L. 105-33, title X, §10116(c)(1), (2), Aug. 5, 1997, 111

Stat. 692; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

PRIOR PROVISIONS

A prior section 404 of Pub. L. 93-344, which is not classified to the Code, was renumbered section 403 by Pub. L. 105-33, title X, §10116(c)(1), Aug. 5, 1997, 111 Stat. 692.

AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in section catchline and text.

1997—Pub. L. 105-33, §10116(c)(2), substituted “mandatory spending” for “spending authority as described by section 651(c)(2) of this title and which provide permanent appropriations.”

EFFECTIVE DATE

Section effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99-177, formerly set out as an Effective and Termination Dates note under section 900 of this title prior to repeal by Pub. L. 112-25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

§ 655. Off-budget agencies, programs, and activities

(a) Notwithstanding any other provision of law, budget authority, credit authority, and estimates of outlays and receipts for activities of the Federal budget which are off-budget immediately prior to December 12, 1985, not including activities of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, shall be included in a budget submitted pursuant to section 1105 of title 31 and in a concurrent resolution on the budget reported pursuant to section 632 or section 635 of this title and shall be considered, for purposes of this Act, budget authority, outlays, and spending authority in accordance with definitions set forth in this Act.

(b) All receipts and disbursements of the Federal Financing Bank with respect to any obligations which are issued, sold, or guaranteed by a Federal agency shall be treated as a means of financing such agency for purposes of section 1105 of title 31 and for purposes of this Act.

(Pub. L. 93-344, title IV, §405, formerly §406, as added Pub. L. 99-177, title II, §214, Dec. 12, 1985, 99 Stat. 1059; renumbered §405, Pub. L. 105-33, title X, §10116(c)(1), Aug. 5, 1997, 111 Stat. 692.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B, and section 190a-3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c-1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a-1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

PRIOR PROVISIONS

A prior section 405 of Pub. L. 93-344 was renumbered section 404 and is classified to section 654 of this title.

EFFECTIVE DATE

Section effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99-177, formerly set out as an Effective and Termination Dates note under section 900 of this title prior to repeal by Pub. L. 112-25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

§ 656. Member User Group

The Speaker of the House of Representatives, after consulting with the Minority Leader of the House, may appoint a Member User Group for the purpose of reviewing budgetary scorekeeping rules and practices of the House and advising the Speaker from time to time on the effect and impact of such rules and practices.

(Pub. L. 93-344, title IV, §406, formerly §407, as added Pub. L. 99-177, title II, §214, Dec. 12, 1985, 99 Stat. 1060; renumbered §406, Pub. L. 105-33, title X, §10116(c)(1), Aug. 5, 1997, 111 Stat. 692.)

PRIOR PROVISIONS

A prior section 406 of Pub. L. 93-344 was renumbered section 405 and is classified to section 655 of this title.

EFFECTIVE DATE

Section effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99-177, formerly set out as an Effective and Termination Dates note under section 900 of this title prior to repeal by Pub. L. 112-25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

PART B—FEDERAL MANDATES

§ 658. Definitions

For purposes of this part:

(1) Agency

The term “agency” has the same meaning as defined in section 551(1) of title 5, but does not include independent regulatory agencies.

(2) Amount

The term “amount”, with respect to an authorization of appropriations for Federal financial assistance, means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

(3) Direct costs

The term “direct costs”—

(A)(i) in the case of a Federal intergovernmental mandate, means the aggregate estimated amounts that all State, local, and tribal governments would be required to spend or would be prohibited from raising in revenues in order to comply with the Federal intergovernmental mandate; or

(ii) in the case of a provision referred to in paragraph (5)(A)(ii), means the amount of Federal financial assistance eliminated or reduced;

(B) in the case of a Federal private sector mandate, means the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

(C) shall be determined on the assumption that—

(i) State, local, and tribal governments, and the private sector will take all reason-

able steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations; and

(ii) reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees; and

(D) shall not include—

(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

(II) to comply with or carry out State, local, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

(I) compliance with the Federal mandate; or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(4) Direct savings

The term “direct savings”, when used with respect to the result of compliance with the Federal mandate—

(A) in the case of a Federal intergovernmental mandate, means the aggregate estimated reduction in costs to any State, local, or tribal government as a result of compliance with the Federal intergovernmental mandate; and

(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate.

(5) Federal intergovernmental mandate

The term “Federal intergovernmental mandate” means—

(A) any provision in legislation, statute, or regulation that—

(i) would impose an enforceable duty upon State, local, or tribal governments, except—

(I) a condition of Federal assistance; or

(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B));¹ or

¹So in original. Second closing parenthesis probably should not appear.