

**§ 1105. Budget contents and submission to Congress**

(a) On or after the first Monday in January but not later than the first Monday in February of each year, the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and summary and supporting information. The President shall include in each budget the following:

(1) information on activities and functions of the Government.

(2) when practicable, information on costs and achievements of Government programs.

(3) other desirable classifications of information.

(4) a reconciliation of the summary information on expenditures with proposed appropriations.

(5) except as provided in subsection (b) of this section, estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year.

(6) estimated receipts of the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

(A) laws in effect when the budget is submitted; and

(B) proposals in the budget to increase revenues.

(7) appropriations, expenditures, and receipts of the Government in the prior fiscal year.

(8) estimated expenditures and receipts, and appropriations and proposed appropriations, of the Government for the current fiscal year.

(9) balanced statements of the—

(A) condition of the Treasury at the end of the prior fiscal year;

(B) estimated condition of the Treasury at the end of the current fiscal year; and

(C) estimated condition of the Treasury at the end of the fiscal year for which the budget is submitted if financial proposals in the budget are adopted.

(10) essential information about the debt of the Government.

(11) other financial information the President decides is desirable to explain in practicable detail the financial condition of the Government.

(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted; and

(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect.

(13) an allowance for additional estimated expenditures and proposed appropriations for the fiscal year for which the budget is submitted.

(14) an allowance for unanticipated uncontrollable expenditures for that year.

(15) a separate statement on each of the items referred to in section 301(a)(1)–(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)(1)–(5)).

(16) the level of tax expenditures under existing law in the tax expenditures budget (as defined in section 3(a)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 622(a)(3)) for the fiscal year for which the budget is submitted, considering projected economic factors and changes in the existing levels based on proposals in the budget.

(17) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for grants, contracts, and other payments under each program for which there is an authorization of appropriations for that following fiscal year when the appropriations are authorized to be included in an appropriation law for the fiscal year before the fiscal year in which the appropriation is to be available for obligation.

(18) a comparison of the total amount of budget outlays for the prior fiscal year, estimated in the budget submitted for that year, for each major program having relatively uncontrollable outlays with the total amount of outlays for that program in that year.

(19) a comparison of the total amount of receipts for the prior fiscal year, estimated in the budget submitted for that year, with receipts received in that year, and for each major source of receipts, a comparison of the amount of receipts estimated in that budget with the amount of receipts from that source in that year.

(20) an analysis and explanation of the differences between each amount compared under clauses (18) and (19) of this subsection.

(21) a horizontal budget showing—

(A) the programs for meteorology and of the National Climate Program established under section 5 of the National Climate Program Act (15 U.S.C. 2904);

(B) specific aspects of the program of, and appropriations for, each agency; and

(C) estimated goals and financial requirements.

(22) a statement of budget authority, proposed budget authority, budget outlays, and proposed budget outlays, and descriptive information in terms of—

(A) a detailed structure of national needs that refers to the missions and programs of agencies (as defined in section 101 of this title); and

(B) the missions and basic programs.

(23) separate appropriation accounts for appropriations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

(24) recommendations on the return of Government capital to the Treasury by a mixed-ownership corporation (as defined in section 9101(2) of this title) that the President decides are desirable.

(25) a separate appropriation account for appropriations for each Office of Inspector Gen-

eral of an establishment defined under section 11(2) of the Inspector General Act of 1978.

(26) a separate statement of the amount of appropriations requested for the Office of National Drug Control Policy and each program of the National Drug Control Program.

(27) a separate statement of the amount of appropriations requested for the Office of Federal Financial Management.

(28) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115.

(29) information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.

(30) an analysis displaying, by agency, proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 5 of the Federal Workforce Restructuring Act of 1994.

(31) a separate statement of the amount of appropriations requested for the Chief Financial Officer in the Executive Office of the President.

(32) a statement of the levels of budget authority and outlays for each program assumed to be extended in the baseline as provided in section 257(b)(2)(A) and for excise taxes assumed to be extended under section 257(b)(2)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(33) a separate appropriation account for appropriations for the Council of the Inspectors General on Integrity and Efficiency, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Council of the Inspectors General on Integrity and Efficiency.

(34) with respect to the amount of appropriations requested for use by the Export-Import Bank of the United States, a separate statement of the amount requested for its program budget, the amount requested for its administrative expenses, and of the amount requested for its administrative expenses, the amount requested for technology expenses.

(35)(A)(i) a detailed, separate analysis, by budget function, by agency, and by initiative area (as determined by the administration) for the prior fiscal year, the current fiscal year, the fiscal years for which the budget is submitted, and the ensuing fiscal year identifying the amounts of gross and net appropriations or obligational authority and outlays that contribute to homeland security, with separate displays for mandatory and discretionary amounts, including—

(I) summaries of the total amount of such appropriations or new obligational authority and outlays requested for homeland security;

(II) an estimate of the current service levels of homeland security spending;

(III) the most recent risk assessment and summary of homeland security needs in each initiative area (as determined by the administration); and

(IV) an estimate of user fees collected by the Federal Government on behalf of homeland security activities;

(ii) with respect to subclauses (I) through (IV) of clause (i), amounts shall be provided by account for each program, project and activity; and

(iii) an estimate of expenditures for homeland security activities by State and local governments and the private sector for the prior fiscal year and the current fiscal year.

(B) In this paragraph, consistent with the Office of Management and Budget's June 2002 "Annual Report to Congress on Combatting Terrorism", the term "homeland security" refers to those activities that detect, deter, protect against, and respond to terrorist attacks occurring within the United States and its territories.

(C) In implementing this paragraph, including determining what Federal activities or accounts constitute homeland security for purposes of budgetary classification, the Office of Management and Budget is directed to consult periodically, but at least annually, with the House and Senate Budget Committees, the House and Senate Appropriations Committees, and the Congressional Budget Office.

(36) as supplementary materials, a separate analysis of the budgetary effects for all prior fiscal years, the current fiscal year, the fiscal year for which the budget is submitted, and ensuing fiscal years of the actions the Secretary of the Treasury has taken or plans to take using any authority provided in the Emergency Economic Stabilization Act of 2008, including—

(A) an estimate of the current value of all assets purchased, sold, and guaranteed under the authority provided in the Emergency Economic Stabilization Act of 2008 using methodology required by the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and section 123 of the Emergency Economic Stabilization Act of 2008;

(B) an estimate of the deficit, the debt held by the public, and the gross Federal debt using methodology required by the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008;

(C) an estimate of the current value of all assets purchased, sold, and guaranteed under the authority provided in the Emergency Economic Stabilization Act of 2008 calculated on a cash basis;

(D) a revised estimate of the deficit, the debt held by the public, and the gross Federal debt, substituting the cash-based estimates in subparagraph (C) for the estimates calculated under subparagraph (A) pursuant to the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008; and

(E) the portion of the deficit which can be attributed to any action taken by the Secretary using authority provided by the Emergency Economic Stabilization Act of 2008 and the extent to which the change in the deficit since the most recent estimate is due to a reestimate using the methodology required by the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008.

(37)<sup>1</sup> information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

- (A) Medical Services.
- (B) Medical Support and Compliance.
- (C) Medical Facilities.

(38) a separate statement for the Crow Settlement Fund established under section 411 of the Crow Tribe Water Rights Settlement Act of 2010, which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.

(37)<sup>2</sup> the list of plans and reports, as provided for under section 1125, that agencies identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other required plans and reports.

(b) Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget under subsection (a)(5) of this section shall be submitted to the President before October 16 of each year and included in the budget by the President without change.

(c) The President shall recommend in the budget appropriate action to meet an estimated deficiency when the estimated receipts for the fiscal year for which the budget is submitted (under laws in effect when the budget is submitted) and the estimated amounts in the Treasury at the end of the current fiscal year available for expenditure in the fiscal year for which the budget is submitted, are less than the estimated expenditures for that year. The President shall make recommendations required by the public interest when the estimated receipts and estimated amounts in the Treasury are more than the estimated expenditures.

(d) When the President submits a budget or supporting information about a budget, the President shall include a statement on all changes about the current fiscal year that were made before the budget or information was submitted.

(e)(1) The President shall submit with materials related to each budget transmitted under subsection (a) on or after January 1, 1985, an analysis for the ensuing fiscal year that shall identify requested appropriations or new obligational authority and outlays for each major program that may be classified as a public civilian capital investment program and for each major program that may be classified as a military capital investment program, and shall contain summaries of the total amount of such appropriations or new obligational authority and outlays for public civilian capital investment programs and summaries of the total amount of such appropriations or new obligational authority and outlays for military capital investment programs. In addition, the analysis under this paragraph shall contain—

- (A) an estimate of the current service levels of public civilian capital investment and of

military capital investment and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(B) the most recent assessment analysis and summary, in a standard format, of public civilian capital investment needs in each major program area over a period of ten years;

(C) an identification and analysis of the principal policy issues that affect estimated public civilian capital investment needs for each major program; and

(D) an identification and analysis of factors that affect estimated public civilian capital investment needs for each major program, including but not limited to the following factors:

- (i) economic assumptions;
- (ii) engineering standards;
- (iii) estimates of spending for operation and maintenance;
- (iv) estimates of expenditures for similar investments by State and local governments; and
- (v) estimates of demand for public services derived from such capital investments and estimates of the service capacity of such investments.

To the extent that any analysis required by this paragraph relates to any program for which Federal financial assistance is distributed under a formula prescribed by law, such analysis shall be organized by State and within each State by major metropolitan area if data are available.

(2) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a public civilian capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for a number of years and is not classified as a military capital investment under paragraph (3). Such assets shall include (but not be limited to)—

- (A) roadways or bridges,
- (B) airports or airway facilities,
- (C) mass transportation systems,
- (D) wastewater treatment or related facilities,
- (E) water resources projects,
- (F) hospitals,
- (G) resource recovery facilities,
- (H) public buildings,
- (I) space or communications facilities,
- (J) railroads, and
- (K) federally assisted housing.

(3) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a military capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for purposes of national defense and security for a number of years. Such assets shall include military bases, posts, installations, and facilities.

(4) Criteria and guidelines for use in the identification of public civilian and military capital

<sup>1</sup> So in original. Another par. (37) is set out after par. (38).

<sup>2</sup> So in original. Another par. (37) is set out preceding par. (38).

investments, for distinguishing between public civilian and military capital investments, and for distinguishing between major and nonmajor capital investment programs shall be issued by the Director of the Office of Management and Budget after consultation with the Comptroller General and the Congressional Budget Office. The analysis submitted under this subsection shall be accompanied by an explanation of such criteria and guidelines.

(5) For purposes of this subsection—

(A) the term “construction” includes the design, planning, and erection of new structures and facilities, the expansion of existing structures and facilities, the reconstruction of a project at an existing site or adjacent to an existing site, and the installation of initial and replacement equipment for such structures and facilities;

(B) the term “acquisition” includes the addition of land, sites, equipment, structures, facilities, or rolling stock by purchase, lease-purchase, trade, or donation; and

(C) the term “rehabilitation” includes the alteration of or correction of deficiencies in an existing structure or facility so as to extend the useful life or improve the effectiveness of the structure or facility, the modernization or replacement of equipment at an existing structure or facility, and the modernization of, or replacement of parts for, rolling stock.

(f) The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared in a manner consistent with the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985 that apply to that and subsequent fiscal years.

(g)(1) The Director of the Office of Management and Budget shall establish the funding for advisory and assistance services for each department and agency as a separate object class in each budget annually submitted to the Congress under this section.

(2)(A) In paragraph (1), except as provided in subparagraph (B), the term “advisory and assistance services” means the following services when provided by nongovernmental sources:

- (i) Management and professional support services.
- (ii) Studies, analyses, and evaluations.
- (iii) Engineering and technical services.

(B) In paragraph (1), the term “advisory and assistance services” does not include the following services:

- (i) Routine automated data processing and telecommunications services unless such services are an integral part of a contract for the procurement of advisory and assistance services.
- (ii) Architectural and engineering services, as defined in section 1102 of title 40.
- (iii) Research on basic mathematics or medical, biological, physical, social, psychological, or other phenomena.

(h)(1) If there is a medicare funding warning under section 801(a)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made in a year, the President shall submit to Congress, within the 15-day period beginning on the date of the budget submission to

Congress under subsection (a) for the succeeding year, proposed legislation to respond to such warning.

(2) Paragraph (1) does not apply if, during the year in which the warning is made, legislation is enacted which eliminates excess general revenue medicare funding (as defined in section 801(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003) for the 7-fiscal-year reporting period, as certified by the Board of Trustees of each medicare trust fund (as defined in section 801(c)(5) of such Act) not later than 30 days after the date of the enactment of such legislation.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 908; Pub. L. 97-452, §1(2), Jan. 12, 1983, 96 Stat. 2467; Pub. L. 98-501, title II, §203, Oct. 19, 1984, 98 Stat. 2324; Pub. L. 99-177, title II, §241, Dec. 12, 1985, 99 Stat. 1063; Pub. L. 100-119, title I, §106(f), Sept. 29, 1987, 101 Stat. 781; Pub. L. 100-418, title V, §5301, Aug. 23, 1988, 102 Stat. 1462; Pub. L. 100-504, title I, §108, Oct. 18, 1988, 102 Stat. 2529; Pub. L. 100-690, title I, §1006, Nov. 18, 1988, 102 Stat. 4187; Pub. L. 101-508, title XIII, §13112(c), Nov. 5, 1990, 104 Stat. 1388-608; Pub. L. 101-576, title II, §203(b), Nov. 15, 1990, 104 Stat. 2841; Pub. L. 103-62, §4(a), Aug. 3, 1993, 107 Stat. 286; Pub. L. 103-272, §4(f)(1)(E), July 5, 1994, 108 Stat. 1362; Pub. L. 103-322, title XXXI, §310001(e), Sept. 13, 1994, 108 Stat. 2103; Pub. L. 103-355, title II, §2454(a), Oct. 13, 1994, 108 Stat. 3326; Pub. L. 104-287, §4(1), Oct. 11, 1996, 110 Stat. 3388; Pub. L. 105-33, title X, §10209(b), Aug. 5, 1997, 111 Stat. 711; Pub. L. 105-277, div. C, title VII, §713(c), Oct. 21, 1998, 112 Stat. 2681-693; Pub. L. 106-58, title VI, §638(f), Sept. 29, 1999, 113 Stat. 475; Pub. L. 106-422, §2(c), Nov. 1, 2000, 114 Stat. 1874; Pub. L. 107-189, §4(a), June 14, 2002, 116 Stat. 699; Pub. L. 107-217, §3(h)(3), Aug. 21, 2002, 116 Stat. 1299; Pub. L. 107-296, title VIII, §889(a), Nov. 25, 2002, 116 Stat. 2250; Pub. L. 108-173, title VIII, §802(a), Dec. 8, 2003, 117 Stat. 2360; Pub. L. 108-178, §4(f)(1), Dec. 15, 2003, 117 Stat. 2641; Pub. L. 110-343, div. A, title II, §203(a), Oct. 3, 2008, 122 Stat. 3801; Pub. L. 110-409, §7(d)(2), Oct. 14, 2008, 122 Stat. 4313; Pub. L. 111-81, §2, Oct. 22, 2009, 123 Stat. 2137; Pub. L. 111-291, title IV, §§411(h), 415, Dec. 8, 2010, 124 Stat. 3116, 3121; Pub. L. 111-352, §11(a), Jan. 4, 2011, 124 Stat. 3881.)

AMENDMENT OF SUBSECTION (a)

*For contingent repeal of amendment by section 415 of Pub. L. 111-291, see Repeal on Failure To Meet Enforceability Date note below.*

HISTORICAL AND REVISION NOTES  
1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1105(a) (1)-(14).	31:11(a)(less (5)(words after 2d comma)).  31:19.	June 10, 1921, ch. 18, §201(a), 42 Stat. 20; restated Sept. 12, 1950, ch. 946, §102(a), 64 Stat. 832; Aug. 1, 1956, ch. 814, §1(a), 70 Stat. 782; Oct. 26, 1970, Pub. L. 91-510, §221(a), 84 Stat. 1169; July 12, 1974, Pub. L. 93-344, §§603, 604, 88 Stat. 324. June 10, 1921, ch. 18, §211, 42 Stat. 22; 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(a), 84 Stat. 2085.

HISTORICAL AND REVISION NOTES—CONTINUED  
1982 ACT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1105(a)(15)	31:11(d).	June 10, 1921, ch. 18, 42 Stat. 20, §201(d)-(f), (g)(last sentence)—(i)(1st sentence); added July 12, 1974, Pub. L. 93-344, §601, 88 Stat. 323.
1105(a)(16) 1105(a)(17) 1105(a)(18)-(20). 1105(a)(21)	31:11(e). 31:11(h). 31:11(f). 31:25	Oct. 18, 1962, Pub. L. 87-843, §304(1st par.), 76 Stat. 1097; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085; Sept. 17, 1978, Pub. L. 95-367, §5(g)(2), 92 Stat. 603.
1105(a)(22)	31:11(i)(1st sentence).	
1105(a)(23)	31:11(note).	Nov. 9, 1977, Pub. L. 95-164, §305, 91 Stat. 1322.
1105(a)(24)	31:859.	Dec. 6, 1945, ch. 557, §204, 59 Stat. 601.
1105(b) .....	28:605(last par.). 31:11(a)(5)(words after 2d comma).	
1105(c) .....	31:13.	June 10, 1921, ch. 18, §202, 42 Stat. 21.
1105(d) .....	31:11(g)(last sentence).	

In the section, the word “current” is substituted for “in progress”, and the word “prior” is substituted for “last completed”, for consistency in the revised title.

In subsection (a), before clause (1), the text of 31:19 is omitted as superseded by the broader authority of 31:11(a)(5). The words “for the following fiscal year” are added for clarity. The words “summary and supporting information” are substituted for “summary data and text, and supporting detail” in the introductory matter of 31:11(a) for consistency. The words “in such form and detail as the President may determine” are omitted as unnecessary because of the authority of the President under section 1104(a) of the revised title to prepare the budget. The words “The President shall . . . in each budget the following” are substituted for “The Budget transmitted pursuant to subsection (a) of this section for each fiscal year shall” in 31:11(d)-(f), (h), and (i) because of the restatement. The word “President” is substituted for “Office of Management and Budget” in 31:25 because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) designated the Bureau of the Budget as the Office of Management and Budget and transferred all functions of the Bureau to the President. The words “in connection with the budget presentation for fiscal year 1964 and each succeeding year thereafter” are omitted as executed.

In subsection (a)(1), the words “information on” are added for clarity.

In subsection (a)(2), the word “Government” is added for clarity.

In subsection (a)(3), the word “information” is substituted for “data” for consistency.

In subsection (a)(5) and (6), the words “fiscal year for which the budget is submitted” are substituted for “ensuing fiscal year” the first time they appear for clarity. The words “the 4 fiscal years after that year” are substituted for “projections for the four fiscal years immediately following the ensuing fiscal year” to eliminate unnecessary words.

In subsection (a)(6), the words “proposals . . . to increase revenues” are substituted for “revenue proposals” for consistency in the revised title.

In subsection (a)(7), the word “actual” is omitted as surplus.

In subsection (a)(8), the words “appropriations and” are substituted for “actual or” for clarity.

In subsection (a)(9), the words “fiscal year for which the budget is submitted” are substituted for “ensuing fiscal year” for clarity.

In subsection (a)(10), the words “bonded and other” are omitted as surplus.

In subsection (a)(11), the words “information the President decides” are substituted for “statements and data as in his opinion” for clarity and consistency. The word “desirable” is substituted for “necessary or desirable” and the words “to explain” are substituted for “in order to make known”, to eliminate unnecessary words.

In subsection (a)(12), before subclause (A), the word “legislation” is substituted for “new or additional legislation” to eliminate unnecessary words. The words “activity or function” are substituted for “function, activity, or authority” for consistency. The words “in addition to those functions, activities, and authorities then existing or as then being administered and operated” are omitted as surplus.

In subsection (a)(16), the words “fiscal year for which the budget is submitted” are substituted for “such fiscal year” for clarity.

In subsection (a)(17), the words “fiscal year following the fiscal year for which the budget is submitted” are substituted for “next succeeding fiscal year”, the words “that following fiscal year” are substituted for “such succeeding fiscal year”, and the words “fiscal year before” are substituted for “fiscal year preceding”, for clarity and consistency.

In subsection (a)(18), the words “uncontrollable or” are omitted as being included in “relatively uncontrollable”.

In subsection (a)(19) and (20), the word “receipts” is substituted for “revenues” for consistency in the revised title.

Subsection (a)(20) is substituted for 31:11(f)(3) to eliminate unnecessary words.

In subsection (a)(21), the words “the totality of” are omitted as surplus.

In subsection (a)(22), the words “budget outlays” are substituted for “outlays” for consistency. The words “beginning with the fiscal year ending September 30, 1979” are omitted as executed.

In subsection (a)(23), the words “for appropriations” are substituted for “amounts required for appropriations” to eliminate unnecessary words. The words “for mine health and safety” and “for occupational safety and health” are omitted as unnecessary because of the restatement.

In subsection (a)(24), the words “(as defined in section 9101(2) of this title)” are added because the subsection is based on a law to which the defined term applies. The words “decides are desirable” are substituted for “may wish to make” for consistency.

In subsection (b), the words “for such years” in 31:11(a)(5)(words after 2d comma) are omitted because of the restatement. The words “of the United States” and “by him” are omitted as surplus. The words “to be included in each budget under subsection (a)(5) of this section” are added because of the restatement. The words “before October 16” are substituted for “on or before October 15”, and the word “change” is substituted for “revision”, for consistency.

In subsection (c), the words “new taxes, loans, or other” are omitted as being included in “appropriate action”. The words “in effect” are substituted for “existing” for consistency. The word “aggregate” is omitted as surplus.

In subsection (d), the words “When the President submits a budget or supporting information about a budget, the President” are substituted for “The Budget transmitted pursuant to subsection (a) of this section for any fiscal year, or the supporting detail transmitted in connection therewith” because of the restatement. The word “changes” is substituted for “amendments and revisions” to eliminate unnecessary words.

1983 ACT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1105(a)(25)	31 App.:11(k)(1).	June 10, 1921, ch. 18, 42 Stat. 20, §201(k)(1); added Sept. 8, 1982, Pub. L. 97-255, §3, 96 Stat. 815.

The words “The President shall include in the supporting detail accompanying each Budget” are omitted as being included in the introductory provisions of 31:1105(a). The words “submitted on or after January 1, 1983” are omitted as executed. The words “by the President” and “if any” are omitted as surplus.

## REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsec. (a)(23), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, which is classified principally to chapter 15 (§651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The Federal Mine Safety and Health Act of 1977, referred to in subsec. (a)(23), is Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, as amended by Pub. L. 95-164, title I, §101, Nov. 9, 1977, 91 Stat. 1290, which is classified principally to chapter 22 (§801 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 30 and Tables.

Section 11(2) of the Inspector General Act of 1978, referred to in subsec. (a)(25), is section 11(2) of Pub. L. 95-452, which is set out in the Appendix to Title 5, Government Organization and Employees.

Section 5 of the Federal Workforce Restructuring Act of 1994, referred to in subsec. (a)(30), is section 5 of Pub. L. 103-226, which is set out as a note under section 3101 of Title 5, Government Organization and Employees.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (a)(32), is classified to section 907(b)(2) of Title 2, The Congress.

The Emergency Economic Stabilization Act of 2008, referred to in subsec. (a)(36), is div. A of Pub. L. 110-343, Oct. 3, 2008, 122 Stat. 3765, which is classified principally to chapter 52 (§5201 et seq.) of Title 12, Banks and Banking. Section 123 of the Act is classified to section 5232 of Title 12. For complete classification of this Act to the Code, see Short Title note set out under section 5201 of Title 12 and Tables.

The Federal Credit Reform Act of 1990, referred to in subsec. (a)(36), is title V of Pub. L. 93-344, as added by Pub. L. 101-508, title XIII, §13201(a), Nov. 5, 1990, 104 Stat. 1388-609, which is classified generally to subchapter III (§661 et seq.) of chapter 17A of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

Section 411 of the Crow Tribe Water Rights Settlement Act of 2010, referred to in subsec. (a)(38), is section 411 of Pub. L. 111-291, title IV, Dec. 8, 2010, 124 Stat. 3113, subsec. (h) of which amended this section. Subsecs. (a) to (g) of section 411, which relate to establishment of the Crow Settlement Fund, are not classified to the Code.

Section 801 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, referred to in subsec. (h), is section 801 of Pub. L. 108-173, which is set out as a note under section 1395i of Title 42, The Public Health and Welfare.

## AMENDMENTS

2011—Subsec. (a)(33), (35). Pub. L. 111-352, §11(a)(1), made amendment identical to that made by Pub. L. 111-291, §411(h)(2). See 2010 Amendment note below.

Subsec. (a)(37). Pub. L. 111-352, §11(a)(2), added par. (37) relating to list of outdated or duplicative plans and reports identified for elimination or consolidation.

2010—Subsec. (a)(33), (35). Pub. L. 111-291, §411(h)(2), redesignated par. (33) relating to detailed, separate analysis of homeland security appropriations, obligational authority, and outlays as (35). Former par. (35) redesignated (36). Amendment subject to contingent repeal, see Repeal on Failure To Meet Enforceability Date note below.

Subsec. (a)(36) to (38). Pub. L. 111-291, §411(h)(1), (3), redesignated par. (35) as (36) and (36) as (37) relating to

information on estimates of appropriations for certain medical care accounts of the Veterans Health Administration and added par. (38). Amendment subject to contingent repeal, see Repeal on Failure To Meet Enforceability Date note below.

2009—Subsec. (a)(36). Pub. L. 111-81 added par. (36).

2008—Subsec. (a)(33). Pub. L. 110-409 added par. (33) relating to appropriations for the Council of the Inspectors General on Integrity and Efficiency and struck out former subsec. (33) relating to separate account for Inspectors General Criminal Investigator Academy and Inspectors General Forensic Laboratory.

Subsec. (a)(35). Pub. L. 110-343 added par. (35).

2003—Subsec. (g)(2)(B)(ii). Pub. L. 108-178 inserted “section” before “1102 of title 40”.

Subsec. (h). Pub. L. 108-173 added subsec. (h).

2002—Subsec. (a)(33). Pub. L. 107-296 added par. (33) relating to detailed, separate analysis of homeland security appropriations, obligational authority, and outlays.

Subsec. (a)(34). Pub. L. 107-189 added par. (34).

Subsec. (g)(2)(B)(ii). Pub. L. 107-217 substituted “1102 of title 40” for “section 901 of the Brooks Architect-Engineers Act (40 U.S.C. 541)”.

2000—Subsec. (a)(33). Pub. L. 106-422 added par. (33) relating to separate account for Inspectors General Criminal Investigator Academy and Inspectors General Forensic Laboratory.

1999—Subsec. (a)(31). Pub. L. 106-58 added par. (31).

1998—Subsec. (a)(26). Pub. L. 105-277 added par. (26) relating to statement of appropriations requested for drug programs.

1997—Subsec. (a)(32). Pub. L. 105-33 added par. (32).

1996—Subsecs. (a)(26) to (31). Pub. L. 104-287 redesignated pars. (27) to (31) as (26) to (30), respectively. Former par. (26) previously terminated.

1994—Subsec. (a)(26), (27). Pub. L. 103-272 renumbered par. (26) as (27).

Subsec. (a)(30), (31). Pub. L. 103-322 added pars. (30) and (31).

Subsec. (g). Pub. L. 103-355 added subsec. (g).

1993—Subsec. (a)(29). Pub. L. 103-62 added par. (29).

1990—Subsec. (a). Pub. L. 101-508, §13112(c)(1), substituted “On or after the first Monday in January but not later than the first Monday in February of each year” for “On or before the first Monday after January 3 of each year (or on or before February 5 in 1986)”.

Subsec. (a)(28). Pub. L. 101-576 added par. (28).

Subsec. (f). Pub. L. 101-508, §13112(c)(2), amended subsec. (f) generally, substituting “The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared in a manner consistent with the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985 that apply to that and subsequent fiscal years.” for

“(f)(1) The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared on the basis of the best estimates then available, in such a manner as to ensure that the deficit for such fiscal year shall not exceed the maximum deficit amount for such fiscal year as determined under paragraph (7) of section 3 of the Congressional Budget and Impoundment Control Act of 1974.

“(2) The deficit set forth in the budget so transmitted for any fiscal year shall not exceed the maximum deficit amount for such fiscal year as determined under paragraph (7) of section 3 of the Congressional Budget and Impoundment Control Act of 1974, with budget outlays and Federal revenues at such levels as the President may consider most desirable and feasible.

“(3) The budget transmitted pursuant to subsection (a) for a fiscal year shall include a budget baseline estimate made in accordance with section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 and using economic and technical assumptions consistent with the current services budget submitted under section 1109 for the fiscal year. If such budget baseline estimate differs from the estimate in the current services budget, the President shall explain the differences. The budget transmitted pursuant to sub-

section (a) for such fiscal year shall include the information required by section 251(a)(2) of such Act (other than account-level detail) assuming that the deficit in such budget baseline were the amount estimated by the Director of the Office of Management and Budget on August 25 of the calendar year in which the fiscal year begins.

“(4) Paragraphs (1) and (2) shall not apply with respect to fiscal year 1989 if the budget transmitted for such fiscal year provides for deficit reduction from a budget baseline deficit for such fiscal year (as defined by section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 and based on laws in effect on January 1, 1988) equal to or greater than \$36,000,000,000.

“(5) Paragraphs (1) and (2) shall not apply if a declaration of war by the Congress is in effect.”

1988—Subsec. (a)(25). Pub. L. 100-504 amended par. (25) generally. Prior to amendment, par. (25) read as follows: “a separate statement, for each agency having an Office of Inspector General, of the amount of the appropriation requested for the Office.”

Subsec. (a)(26). Pub. L. 100-690, §§1006, 1009, temporarily added par. (26) relating to statement of appropriations requested for drug programs. See Effective and Termination Dates of 1988 Amendments note below.

Pub. L. 100-418, §§5301, 5303, temporarily added par. (26) which read as follows: “an analysis, prepared by the Office of Management and Budget after consultation with the chairman of the Council of Economic Advisers, of the budget’s impact on the international competitiveness of United States business and the United States balance of payments position and shall include the following projections, based upon the best information available at the time, for the fiscal year for which the budget is submitted—

“(A) the amount of borrowing by the Government in private credit markets;

“(B) net domestic savings (defined as personal savings, corporate savings, and the fiscal surplus of State and local governments);

“(C) net private domestic investment;

“(D) the merchandise trade and current accounts;

“(E) the net increase or decrease in foreign indebtedness (defined as net foreign investment); and

“(F) the estimated direction and extent of the influence of the Government’s borrowing in private credit markets on United States dollar interest rates and on the real effective exchange rate of the United States dollar.”

See Effective and Termination Dates of 1988 Amendments note below.

1987—Subsec. (f)(3) to (5). Pub. L. 100-119 added pars. (3) and (4) and redesignated former par. (3) as (5).

1985—Subsec. (a). Pub. L. 99-177, §241(a), substituted “On or before the first Monday after January 3 of each year (or on or before February 5 in 1986)” for “During the first 15 days of each regular session of Congress”.

Subsec. (f). Pub. L. 99-177, §241(b), added subsec. (f).

1984—Subsec. (e). Pub. L. 98-501 added subsec. (e).

1983—Subsec. (a)(25). Pub. L. 97-452 added par. (25).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-343, div. A, title II, §203(c), Oct. 3, 2008, 122 Stat. 3801, provided that: “This section [amending this section and enacting provisions set out as a note under this section] and the amendment made by this section shall apply beginning with respect to the fiscal year 2010 budget submission of the President.”

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as

an Effective Date note under section 101 of Title 6, Domestic Security.

Pub. L. 107-296, title VIII, §889(c), Nov. 25, 2002, 116 Stat. 2251, provided that: “This section [amending this section and provisions set out as a note under section 2301 of Title 50, War and National Defense, and repealing provisions set out as a note under section 1113 of this title] and the amendment made by this section shall apply beginning with respect to the fiscal year 2005 budget submission.”

#### EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-58 effective at noon on Jan. 20, 2001, see section 638(h) of Pub. L. 106-58, set out as a note under section 503 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of Title 10, Armed Forces.

#### EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENTS

Amendment by Pub. L. 100-690 effective Jan. 21, 1989, and repealed Sept. 30, 1997, see sections 1012 and 1009, respectively, of Pub. L. 100-690.

Section 5303 of Pub. L. 100-418 provided that: “The amendment made by section 5301 [amending this section] shall be effective for fiscal years 1989, 1990, 1991, and 1992, and shall be fully reflected in the budgets submitted by the President as required by section 1105(a) of title 31, United States Code, for each such fiscal year, and the amendment made by section 5302 [amending section 632 of Title 2, The Congress] shall be effective for fiscal years 1989, 1990, 1991, and 1992.”

Amendment by Pub. L. 100-504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100-504, set out as an Effective Date of 1988 Amendment note under section 5 of Pub. L. 95-452 [Inspector General Act of 1978] in the Appendix to Title 5, Government Organization and Employees.

#### EFFECTIVE AND TERMINATION DATES OF 1985 AMENDMENT

Amendment of subsec. (a) and enactment of subsec. (f) of this section by Pub. L. 99-177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, but with subsec. (f) to expire Sept. 30, 2002, see section 275(a)(1), (b) of Pub. L. 99-177, formerly set out as an Effective and Termination Dates note under section 900 of Title 2, The Congress, prior to repeal by Pub. L. 112-25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

#### REPEAL ON FAILURE TO MEET ENFORCEABILITY DATE

Pub. L. 111-291, title IV, §415, Dec. 8, 2010, 124 Stat. 3121, provided that: “If the Secretary does not publish a statement of findings under section 410(e) [124 Stat. 3112] not later than March 31, 2016, or the extended date agreed to by the Tribe and the Secretary, after reasonable notice to the State of Montana, as applicable—

“(1) this title [see Short Title of 2010 Amendment note set out under section 1101 of this title] is repealed effective April 1, 2016, or the day after the extended date agreed to by the Tribe and the Secretary after reasonable notice to the State of Montana, whichever is later;

“(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this title shall be void;

“(3) any amounts made available under section 414 [124 Stat. 3120], together with any interest on those amounts, shall immediately revert to the general fund of the Treasury;

“(4) any amounts made available under section 414 that remain unexpended shall immediately revert to the general fund of the Treasury; and

“(5) the United States shall be entitled to set off against any claims asserted by the Tribe against the United States relating to water rights—

“(A) any funds expended or withdrawn from the amounts made available pursuant to this title; and  
 “(B) any funds made available to carry out the activities authorized in this title from other authorized sources.”

[For definitions of terms used in section 415 of Pub. L. 111-291, set out above, see Pub. L. 111-291, title IV, §403, Dec. 8, 2010, 124 Stat. 3097, which is not classified to the Code.]

#### CONSTRUCTION OF 1993 AMENDMENT

Amendment made by Pub. L. 103-62 not to be construed as creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person not an officer or employee of the United States acting in such capacity to have standing to file any civil action in any court of the United States to enforce any amendment made by Pub. L. 103-62, or to be construed as superseding any statutory requirement, see section 10 of Pub. L. 103-62, set out as a note under section 1101 of this title.

#### ADMINISTRATIVE EXPENSES OF EXECUTIVE BRANCH ENTITIES; SEPARATE CATEGORIES

Pub. L. 111-85, title V, §504, Oct. 28, 2009, 123 Stat. 2879, provided that:

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATIVE EXPENSES.—The term ‘administrative expenses’ has the meaning as determined by the Director under subsection (b)(2).

“(2) AGENCY.—The term ‘agency’—

“(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch and receives funding under this Act [Pub. L. 111-85, see Tables for classification]; and

“(B) shall not include the District of Columbia government.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(b) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

“(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administrative expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

“(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.”

#### CONSULTATION

Pub. L. 110-343, div. A, title II, §203(b), Oct. 3, 2008, 122 Stat. 3801, provided that: “In implementing this section [amending this section and enacting provisions set out as a note under this section], the Director of [the] Office of Management and Budget shall consult periodically, but at least annually, with the Committee on the Budget of the House of Representatives, the Committee on the Budget of the Senate, and the Director of the Congressional Budget Office.”

#### PROCEDURES IN THE HOUSE OF REPRESENTATIVES

Pub. L. 108-173, title VIII, §803, Dec. 8, 2003, 117 Stat. 2360, provided that:

“(a) INTRODUCTION AND REFERRAL OF PRESIDENT’S LEGISLATIVE PROPOSAL.—

“(1) INTRODUCTION.—In the case of a legislative proposal submitted by the President pursuant to section 1105(h) of title 31, United States Code, within the 15-day period specified in paragraph (1) of such section,

the Majority Leader of the House of Representatives (or his designee) and the Minority Leader of the House of Representatives (or his designee) shall introduce such proposal (by request), the title of which is as follows: ‘A bill to respond to a medicare funding warning.’ Such bill shall be introduced within 3 legislative days after Congress receives such proposal.

“(2) REFERRAL.—Any legislation introduced pursuant to paragraph (1) shall be referred to the appropriate committees of the House of Representatives.

“(b) DIRECTION TO THE APPROPRIATE HOUSE COMMITTEES.—

“(1) IN GENERAL.—In the House, in any year during which the President is required to submit proposed legislation to Congress under section 1105(h) of title 31, United States Code, the appropriate committees shall report medicare funding legislation by not later than June 30 of such year.

“(2) MEDICARE FUNDING LEGISLATION.—For purposes of this section, the term ‘medicare funding legislation’ means—

“(A) legislation introduced pursuant to subsection (a)(1), but only if the legislative proposal upon which the legislation is based was submitted within the 15-day period referred to in such subsection; or

“(B) any bill the title of which is as follows: ‘A bill to respond to a medicare funding warning.’

“(3) CERTIFICATION.—With respect to any medicare funding legislation or any amendment to such legislation to respond to a medicare funding warning, the chairman of the Committee on the Budget of the House shall certify—

“(A) whether or not such legislation eliminates excess general revenue medicare funding (as defined in section 801(c) [set out as a note under section 1395i of Title 42, The Public Health and Welfare]) for each fiscal year in the 7-fiscal-year reporting period; and

“(B) with respect to such an amendment, whether the legislation, as amended, would eliminate excess general revenue medicare funding (as defined in section 801(c)) for each fiscal year in such 7-fiscal-year reporting period.

“(c) FALLBACK PROCEDURE FOR FLOOR CONSIDERATION IF THE HOUSE FAILS TO VOTE ON FINAL PASSAGE BY JULY 30.—

“(1) After July 30 of any year during which the President is required to submit proposed legislation to Congress under section 1105(h) of title 31, United States Code, unless the House of Representatives has voted on final passage of any medicare funding legislation for which there is an affirmative certification under subsection (b)(3)(A), then, after the expiration of not less than 30 calendar days (and concurrently 5 legislative days), it is in order to move to discharge any committee to which medicare funding legislation which has such a certification and which has been referred to such committee for 30 calendar days from further consideration of the legislation.

“(2) A motion to discharge may be made only by an individual favoring the legislation, may be made only if supported by one-fifth of the total membership of the House (a quorum being present), and is highly privileged in the House. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between those favoring and those opposing the motion. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(3) Only one motion to discharge a particular committee may be adopted under this subsection in any session of a Congress.

“(4) Notwithstanding paragraph (1), it shall not be in order to move to discharge a committee from further consideration of medicare funding legislation pursuant to this subsection during a session of a Congress if, during the previous session of the Congress, the House passed medicare funding legislation for



which there is an affirmative certification under subsection (b)(3)(A).

“(d) FLOOR CONSIDERATION IN THE HOUSE OF DISCHARGED LEGISLATION.—

“(1) In the House, not later than 3 legislative days after any committee has been discharged from further consideration of legislation under subsection (c), the Speaker shall resolve the House into the Committee of the Whole for consideration of the legislation.

“(2) The first reading of the legislation shall be dispensed with. All points of order against consideration of the legislation are waived. General debate shall be confined to the legislation and shall not exceed five hours, which shall be divided equally between those favoring and those opposing the legislation. After general debate the legislation shall be considered for amendment under the five-minute rule. During consideration of the legislation, no amendments shall be in order in the House or in the Committee of the Whole except those for which there has been an affirmative certification under subsection (b)(3)(B). All points of order against consideration of any such amendment in the Committee of the Whole are waived. The legislation, together with any amendments which shall be in order, shall be considered as read. During the consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of Rule XVIII of the Rules of the House of Representatives. Debate on any amendment shall not exceed one hour, which shall be divided equally between those favoring and those opposing the amendment, and no pro forma amendments shall be offered during the debate. The total time for debate on all amendments shall not exceed 10 hours. At the conclusion of consideration of the legislation for amendment, the Committee shall rise and report the legislation to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the legislation and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of Rule XIV of the Rules of the House of Representatives, resolve into the Committee of the Whole for further consideration of the bill.

“(3) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any such legislation shall be decided without debate.

“(4) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any such legislation and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

“(e) LEGISLATIVE DAY DEFINED.—As used in this section, the term ‘legislative day’ means a day on which the House of Representatives is in session.

“(f) RESTRICTION ON WAIVER.—In the House, the provisions of this section may be waived only by a rule or order proposing only to waive such provisions.

“(g) RULEMAKING POWER.—The provisions of this section are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and, as such, shall be considered as part of the rules of that House and shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of that House to change the rules (so far as they relate to the procedures of that House) at any time,

in the same manner, and to the same extent as in the case of any other rule of that House.”

#### PROCEDURES IN THE SENATE

Pub. L. 108-173, title VIII, §804, Dec. 8, 2003, 117 Stat. 2363, provided that:

“(a) INTRODUCTION AND REFERRAL OF PRESIDENT’S LEGISLATIVE PROPOSAL.—

“(1) INTRODUCTION.—In the case of a legislative proposal submitted by the President pursuant to section 1105(h) of title 31, United States Code, within the 15-day period specified in paragraph (1) of such section, the Majority Leader and Minority Leader of the Senate (or their designees) shall introduce such proposal (by request), the title of which is as follows: ‘A bill to respond to a medicare funding warning.’ Such bill shall be introduced within 3 days of session after Congress receives such proposal.

“(2) REFERRAL.—Any legislation introduced pursuant to paragraph (1) shall be referred to the Committee on Finance.

“(b) MEDICARE FUNDING LEGISLATION.—For purposes of this section, the term ‘medicare funding legislation’ means—

“(1) legislation introduced pursuant to subsection (a)(1), but only if the legislative proposal upon which the legislation is based was submitted within the 15-day period referred to in such subsection; or

“(2) any bill the title of which is as follows: ‘A bill to respond to a medicare funding warning.’

“(c) QUALIFICATION FOR SPECIAL PROCEDURES.—

“(1) IN GENERAL.—The special procedures set forth in subsections (d) and (e) shall apply to medicare funding legislation, as described in subsection (b), only if the legislation—

“(A) is medicare funding legislation that is passed by the House of Representatives; or

“(B) contains matter within the jurisdiction of the Committee on Finance in the Senate.

“(2) FAILURE TO QUALIFY FOR SPECIAL PROCEDURES.—If the medicare funding legislation does not satisfy paragraph (1), then the legislation shall be considered under the ordinary procedures of the Standing Rules of the Senate.

“(d) DISCHARGE.—

“(1) IN GENERAL.—If the Committee on Finance has not reported medicare funding legislation described in subsection (c)(1) by June 30 of a year in which the President is required to submit medicare funding legislation to Congress under section 1105(h) of title 31, United States Code, then any Senator may move to discharge the Committee of any single medicare funding legislation measure. Only one such motion shall be in order in any session of Congress.

“(2) DEBATE LIMITS.—Debate in the Senate on any such motion to discharge, and all appeals in connection therewith, shall be limited to not more than 2 hours. The time shall be equally divided between, and controlled by, the maker of the motion and the Majority Leader, or their designees, except that in the event the Majority Leader is in favor of such motion, the time in opposition thereto shall be controlled by the Minority Leader or the Minority Leader’s designee. A point of order under this subsection may be made at any time. It is not in order to move to proceed to another measure or matter while such motion (or the motion to reconsider such motion) is pending.

“(3) AMENDMENTS.—No amendment to the motion to discharge shall be in order.

“(4) EXCEPTION IF CERTIFIED LEGISLATION ENACTED.—Notwithstanding paragraph (1), it shall not be in order to discharge the Committee from further consideration of medicare funding legislation pursuant to this subsection during a session of a Congress if the chairman of the Committee on the Budget of the Senate certifies that medicare funding legislation has been enacted that eliminates excess general revenue medicare funding (as defined in section 801(c) [set out as a note under section 1395i of Title 42, The Public Health and Welfare]) for each fiscal year in the 7-fiscal-year reporting period.

“(e) CONSIDERATION.—After the date on which the Committee on Finance has reported medicare funding legislation described in subsection (c)(1), or has been discharged (under subsection (d)) from further consideration of, such legislation, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such legislation.

“(f) RULES OF THE SENATE.—This section is enacted by the Senate—

“(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a bill described in this paragraph, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

“(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.”

[For definition of “7-fiscal-year reporting period” as used in section 804 of Pub. L. 108-173, set out above, see section 801(a)(3) of Pub. L. 108-173, set out as a note under section 1395i of Title 42, The Public Health and Welfare.]

#### TRANSPORTATION SECURITY ADMINISTRATION

Pub. L. 107-71, title I, §142, Nov. 19, 2001, 115 Stat. 644, provided that: “The President’s budget submission for fiscal year 2003 and each fiscal year thereafter shall reflect the establishment of the Transportation Security Administration.”

[For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

#### ANNUAL STATEMENT AND REPORT ON RULES AND REGULATIONS

Pub. L. 106-554, §1(a)(3) [title VI, §624], Dec. 21, 2000, 114 Stat. 2763, 2763A-161, provided that:

“(a) IN GENERAL.—For calendar year 2002 and each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

“(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

“(A) in the aggregate;

“(B) by agency and agency program; and

“(C) by major rule;

“(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

“(3) recommendations for reform.

“(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

“(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

“(1) measures of costs and benefits; and

“(2) the format of accounting statements.

“(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent

and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-58, title VI, §628, Sept. 29, 1999, 113 Stat. 472.

Pub. L. 105-277, div. A, §101(h) [title VI, §638], Oct. 21, 1998, 112 Stat. 2681-480, 2681-525.

#### FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Pub. L. 106-159, title I, §107(b), Dec. 9, 1999, 113 Stat. 1758, provided that: “The President’s budget submission for fiscal year 2001 and each fiscal year thereafter shall reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act [see Tables for classification].”

#### ADMINISTRATIVE EXPENSES OF LEGISLATIVE BRANCH ENTITIES; SEPARATE CATEGORIES; COMPLIANCE REPORTING

Pub. L. 103-69, title III, §308, Aug. 11, 1993, 107 Stat. 710, as amended by Pub. L. 104-316, title I, §115(c), Oct. 19, 1996, 110 Stat. 3834, for fiscal years 1995, 1996, and 1997, required submissions in support of amounts included in Budget for each entity of the legislative branch to set forth a separate category for administrative expenses, for fiscal years 1993 and 1994, required administrative expenses for each entity of the legislative branch to be calculated and submitted in a separate category in same format as if submitted in support of amounts included in the Budget, for fiscal years 1994, 1995, 1996, and 1997, required submissions in the separate category for administrative expenses for each entity of the legislative branch to include reductions by a specific percentage for fiscal years 1994 to 1997, and authorized the Comptroller General to carry out compliance reporting under this section.

#### SEPARATE OBJECT CLASS FOR CONSULTING SERVICES IN ANNUAL BUDGETS

Pub. L. 102-394, title V, §512, Oct. 6, 1992, 106 Stat. 1826, which directed the Office of Management and Budget to establish funding for consulting services for each department and agency as separate object class in each budget annually submitted to Congress under this section, was repealed and restated in subsec. (g) of this section by Pub. L. 103-355, title II, §2454(a), (b), Oct. 13, 1994, 108 Stat. 3326.

#### NASA TRIENNIAL BUDGET REQUESTS AND ESTIMATES

Pub. L. 100-685, title I, §104, Nov. 17, 1988, 102 Stat. 4086, provided that: “Commencing in fiscal year 1990 and every year thereafter, the President shall submit to Congress a budget request for the National Aeronautics and Space Administration for the immediate fiscal year and the following fiscal year, and include budget estimates for the third fiscal year.”

#### TWO-YEAR BUDGET CYCLE FOR COAST GUARD

Pub. L. 102-241, §11, Dec. 19, 1991, 105 Stat. 2212, provided that: “Notwithstanding another law, the President is not required to submit a two-year budget request for the Coast Guard until the President is required to submit a two-year budget request for the Department of Transportation.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

Pub. L. 100-448, §24, Sept. 28, 1988, 102 Stat. 1847, provided that:

“(a) OPINION OF CONGRESS.—It is the opinion of the Congress that the programs and activities of the Coast

Guard could be more effectively and efficiently planned and managed if funds for the Coast Guard were provided on a 2-year cycle rather than annually.

“(b) SUBMISSION OF 2-YEAR BUDGET BY PRESIDENT.—The President shall include in the budget for fiscal year 1990 submitted to the Congress pursuant to section 1105 of title 31, United States Code, a single proposed budget for the Coast Guard for fiscal years 1990 and 1991. Thereafter, the President shall submit a proposed 2-year budget for the Coast Guard every other year.

“(c) REPORT.—Not later than October 1, 1988, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and to the Committee on Merchant Marine and Fisheries and the Committee on Appropriations of the House of Representatives a report containing—

“(1) the Secretary’s views on the advantages and disadvantages of operating the Coast Guard on a 2-year budget cycle;

“(2) the Secretary’s plans for converting to a 2-year budget cycle; and

“(3) a description of any impediments (statutory or otherwise) to converting the operations of the Coast Guard to a 2-year budget cycle beginning with fiscal year 1990.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

#### WATER AND SEWER SERVICES FURNISHED TO GOVERNMENT FACILITIES IN DISTRICT OF COLUMBIA

Pub. L. 100-202, §101(c) [title I, §136], Dec. 22, 1987, 101 Stat. 1329-90, 1329-102, provided that: “After the effective date of this Joint Resolution [Dec. 22, 1987], the President shall include, without change, in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, the values estimated by the Mayor of the District of Columbia for water and water services and sanitary sewer services furnished to facilities of the United States Government under sections 106 and 212 of the District of Columbia Public Works Act of 1954, as amended (D.C. Code, sections 43-1552, 43-1612).”

#### TWO-YEAR BUDGET CYCLE FOR DEPARTMENT OF DEFENSE

Pub. L. 99-145, title XIV, §1405, Nov. 8, 1985, 99 Stat. 744, which related to congressional findings concerning a two-year budget cycle for the Defense Department, requirement that President submit two-year budget proposals, and a report by the Secretary of Defense to be submitted not later than Apr. 1, 1986, was repealed by Pub. L. 110-181, div. A, title X, §1006, Jan. 28, 2008, 122 Stat. 303.

#### FEDERAL CAPITAL INVESTMENT PROGRAM; CONGRESSIONAL STATEMENT OF PURPOSES

Section 202 of Pub. L. 98-501 provided that: “The purposes of this title [amending this section and enacting provisions set out as notes under this section and section 1101 of this title] are—

“(1) to provide budget projections for major Federal capital investment programs;

“(2) to provide a summary of the most recent needs assessment analyses for these programs;

“(3) to provide information on the sensitivity of the needs estimates to major policy issues and technical and economic variables;

“(4) to assist the planning capabilities of State and local governments on the assessment of major capital investment programs; and

“(5) to improve legislative oversight over Federal capital investment programs.”

#### DEFICIT REDUCTION FUND

For provisions requiring information about Deficit Reduction Fund, including a separate statement of amounts in and Federal debt redeemed by that Fund to be included in budget transmitted under this section, see Ex. Ord. No. 12858, §3, Aug. 4, 1993, 58 F.R. 42185, set out as a note under section 900 of Title 2, The Congress.

#### BUDGET CONTROL

For provisions requiring annual review of direct spending and receipts to be part of each budget submitted under subsec. (a) of this section, see Ex. Ord. No. 12857, §3, Aug. 4, 1993, 58 F.R. 42181, formerly set out as a note under section 900 of Title 2, The Congress.

EX. ORD. NO. 6715. FILING OF FUNCTIONAL ORGANIZATION CHARTS WITH THE DIRECTOR OF THE BUREAU OF THE BUDGET

Ex. Ord. No. 6715, May 23, 1934, provided:

(1) Each executive department, independent establishment, and emergency agency shall file with the Director of the Bureau of the Budget [now Director of Office of Management and Budget] a functional organization chart, indicating its various existing bureaus, divisions, sections, etc., and containing a description of the functions respectively performed, and shall file such additional charts from time to time, as may be necessary to show all changes made therein.

(2) Every executive department, independent establishment, and emergency agency hereafter created shall within 5 days after the appointment of the head thereof file a preliminary functional organization chart with the Director of the Bureau of the Budget.

(3) The Director of the Bureau of the Budget is hereby authorized to prescribe, subject to the approval of the President, such rules and regulations as will indicate the information desired and the form of chart to be furnished.

#### ASSIGNMENT OF FUNCTION REGARDING MEDICARE FUNDING

Memorandum of the President of the United States, Feb. 14, 2008, 73 F.R. 9169, provided:

Memorandum for the Secretary of Health and Human Services

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, you are directed to perform the function of the President as described under section 802 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173, 31 U.S.C. 1105(h)(1)).

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

#### § 1106. Supplemental budget estimates and changes

(a) Before July 16 of each year, the President shall submit to Congress a supplemental summary of the budget for the fiscal year for which the budget is submitted under section 1105(a) of this title. The summary shall include—

(1) for that fiscal year—

(A) substantial changes in or reappraisals of estimates of expenditures and receipts;

(B) substantial obligations imposed on the budget after its submission;

(C) current information on matters referred to in section 1105(a)(8) and (9)(B) and (C) of this title; and

(D) additional information the President decides is advisable to provide Congress with