

**§ 1104. Budget and appropriations authority of the President**

(a) The President shall prepare budgets of the United States Government under section 1105 of this title and proposed deficiency and supplemental appropriations under section 1107 of this title. To the extent practicable, the President shall use uniform terms in stating the purposes and conditions of appropriations.

(b) Except as provided in this chapter, the President shall prescribe the contents and order of statements in the budget on expenditures and estimated expenditures and statements on proposed appropriations and information submitted with the budget and proposed appropriations. The President shall include with the budget and proposed appropriations information on personnel and other objects of expenditure in the way that information was included in the budget for fiscal year 1950. However, the requirement that information be included in the budget in that way may be waived or changed by joint action of the Committees on Appropriations of both Houses of Congress. This subsection does not limit the authority of a committee of Congress to request information in a form it prescribes.

(c) When the President makes a basic change in the form of the budget, the President shall submit with the budget information showing where items in the budget for the prior fiscal year are contained in the present budget. However, the President may change the functional categories in the budget only in consultation with the Committees on Appropriations and on the Budget of both Houses of Congress. Committees of the House of Representatives and Senate shall receive prompt notification of all such changes.

(d) The President shall develop programs and prescribe regulations to improve the compilation, analysis, publication, and dissemination of statistical information by executive agencies. The President shall carry out this subsection through the Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget.

(e) Under regulations prescribed by the President, each agency shall provide information required by the President in carrying out this chapter. The President has access to, and may inspect, records of an agency to obtain information.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 908; Pub. L. 99-177, title II, §224, Dec. 12, 1985, 99 Stat. 1060.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1104(b) .....	31:581.	June 10, 1921, ch. 18, §204, 42 Stat. 21; restated Sept. 12, 1950, ch. 946, §102(c), 64 Stat. 833.
1104(c) .....	31:11d. 31:581a.	July 12, 1974, Pub. L. 93-344, §802, 88 Stat. 330. June 10, 1921, ch. 18, §205, 42 Stat. 21; restated Sept. 12, 1950, ch. 946, §102(d), 64 Stat. 833.
1104(d) .....	31:18b. 44:3503(note).	Sept. 12, 1950, ch. 946, §103, 64 Stat. 834; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085. Dec. 11, 1980, Pub. L. 96-511, §3(a), 94 Stat. 2825.
1104(e) .....	31:21.	June 10, 1921, ch. 18, §213, 42 Stat. 23; 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.

In the section, the word “President” is substituted for “Office” in 31:16(last sentence), “President, through the Director of the Office of Management and Budget” in 31:18b, “President and the Director of the Office of Management and Budget” in 44:3503(note), and “Office of Management and Budget” in 31:21 and 623, 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.

In subsection (a), the words “under such rules and regulations as the President may prescribe” in 31:16(last sentence) are omitted as unnecessary because of section 101 of Reorganization Plan No. 2 of 1970. The words “use uniform terms in stating” are substituted for “make uniform the language commonly used in expressing” in 31:623 for consistency. The words “eliminate from all estimates unnecessary words” are omitted as unnecessary because of the authority of the President under this subsection to prepare the budget. The text of section 3(words before semicolon) in the Act of June 23, 1913 (ch. 13, 38 Stat. 75) is omitted as superseded by 31:ch. 1 and 31:581.

In subsection (b), the word “arrangement” is omitted as being included in “order”. The word “information” is substituted for “notes and other data”, and the word “submitted” is substituted for “transmitted”, for consistency. The words “The President shall include” are substituted for “shall be accompanied by” because of the authority of the President under subsection (a) to prepare the budget. The words “proposed appropriations” are substituted for “proposed supplemental or deficiency appropriations” because of the restatement. The word “personnel” is substituted for “personal services” for clarity. The word “way” is substituted for “manner and form” for consistency. The words “either generally or in specific cases” are omitted as surplus. The word “request” is substituted for “request and receive” to eliminate unnecessary words. The words “it prescribes” are substituted for “as they may desire in consideration of and action upon budget estimates” to eliminate unnecessary words.

In subsection (c), the words “President makes” are substituted for “is made” in 31:581a as being more precise. The word “information” is substituted for “explanatory notes and tables” for consistency in the revised title. The words “to Congress”, “as may be necessary”, and “various” are omitted as surplus. The words “The President may change” are substituted for “Any change . . . shall be made only” in 31:11d because the President prepares and submits the budget under 31:11. The word “budget” is substituted for “Budget of the United States Government transmitted pursuant to section 11 of this title” to eliminate unnecessary words and for consistency in the chapter.

In subsection (d), the word “gathering” in 31:18b is omitted as being included in “compilation”. The text

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1104(a) .....	31:16(last sentence related to preparation of budgets and appropriations). 31:623.	June 10, 1921, ch. 18, §207(last sentence related to preparation of budgets and appropriations), 42 Stat. 22; restated Sept. 12, 1950, ch. 946, §102(e), 64 Stat. 833; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085. June 23, 1913, ch. 3, §3, 38 Stat. 75; 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.

of 31:18b(last sentence) is omitted as unnecessary because of the restatement of the source provisions in subsection (e). The words “carry out . . . through” are substituted for “delegate to” in 44:3503(note) for consistency.

In subsection (e), the word “provide” is substituted for “furnish” for consistency. The words “required by the President in carrying out this chapter” are substituted for “as the Office may from time to time require” because of section 101 of Reorganization Plan No. 2 of 1970 and to provide comparable limiting language on when information may be required. The words “the director and the assistant director, or any employee of the Office when duly authorized” are omitted because of 3:301. The word “inspect” is substituted for “examine” for consistency in the revised title. The word “records” is substituted for “books, documents, papers, or records” for consistency in the revised title and with other titles of the United States Code.

#### AMENDMENTS

1985—Subsec. (c). Pub. L. 99-177 inserted provisions relating to notice to committees of House of Representatives and Senate.

#### 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 Title 2. The Congress, prior to repeal by Pub. L. 112-25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

#### EX. ORD. NO. 10253. PROVISIONS FOR IMPROVEMENT OF WORK OF FEDERAL EXECUTIVE AGENCIES WITH RESPECT TO STATISTICAL INFORMATION

Ex. Ord. No. 10253, June 11, 1951, 16 F.R. 5605, as amended by Ex. Ord. No. 12013, Oct. 7, 1977, 42 F.R. 54931; Ex. Ord. No. 12318, Aug. 12, 1981, 46 F.R. 42833, provided:

SECTION 1. The Director of the Office of Management and Budget (hereinafter referred to as the Director) shall develop programs, and issue regulations and orders, for the improved gathering, compiling, analyzing, publishing, and disseminating of statistical information for any purpose by the various agencies in the executive branch of the Federal Government.

SEC. 2. In order to carry out the provisions of Section 1 of this order, the Director shall maintain a continuing study for the improvement of the statistical work of the agencies in the executive branch of the Federal Government with a view to obtaining the maximum benefit from the funds and facilities available for such work, giving due consideration to the constantly changing character of the various needs for statistical information both within and without the Government and, where the statistical work is primarily concerned with operating programs, giving due consideration to administrative needs, statutory requirements, and the needs involved in the development of administrative and legislative recommendations. The Director, either upon his own initiative or upon the request of any such agency, shall (a) provide for the interchange of information calculated to improve statistical work, (b) make appropriate arrangements for improving statistical work involving relationships between two or more agencies, and (c) assist the agencies, by other means, to improve their statistical work.

SEC. 3. The following shall be included among the objectives sought in carrying out the provisions of Section 1 hereof:

(a) To achieve an adequate program of statistical work in the agencies of the executive branch, in relation to over-all needs for statistical information, including the filling of gaps and overcoming of weaknesses in presently available statistical information.

(b) To achieve the most effective use of resources available for statistical work by the agencies, in relation to over-all needs.

(c) To minimize the burden upon those furnishing statistical data needed by the various Federal agencies.

(d) To improve the reliability and timeliness of statistical information.

(e) To achieve maximum comparability among the several statistical series and studies.

(f) To improve the presentation of statistical information and of explanations regarding the sources and reliability of such information, and regarding the limitations on the uses that can appropriately be made of it.

SEC. 4. Regulations and orders issued pursuant to Section 1 hereof shall be signed by the Director. When so signed, such regulations and orders shall require no further approval and shall be adhered to by all agencies in the executive branch. Any such regulation or order may pertain to a single agency, a group of agencies, or all agencies in the executive branch.

SEC. 5. In the development of programs and the preparation of regulations and orders for issuance pursuant to Section 1 hereof, the Director shall consult Federal agencies whose activities will be substantially affected, and may consult non-Federal groups to the extent he finds it necessary to carry out the purposes of this order.

SEC. 6. The authority outlined in this order is in addition to and not in substitution for the existing authority of the Director, or of the Office of Management and Budget, with respect to statistical and reporting activities. To the extent, however, that this order conflicts with any previous Executive order affecting statistical or reporting activities, the provisions of this order shall control.

SEC. 7. As required by Section 3(a) of the Paperwork Reduction Act of 1980 (94 Stat. 2825; 44 U.S.C. 3503 note), the Director shall redelegate to the Administrator for the Office of Information and Regulatory Affairs, Office of Management and Budget, all functions, authority, and responsibility under Section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b) [31 U.S.C. 1104(d)] which have been vested in the Director by this Order.

SEC. 8. [Revoked by Ex. Ord. No. 12318, Aug. 21, 1981, 46 F.R. 42833.]

#### § 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