

ing 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 complete and current information about the budget and current estimates of the functions, obligations, requirements, and financial condition of the United States Government;

(2) for the 4 fiscal years following the fiscal year for which the budget is submitted, information on estimated expenditures for programs authorized to continue in future years, or that are considered mandatory, under law; and

(3) for future fiscal years, information on estimated expenditures of balances carried over from the fiscal year for which the budget is submitted.

(b) Before July 16 of each year, the President shall submit to Congress a statement of changes in budget authority requested, estimated budget outlays, and estimated receipts for the fiscal year for which the budget is submitted (including prior changes proposed for the executive branch of the Government) that the President decides are necessary and appropriate based on current information. The statement shall include the effect of those changes on the information submitted under section 1105(a)(1)–(14) and (b) of this title and shall include supporting information as practicable. The statement submitted before July 16 may be included in the information submitted under subsection (a)(1) of this section.

(c) Subsection (f) of section 1105 shall apply to revisions and supplemental summaries submitted under this section to the same extent that such subsection applies to the budget submitted under section 1105(a) to which such revisions and summaries relate.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 911; Pub. L. 99-177, title II, § 242, Dec. 12, 1985, 99 Stat. 1063.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1106(a)	31:11(b), (c).	June 10, 1921, ch. 18, 42 Stat. 20, § 201(b), (c); added Aug. 25, 1958, Pub. L. 85-759, § 1, 72 Stat. 852; restated Oct. 26, 1970, Pub. L. 91-510, § 221(b), 84 Stat. 1169; July 12, 1974, Pub. L. 93-344, § 602, 88 Stat. 324.
1106(b)	31:11(g)(1st-3d sentences).	June 10, 1921, ch. 18, 42 Stat. 20, § 201(g)(1st-3d sentences); added July 12, 1974, Pub. L. 93-344, § 601, 88 Stat. 323.

In subsection (a), before clause (1), the words “Before July 16” are substituted for “on or before July 15” for consistency. The words “budget for the fiscal year for which the budget is submitted” are substituted for “Budget for the ensuing fiscal year transmitted to the Congress by the President” to eliminate unnecessary words and for consistency in the chapter. The words “in such form and detail as he may determine” are omitted as unnecessary. In clause (1)(D), the words “in summary form” and “summary of” are omitted as unnecessary. The word “necessary” is omitted as being included in “advisable”. In clauses (2) and (3), the word “information” is substituted for “summaries” because of the restatement. In clause (2), the words “programs authorized to continue in future years, or that are considered mandatory, under law” are substituted for “continuing programs which have a legal commitment for future years or are considered mandatory under existing law” for consistency.

In subsection (b), the words “Before April 11 and July 16” are substituted for “on or before April 10 and July 15”, the word “changes” is substituted for “all amendments to or revisions in”, and the words “budget outlays” are substituted for “outlays”, the words “fiscal year for which the budget is submitted” are substituted for “ensuing fiscal year set forth in the Budget transmitted pursuant to subsection (a) of this section”, for consistency. The word “information” is substituted for “summary data” because of the restatement.

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-177, § 242(a), struck out “April 11 and” before “July 16”.

Subsec. (c). Pub. L. 99-177, § 242(b), added subsec. (c).

EFFECTIVE AND TERMINATION DATES 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, but with subsec. (c) 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.

§ 1107. Deficiency and supplemental appropriations

The President may submit to Congress proposed deficiency and supplemental appropriations the President decides are necessary because of laws enacted after the submission of the budget or that are in the public interest. The President shall include the reasons for the submission of the proposed appropriations and the reasons the proposed appropriations were not included in the budget. When the total proposed appropriations would have required the President to make a recommendation under section 1105(c) of this title if they had been included in the budget, the President shall make a recommendation under that section. The President shall transmit promptly to Congress

without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 911; Pub. L. 112-74, div. C, title VI, § 619, Dec. 23, 2011, 125 Stat. 926.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1107	31:14.	June 10, 1921, ch. 18, § 203, 42 Stat. 21; restated Sept. 12, 1950, ch. 946, § 102(b), 64 Stat. 833.

In the section, the words “reach an aggregate which” are omitted as surplus.

AMENDMENTS

2011—Pub. L. 112-74 inserted at end “The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch.”

§ 1108. Preparation and submission of appropriation requests to the President

(a) In this section (except subsections (b)(1) and (e)), “agency” means a department, agency, or instrumentality of the United States Government.

(b)(1) The head of each agency shall prepare and submit to the President each appropriation request for the agency. The request shall be prepared and submitted in the form prescribed by the President under this chapter and by the date established by the President. When the head of an agency does not submit a request by that date, the President shall prepare the request for the agency to be included in the budget or changes in the budget or as deficiency and supplemental appropriations. The President may change agency appropriation requests. Agency appropriation requests shall be developed from cost-based budgets in the way and at times prescribed by the President. The head of the agency shall use the cost-based budget to administer the agency and to divide appropriations or amounts.

(2) An officer or employee of an agency in the executive branch may submit to the President or Congress a request for legislation authorizing deficiency or supplemental appropriations for the agency only with the approval of the head of the agency.

(c) The head of an agency shall include with an appropriation request submitted to the President a report that the statement of obligations submitted with the request contains obligations consistent with section 1501 of this title. The head of the agency shall support the report with a certification of the consistency and shall support the certification with records showing that the amounts have been obligated. The head of the agency shall designate officials to make the certifications, and those officials may not delegate the duty to make the certifications. The certifications and records shall be kept in the agency—

(1) in a form that makes audits and reconciliations easy; and

(2) for a period necessary to carry out audits and reconciliations.

(d) To the extent practicable, the head of an agency shall—

(1) provide information supporting the agency’s budget request for its missions by function and subfunction (including the mission of each organizational unit of the agency); and

(2) relate the agency’s programs to its missions.

(e) Except as provided in subsection (f) of this section, an officer or employee of an agency (as defined in section 1101 of this title) may submit to Congress or a committee of Congress an appropriations estimate or request, a request for an increase in that estimate or request, or a recommendation on meeting the financial needs of the Government only when requested by either House of Congress.

(f) The Interstate Commerce Commission shall submit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the President or the Office of Management and Budget. An officer of an agency may not impose conditions on or impair communication by the Commission with Congress, or a committee or member of Congress, about the information.

(g) Amounts available under law are available for field examinations of appropriation estimates. The use of the amounts is subject only to regulations prescribed by the appropriate standing committees of Congress.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 912.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1108(a)	(no source).	
1108(b)(1)	31:16(last sentence related to appropriations requests).	June 10, 1921, ch. 18, § 207(last sentence related to appropriations requests), 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.
	31:22, 23.	June 10, 1921, ch. 18, §§ 214, 215, 42 Stat. 23; restated Sept. 12, 1950, ch. 946, § 102(f), (g), 64 Stat. 833; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, § 102(a), 84 Stat. 2085.
	31:24(a).	June 10, 1921, ch. 18, § 216(a), 42 Stat. 23; restated Sept. 12, 1950, ch. 946, § 102(h), 64 Stat. 834; Aug. 1, 1956, ch. 814, § 1(b), 70 Stat. 782; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, § 102(a), 84 Stat. 2085.
	31:24(b), (c).	June 10, 1921, ch. 18, 42 Stat. 20, § 216(b), (c); added Aug. 1, 1956, ch. 814, § 1(b), 70 Stat. 782.
1108(b)(2)	31:581b.	Sept. 12, 1950, ch. 946, § 201, 64 Stat. 838; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, § 102(a), 84 Stat. 2085.
1108(c)	31:200(b).	Aug. 26, 1954, ch. 935, § 1311(b), 68 Stat. 830; restated July 8, 1959, Pub. L. 86-79, § 210(a), 73 Stat. 167; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, § 102(a), 84 Stat. 2085.
	31:200(c).	Aug. 26, 1954, ch. 935, § 1311(c), 68 Stat. 831.
1108(d)	31:11(i)(last sentence).	June 10, 1921, ch. 18, 42 Stat. 20, § 201(i)(last sentence); added July 12, 1974, Pub. L. 93-344, § 601, 88 Stat. 323.