

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 appropriations 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.
1108(e)	31:15.	June 10, 1921, ch. 18, §206, 42 Stat. 21.
1108(f)	31:11(j).	June 10, 1921, ch. 18, 42 Stat. 20, §201(j); added Feb. 5, 1976, Pub. L. 94-210, §311, 90 Stat. 60.
1108(g)	31:22a.	Aug. 7, 1953, ch. 340, §1314, 67 Stat. 438.

Subsection (a) is included because the source provisions restated in subsections (c), (d), (f), and (g) of the revised section are derived from laws that apply to all organizational units and branches of the United States Government rather than the units and branches included in the chapter-wide definition in section 1101.

In subsection (b)(1), the word “President” is substituted for “Office” in 31:16(last sentence) and “Office of Management and Budget” in 31:23 and 24(a) 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 “prepare” is substituted for “prepare or cause to be prepared” in 31:22 to eliminate unnecessary words. The word “appropriations” is substituted for “regular, supplementary, or deficiency appropriations” in 31:22 and 24(a) to eliminate unnecessary words. The words “in each year” are omitted as surplus. The words “in the form prescribed by the President under this chapter and by the date established by the President” are substituted for “on or before a date which the President shall determine” in 31:23, and “as the President may determine in accordance with the provisions of section 11 of this title” and “in such manner and at such times as may be determined by the President” in 31:24, to eliminate unnecessary words and to provide a cross-reference to the authority of the President to prepare and submit budgets and appropriations request. The words “prepare the request for the agency to be included in the budget or changes in the budget or as deficiency or supplemental appropriations” are substituted for “cause such requests to be prepared as are necessary to enable him to include such requests with the Budget in respect to the work of such department or establishment” in 31:23 for clarity and because of the restatement. The word “change” is substituted for “assemble, correlate, revise, reduce, or increase” in 31:16 (last sentence) to eliminate unnecessary words. The words “The head of the agency shall use” are substituted for “shall be used by all departments and establishments and their subordinate units” and “shall be made on the basis of” in 31:24 as being more precise. The word “operation” is omitted as being included in “administer”. The word “amounts” is substituted for “funds” for consistency in the revised title. The word “divide” is substituted for “administrative subdivisions” because of the restatement.

In subsection (b)(2), the words “deficiency or supplemental appropriations” are substituted for “subsequent appropriations” for consistency. The words “the Office of Management and Budget” are omitted because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 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 “the agency” are substituted for “by such department or establishment, or by any organization unit thereof” to eliminate unnecessary words.

In subsection (c), before clause (1), the word “President” is substituted for “Office of Management and Budget” in 31:200(b) because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 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 “submitted with the request contains obligations consistent with” are substituted for “furnished therewith consists of valid obligations as defined in” for clarity and because of the restatement. The words “The head of the agency shall support the report with a certification of the consistency” are substituted for “Each report made pursuant to subsection (b) of this section shall be supported by certifications” in 31:200(c) for clarity. The words “duty to make certifications” are substituted for “responsibility” for consistency.

In subsection (d)(1), the words “its missions” are substituted for “its assigned mission”, and the words “the mission” are substituted for “mission responsibilities”, to eliminate unnecessary words.

In subsection (d)(2), the word “mission” is substituted for “agency missions” to eliminate unnecessary words.

In subsection (e), the words “Except as provided in subsection (f) of this section” are added because of the restatement. The word “financial” is substituted for “revenue” for consistency in the revised title.

In subsection (f), the word “personnel” is substituted for “manpower”, and the words “at the same time” are substituted for “concurrently”, for clarity. The words “officer of an agency” are substituted for “officer or agency” as being more precise. The word “prohibit” is

omitted as being included in “impose conditions on or impair”. The word “communication” is substituted for “free communication” to eliminate a surplus word. The words “about the information” are substituted for “with respect to any budget estimate or request of the Commission” for consistency and to eliminate unnecessary words.

In subsection (g), the word “Amounts” is substituted for “Funds”, the word “law” is substituted for “Act”, and the words “regulations prescribed” are substituted for “regulations”, for consistency in the revised title. The words “of Congress” are added for clarity.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 1302 of Title 49, Transportation, and section 101 of Pub. L. 104-88, set out as a note under section 1301 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 1301 of Title 49.

§ 1109. Current programs and activities estimates

(a) On or before the first Monday after January 3 of each year (on or before February 5 in 1986), the President shall submit to both Houses of Congress the estimated budget outlays and proposed budget authority that would be included in the budget for the following fiscal year if programs and activities of the United States Government were carried on during that year at the same level as the current fiscal year without a change in policy. The President shall state the estimated budget outlays and proposed budget authority by function and subfunction under the classifications in the budget summary table under the heading “Budget Authority and Outlays by Function and Agency”, by major programs in each function, and by agency. The President also shall include a statement of the economic and program assumptions on which those budget outlays and budget authority are based, including inflation, real economic growth, and unemployment rates, program case-loads, and pay increases.

(b) The Joint Economic Committee shall review the estimated budget outlays and proposed budget authority and submit an economic evaluation of the budget outlays and budget authority to the Committees on the Budget of both Houses before March 1 of each year.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 913; Pub. L. 99-177, title II, §222, Dec. 12, 1985, 99 Stat. 1060.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1109(a)	31:11a(a).	July 12, 1974, Pub. L. 93-344, §605, 88 Stat. 325.
1109(b)	31:11a(b).	

In the section, the words “budget outlays” are substituted for “outlays” for consistency in the revised title.

In subsection (a), the words “Before November 11” are substituted for “On or before November 10”, the words “both Houses of Congress” are substituted for “the Senate and the House of Representatives”, the