

SUBTITLE II—THE BUDGET PROCESS

CHAPTER 11—THE BUDGET AND FISCAL, BUDGET,
AND PROGRAM INFORMATION

§ 1101. Definitions

HISTORICAL AND STATUTORY NOTES

Explanatory Notes

In the section, a reference to 31:71 and 471 is omitted because the definitions in the section are not used in 31:71 and 471.

In clause (1), “agency” (which is defined for purposes of this title in section 101 to mean a department, agency, or instrumentality of the United States) is coextensive with and substituted for the term “department or establishment” which was defined in 31:2 as in part meaning “any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including any independent regulatory commission or board”. This definition merely restates and continues, and does not in any way change or expand, the definition in 31:2. Under that definition, entities such as the Tennessee Valley Authority that have been interpreted to be outside the purview of the definition will continue to be outside the purview in the same manner and to the same extent that they were under 31:2. The words “includes the Dis-

trict of Columbia government” are used because of existing law but the inclusion of these words is not to be interpreted as construing the extent to which the District of Columbia Self-Government and Governmental Reorganizational Act (Pub.L. 93-198, 87 Stat. 774) supersedes the provisions codified in this title. The words “of the United States” are omitted as surplus. The text of 31:2 (2d-4th pars.) is omitted as unnecessary because of the restatement. The text of section 2 (3d par.) of the Budget and Accounting Act 1921 (ch. 18, 42 Stat. 20), is omitted as obsolete because of section 501 of the revised title.

Short Title of 1984 Amendment

Pub.L. 98-501, Title II, § 201, Oct. 19, 1984, 98 Stat. 2324, provided that: “This title [enacting section 1105(e) of this title and provision set out as a note under section 1105 of this title] may be cited as the ‘Federal Capital Investment Program Information Act of 1984’.”

LAW REVIEW COMMENTARIES

Byrd shot: Congress takes a broad aim at government contract lobbyists. Thomas M. Sus-

man and Clayton S. Marsh, 37 Fed.B.News & J. 387 (1990).

§ 1104. Budget and appropriations authority of the President

[See main volume for text of (a) and (b)]

(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.

[See main volume for text of (d) and (e)]

(As amended Pub.L. 99-177, Title II, § 224, Dec. 12, 1985, 99 Stat. 1060.)

HISTORICAL AND STATUTORY NOTES

1985 Amendment

Subsec. (c). Pub.L. 99-177, § 224, added provisions relating to notice to Committees of the House and Senate.

Effective Date of 1985 Amendment

Amendment by Pub.L. 99-177 effective Dec. 12, 1985, to apply with respect to fiscal years

beginning after Sept. 30, 1985, see section 275(a)(1) of Pub.L. 99-177, set out as a note under section 901 of Title 2, The Congress.

Legislative History

For legislative history and purpose of Pub.L. 99-177, see 1985 U.S. Code Cong. and Adm. News, p. 979.

§ 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:

[See main volume for text of (1) to (24)]

(25) a separate appropriation account for appropriations for each Office of Inspector General of an establishment defined under section 11(2) of the Inspector General Act of 1978.

(26) 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.

(26)¹ 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.

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

[See main volume for text of (b) to (d)]

(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 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.

(As amended 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.)

¹ So in original. Two pars. (26) have been enacted. See italic note and Effective and Termination Dates note under this section.

WORK AND FINANCE

(1) For purposes of this section, any expenditure for a capital asset which is not a building or other structure shall be treated as a capital expenditure if the asset is used in the production of income and its useful life is estimated to exceed one year.

- (A) machinery or fixtures
- (B) ships or boats
- (C) mass transportation systems
- (D) water treatment or related facilities
- (E) water resource projects
- (F) pipelines
- (G) resource recovery facilities
- (H) public buildings
- (I) space or communication facilities
- (J) minerals and
- (K) telephony systems

(2) Expenditures of the taxpayer, any partnership, any corporation, any trust, or any other entity shall be treated as capital expenditures if the asset is used in the production of income and its useful life is estimated to exceed one year. This section shall not apply to expenditures for the construction, acquisition, or rehabilitation of any physical asset which is a building or other structure or other facility, or for the purchase of land, site, equipment, or other facility, or for the purchase of any other asset which is a building or other facility, or for the purchase of any other asset which is a building or other facility.

(3) For purposes of this section, the term "construction" includes the design, construction, and erection of new structures and facilities, the expansion of existing structures and facilities, the reconstruction of a project at an existing site, or the installation of a project at a new site, and the installation of utility and replacement equipment, and such other activities as are necessary to carry out the project.

(4) The term "rehabilitation" includes the alteration of or construction of structures, facilities, or other assets to improve their condition, or to replace or repair any part of such structures, facilities, or other assets, or to improve the efficiency of such structures, facilities, or other assets, or to improve the safety of such structures, facilities, or other assets, or to improve the appearance of such structures, facilities, or other assets.

(5) The term "replacement" includes the replacement of any part of a structure, facility, or other asset which is a building or other facility, or for the purchase of any other asset which is a building or other facility, or for the purchase of any other asset which is a building or other facility.

(6) The term "improvement" includes the improvement of any part of a structure, facility, or other asset which is a building or other facility, or for the purchase of any other asset which is a building or other facility, or for the purchase of any other asset which is a building or other facility.

(7) The term "alteration" includes the alteration of any part of a structure, facility, or other asset which is a building or other facility, or for the purchase of any other asset which is a building or other facility, or for the purchase of any other asset which is a building or other facility.

Termination of Amendment

For repeal, by section 1009 of Pub.L. 100-690, of amendment to this section by Pub.L. 100-690, see Effective and Termination Dates of 1988 Amendment set out under this section.

Termination of Subsection (a)(26)

Section 5303 of Pub.L. 100-418 provided that subsection (a)(26) of this section is effective only for fiscal years 1989, 1990, 1991, and 1992. See Effective and Termination Dates of 1988 Amendment note below.

Termination of Subsec. (f)

For termination date of amendment by section 275(b) of Pub.L. 99-177, see Effective and Termination Dates note set out under section 900 of Title 2, The Congress.

HISTORICAL AND STATUTORY NOTES**References in Text**

Section 11(2) of the Inspector General Act of 1978, referred to in subsec. (a)(25), is set out in Appendix 3 to Title 5, Government Organization and Employees.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (f), is Title II of Pub.L. 99-177, Dec. 12, 1985, 99 Stat. 1037, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2, The Congress, and Tables.

1990 Amendment

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), struck out the paragraph designation "(1)" preceding "The budget transmitted pursuant to", in that provision, which had formerly constituted par. (1), substituted "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 "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", and struck out provisions formerly designated as pars. (2), (3), (4), and (5) which had directed that the deficit set forth in the budget transmitted for any fiscal year could 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 considered most desirable and feasible, that the budget transmitted pursuant to subsection (a) for a fiscal year had to include a budget baseline estimate made in accordance with section 251(a)(6) of the Balanced

Budget and Emergency Deficit Control Act of 1985 using economic and technical assumptions consistent with the current services budget submitted under section 1109 for the fiscal year that if such budget baseline estimate differed from the estimate in the current services budget, the President would explain the differences, that the budget transmitted pursuant to subsection (a) for such fiscal year would 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 began, that paragraphs (1) and (2) would not apply with respect to fiscal year 1989 if the budget transmitted for such fiscal year provided 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, and that paragraphs (1) and (2) did not apply if a declaration of war by the Congress was in effect.

1988 Amendments

Subsec. (a)(25). Pub.L. 100-504 substituted "a separate appropriation account for appropriations for each Office of Inspector General of an establishment defined under section 11(2) of the Inspector General Act of 1978" for "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, added par. (26).

Pub.L. 100-418 temporarily added par. (26). See Effective and Termination Dates of 1988 Amendment note below.

1987 Amendment

Subsec. (f)(3). Pub.L. 100-119, § 106(f)(2), added par. (3). Former par. (3) was redesignated (5).

Par. (4). Pub.L. 100-119, § 106(f)(2), added par. (4).

Par. (5). Pub.L. 100-119, § 106(f)(1), redesignated former par. (3) as (5).

1985 Amendment

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), 275(b), temporarily added subsec. (f). See Effective and Termination Dates note set out under section 900 of Title 2, The Congress.

1984 Amendment

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

Effective and Termination Dates of 1988 Amendments

Amendment by Pub.L. 100-690 effective Jan. 21, 1989, and repealed on date 5 years after Nov. 18, 1988, see section 1506 of Title 21, Food and Drugs, and section 1012 of Pub.L. 100-690, set out as an Effective Date note under section 1501 of Title 21.

Amendment by Pub.L. 100-504 effective 180 days after Oct. 18, 1988, see section 113 of Pub.L. 100-504, set out as a note under Inspector General Act of 1978, § 5, as amended, set out in Appendix 3 to Title 5, Government Organization and Employees.

Section 5303 of Pub.L. 100-418 provided that: "The amendment made by section 5301 [adding subsec. (a)(26) of 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 [subsec. (a) of this section], for each such fiscal year, and the amendment made by section 5302 [enacting subsec. (e)(10) of section 632 of Title 2, The Congress] shall be effective for fiscal years 1989, 1990, 1991, and 1992."

Effective Date of 1985 Amendment

Amendment of subsec. (a) and enactment of subsec. (f) of this section by Pub.L. 99-177, effective Dec. 12, 1985, to apply with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub.L. 99-177, set out as a note under section 901 of Title 2, The Congress.

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."

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 [this section], 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."

NASA Triennial Budget Requests; 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."

Water and Sewer Services Furnished to Government Facilities in the District of Columbia

Pub.L. 100-202, § 101(c) [Title I, § 136], Dec. 22, 1987, 101 Stat. 1329-102, provided that: "After the effective date of this Joint Resolution, the President shall include, without change, in each annual budget submitted to the Congress under section 1105 of title 31, United States Code [this section], 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 the Department of Defense

Pub.L. 99-145, Title XIV, § 1405, Nov. 8, 1985, 99 Stat. 744, provided that:

"(a) **Findings.**—The Congress finds that the programs and activities of the Department of Defense could be more effectively and efficiently planned and managed if funds for the Department were provided on a two-year cycle rather than annually.

"(b) **Requirement for two-year budget proposal.**—The President shall include in the budget submitted to the Congress pursuant to section 1105 of title 31, United States Code [this section], for fiscal year 1988 a single proposed budget for the Department of Defense and related agencies for fiscal years 1988 and 1989. Thereafter, the President shall submit a proposed two-year budget for the Department of Defense and related agencies every other year.

"(c) **Report.**—Not later than April 1, 1986, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of

the Senate and House of Representatives a report containing the Secretary's views on the following:

"(1) The advantages and disadvantages of operating the Department of Defense and related agencies on a two-year budget cycle.

"(2) The Secretary's plans for converting to a two-year budget cycle.

"(3) A description of any impediments (statutory or otherwise) to converting the operations of the Department of Defense and related agencies to a two-year budget cycle beginning with fiscal year 1988."

Federal Capital Investment Program; Congressional Statement of Purposes

Section 201 of Pub.L. 98-501 provided that:

"The purposes of this title [enacting subsec. (e) of this section and 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."

Legislative History

For legislative history and purpose of Pub.L. 98-501, see 1984 U.S. Code Cong. and Adm. News, p. 3934. See, also, Pub.L. 99-177, 1985 U.S. Code Cong. and Adm. News, p. 979; Pub.L. 100-119, 1987 U.S. Code Cong. and Adm. News, p. 739; Pub.L. 100-418, 1988 U.S. Code Cong. and Adm. News, p. 1547; Pub.L. 100-504, 1988 U.S. Code Cong. and Adm. News, p. 3154; Pub.L. 100-690, 1988 U.S. Code Cong. and Adm. News, p. 5937.

LAW REVIEW COMMENTARIES

Rewriting the fiscal constitution: The case of Gramm-Rudman-Hollings. Kate Stith, 76 Cal. L.Rev. 593 (1988).

§ 1106. Supplemental budget estimates and changes

[See main volume for text of (a)]

(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.

(As amended Pub.L. 99-177, Title II, § 242, Dec. 12, 1985, 99 Stat. 1063.)

Amendment of Section

For termination date of amendment by section 275(b)(2)(C) of Pub.L. 99-177, see Effective and Termination Dates note set out under section 901 of Title 2, The Congress.

Termination of Subsec. (c)

For termination of amendment by section 275(b) of Pub.L. 99-177, see Effective and Termination Dates note set out under section 900 of Title 2, The Congress.

HISTORICAL AND STATUTORY NOTES

1985 Amendment

Subsec. (b). Pub.L. 99-177, § 242(a), struck out "April 11 and" preceding "July 16".

Subsec. (c). Pub.L. 99-177, §§ 242(b), 275(b), temporarily added subsec. (c). See Effective and Termination Dates note set out under section 900 of Title 2, The Congress.

Effective Date of 1985 Amendment

Amendment of subsec. (b) and enactment of subsec. (c) of this section by Pub.L. 99-177, effective Dec. 12, 1985, to apply with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub.L. 99-177, set out as a note under section 901 of Title 2, The Congress.

proval 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 con-

flicts 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) [set out as a note under section 3503 of Title 44, Public Printing and Documents], 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) [former section 18b of this title] 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.]

Cross References

Executive agency accounting systems to provide reliable accounting results that will be basis for providing financial information required under subsec. (e) of this section, see section 3512 of this title.

Library References

United States ☞26.

C.J.S. United States §§ 27, 28.

Notes of Decisions

1. Construction with other laws

President's authority under former section 16 of this title to prescribe rules and regulations for preparation of budget was subject to specific requirements of government in the

Sunshine Act, section 552b of Title 5. *Common Cause v. Nuclear Regulatory Commission*, 1982, 674 F.2d 921, 218 U.S.App.D.C. 262.

§ 1105. Budget contents and submission to Congress

(a) During the first 15 days of each regular session of Congress, 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 statement, for each agency having an Office of Inspector General, of the amount of the appropriation requested for the Office.

(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.

(Pub.L. 97-258, Sept. 13, 1982, 96 Stat. 908; Pub.L. 97-452, § 1(2), Jan. 12, 1983, 96 Stat. 2467.)

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)).	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.
	31:19	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.
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)	31:11(e)	
1105(a)(17)	31:11(h)	
1105(a)(18)–(20)	31:11(f)	
1105(a)(21)	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)	

Explanatory Notes

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 [former section 19 of this title] is

omitted as superseded by the broader authority of 31:11(a)(5) [former section 11(a)(5) of this title]. 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



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MONEY AND FINANCE

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.

(b) 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.

(Pub. L. 97-228, Sept. 12, 1982, 96 Stat. 988; Pub. L. 97-452, § 102, Jan. 12, 1982, 96 Stat. 2461)

Historical and Revision Notes

1981 Act

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Explanatory Notes

In the section the words "with respect to" are inserted after the word "and" in the first sentence, and the words "and the word 'prior' is in (1) (A) (ii) (B) (iii) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) (gk) (gl) (gm) (gn) (go) (gp) (gq) (gr) (gs) (gt) (gu) (gv) (gw) (gx) (gy) (gz) (ha) (hb) (hc) (hd) (he) (hf) (hg) (hh) (hi) (hj) (hk) (hl) (hm) (hn) (ho) (hp) (hq) (hr) (hs) (ht) (hu) (hv) (hw) (hx) (hy) (hz) (ia) (ib) (ic) (id) (ie) (if) (ig) (ih) (ii) (ij) (ik) (il) (im) (in) (io) (ip) (iq) (ir) (is) (it) (iu) (iv) (iw) (ix) (iy) (iz) (ja) (jb) (jc) (jd) (je) (jf) (jg) (jh) (ji) (jj) (jk) (jl) (jm) (jn) (jo) (jp) (jq) (jr) (js) (jt) (ju) (jv) (jw) (jx) (jy) (jz) (ka) (kb) (kc) (kd) (ke) (kf) (kg) (kh) (ki) (kj) (kk) (kl) (km) (kn) (ko) (kp) (kq) (kr) (ks) (kt) (ku) (kv) (kw) (kx) (ky) (kz) (la) (lb) (lc) (ld) (le) (lf) (lg) (lh) (li) (lj) (lk) (ll) (lm) (ln) (lo) (lp) (lq) (lr) (ls) (lt) (lu) (lv) (lw) (lx) (ly) (lz) (ma) (mb) (mc) (md) (me) (mf) (mg) (mh) (mi) (mj) (mk) (ml) (mm) (mn) (mo) (mp) (mq) (mr) (ms) (mt) (mu) (mv) (mw) (mx) (my) (mz) (na) (nb) (nc) (nd) (ne) (nf) (ng) (nh) (ni) (nj) (nk) (nl) (nm) (nn) (no) (np) (nq) (nr) (ns) (nt) (nu) (nv) (nw) (nx) (ny) (nz) (oa) (ob) (oc) (od) (oe) (of) (og) (oh) (oi) (oj) (ok) (ol) (om) (on) (oo) (op) (oq) (or) (os) (ot) (ou) (ov) (ow) (ox) (oy) (oz) (pa) (pb) (pc) (pd) (pe) (pf) (pg) (ph) (pi) (pj) (pk) (pl) (pm) (pn) (po) (pp) (pq) (pr) (ps) (pt) (pu) (pv) (pw) (px) (py) (pz) (qa) (qb) (qc) (qd) (qe) (qf) (qg) (qh) (qi) (qj) (qk) (ql) (qm) (qn) (qo) (qp) (qq) (qr) (qs) (qt) (qu) (qv) (qw) (qx) (qy) (qz) (ra) (rb) (rc) (rd) (re) (rf) (rg) (rh) (ri) (rj) (rk) (rl) (rm) (rn) (ro) (rp) (rq) (rr) (rs) (rt) (ru) (rv) (rw) (rx) (ry) (rz) (sa) (sb) (sc) (sd) (se) (sf) (sg) (sh) (si) (sj) (sk) (sl) (sm) (sn) (so) (sp) (sq) (sr) (ss) (st) (su) (sv) (sw) (sx) (sy) (sz) (ta) (tb) (tc) (td) (te) (tf) (tg) (th) (ti) (tj) (tk) (tl) (tm) (tn) (to) (tp) (tq) (tr) (ts) (tt) (tu) (tv) (tw) (tx) (ty) (tz) (ua) (ub) (uc) (ud) (ue) (uf) (ug) (uh) (ui) (uj) (uk) (ul) (um) (un) (uo) (up) (uq) (ur) (us) (ut) (uu) (uv) (uw) (ux) (uy) (uz) (va) (vb) (vc) (vd) (ve) (vf) (vg) (vh) (vi) (vj) (vk) (vl) (vm) (vn) (vo) (vp) (vq) (vr) (vs) (vt) (vu) (vv) (vw) (vx) (vy) (vz) (wa) (wb) (wc) (wd) (we) (wf) (wg) (wh) (wi) (wj) (wk) (wl) (wm) (wn) (wo) (wp) (wq) (wr) (ws) (wt) (wu) (wv) (ww) (wx) (wy) (wz) (xa) (xb) (xc) (xd) (xe) (xf) (xg) (xh) (xi) (xj) (xk) (xl) (xm) (xn) (xo) (xp) (xq) (xr) (xs) (xt) (xu) (xv) (xw) (xx) (xy) (xz) (ya) (yb) (yc) (yd) (ye) (yf) (yg) (yh) (yi) (yj) (yk) (yl) (ym) (yn) (yo) (yp) (yq) (yr) (ys) (yt) (yu) (yv) (yw) (yx) (yy) (yz) (za) (zb) (zc) (zd) (ze) (zf) (zg) (zh) (zi) (zj) (zk) (zl) (zm) (zn) (zo) (zp) (zq) (zr) (zs) (zt) (zu) (zv) (zw) (zx) (zy) (zz)