

INTRODUCTION

The law governing the budget process resembles nothing so much as sediment. It has accumulated in several statutes, each layered upon the prior one: the Congressional Budget and Impoundment Control Act of 1974,¹ the Gramm-Rudman-Hollings Act in 1985 and again in 1987,² the Byrd Rule in 1985,³ the Budget Enforcement Act of 1990,⁴ and now the Omnibus Budget Reconciliation Act of 1993⁵ and its associated Executive Orders⁶ and House Rules.⁷ In addition, precedents have put a gloss on the law as applied in the Senate. This incremental growth has created a legal nettle.

¹ The Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, 88 Stat. 297 (July 12, 1974) (codified as amended at 2 U.S.C. §§ 601-688 (1988 & Supp. IV 1992)).

² The Balanced Budget and Emergency Deficit Control Act of 1985, Pub. L. No. 99-177, tit. II, 99 Stat. 1037, 1038 (Dec. 12, 1985), *amended by* the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Pub. L. No. 100-119, tit. I-II, 101 Stat. 754 (Sept. 29, 1987), *and further amended* (codified as amended at 2 U.S.C. §§ 900-922 (1988 & Supp. IV 1992)).

³ Section 20001 of the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, § 20001, 100 Stat. 82, 390-91 (Apr. 7, 1986), *amended by* the Omnibus Budget Reconciliation Act of 1986, Pub. L. No. 99-509, § 7006, 100 Stat. 1874, 1949-1950 (Oct. 21, 1986), *and amended by* the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Pub. L. No. 100-119, § 205, 101 Stat. 754, 784-85 (Sept. 29, 1987), *and amended by* the Budget Enforcement Act of 1990, Pub. L. No. 101-508, § 13214, 104 Stat. 1388, 1388-621 to -623 (Nov. 5, 1990) (codified as amended at 2 U.S.C. § 644 (Supp. IV 1992)).

⁴ Pub. L. No. 101-508, tit. XIII, 104 Stat. 1388, 1388-573 to -630 (Nov. 5, 1990) (codified as amended in scattered sections of 2 U.S.C., 15 U.S.C. § 1022, 31 U.S.C. §§ 1105, 1341, 1342 (Supp. IV 1992)).

⁵ Pub. L. No. 103-66, 107 Stat. 312 (Aug. 10, 1993).

⁶ Exec. Order No. 12857, 58 Fed. Reg. 42,181 (1993) (Budget Control); Exec. Order No. 12858, 58 Fed. Reg. 42,185 (1993) (Deficit Reduction Fund).

⁷ H. Res. 235, 103d Cong., 1st Sess., 139 CONG. REC. H6122 (daily ed. Aug. 3, 1993) (adopted) applies portions of H.R. 2264, 103d Cong., 1st Sess., 139 CONG. REC. H3029, H3199-201 (daily ed. May 27, 1993) (as passed by the House of Representatives), as rules of the House of Representatives.

This volume collects the major legislation affecting the Congressional budget process, explains references found there, points out some of the major precedents in the Senate interpreting the law, and incorporates some legislative history material. It magnifies the details with the hope that seeing more will also allow the reader to understand the process better.

The text includes first the Congressional Budget Act, then Gramm-Rudman-Hollings, then the Budget Enforcement Act, then chapter 11 of title 31 of the United States Code (which sets forth the requirements for the President's budget), and then the Executive Orders and House Rules on Budget Control, each as amended over the years. Footnotes set forth sections that subsequent laws have repealed.

With regard to congressional interpretation of these statutes, this work focuses on the Senate's precedents. The author defers to his colleagues on the House side of the Capitol for interpretation of the law in that Body. Several sources exist for research on precedents in the House.⁸

This volume builds on two earlier editions, called the *Congressional Budget Act Annotated*⁹ and *Budget Process Law Annotated*.¹⁰ This volume completely supersedes the earlier ones.

The author expects that the reader will not so much read this volume as consult it. Consequently, footnotes often repeat information that relates to several different sections. The author hopes that what the volume thus loses to bulk it makes up in ease of access to information.

⁸ See, e.g., WILLIAM HOLMES BROWN, CONSTITUTION, JEFFERSON'S MANUAL AND RULES OF THE HOUSE OF REPRESENTATIVES, 100th Cong., 2d Sess. (1988) (H. Doc. No. 100-248); DESCHLER-BROWN, PROCEDURE IN THE U.S. HOUSE OF REPRESENTATIVES ch. 13 (1987); 3 LEWIS DESCHLER, DESCHLER'S PRECEDENTS OF THE UNITED STATES HOUSE OF REPRESENTATIVES ch. 13, § 21 (1977).

⁹ WILLIAM G. DAUSTER, CONGRESSIONAL BUDGET ACT ANNOTATED (Feb. 1990) (S. Print No. 101-86).

¹⁰ WILLIAM G. DAUSTER, BUDGET PROCESS LAW ANNOTATED (Apr. 1981) (S. Print No. 102-22).