

On or before:

Action to be completed:

First Monday

in February¹¹⁷ President submits his budget.¹¹⁸

¹¹⁶(...continued)

spending authority.

September 15 Congress completes action on second required concurrent resolution on the budget.

September 25 Congress completes action on reconciliation bill or resolution, or both, implementing second required concurrent resolution.

October 1 Fiscal year begins.

¹¹⁷ Section 13112(a)(4) of the Budget Enforcement Act changed this reference from "First Monday after January 3" to "First Monday in February" (*see infra* p. 708) to conform to the change that section 13112(c)(1) of the Budget Enforcement Act made to section 1105(a) of title 31 of the United States Code. *See infra* p. 710. Where section 1105(a) used to require the President to submit the budget "On or before the first Monday after January 3 of each year (or on or before February 5 in 1986)" it now requires the President to submit the budget "On or after the first Monday in January but not later than the first Monday in February of each year." *Id.*

Notwithstanding the requirement under the law prior to enactment of the Budget Enforcement Act, Congress provided for a delay of the submission of the President's budget in 1988 from January 4 to February 16. *See* 133 CONG. REC. S18,689 (daily ed. Dec. 21, 1987) (colloquy between the Chairman of the Budget Committee, Senator Chiles, and the Majority Leader, Senator Byrd). On the date of the deadline for that fiscal year 1989 budget, OMB Director Miller sent instead a letter to Congress. *See* Executive Communication No. EC-2455. He explained that the lateness of Congress's final action on appropriations for fiscal year 1988 (Pub. L. No. 100-202 (1987)), as well as the Omnibus Reconciliation Act of 1987 (Pub. L. No. 100-203 (1987)) and the Bipartisan Budget Summit Agreement made it impossible to transmit the President's budget by the statutory deadline.

Congress again provided for a delay of the submission of the President's budget in 1990 from January 8 to January 22. The adjournment resolution for the 101st Congress provided:

Notwithstanding the provisions of section 1105 of title 31, United States Code, the President shall transmit to the Congress not later than January 22, 1990, the Budget for fiscal year 1991.

H.J. Res. 449, 101st Cong., 1st Sess. § 4, 135 CONG. REC. S16,944 (daily ed. Nov. 21, 1989).

Similarly, Congress enacted extensions of deadlines for President Reagan's fiscal year 1986 budget (*see* Pub. L. No. 99-1 (Jan. 9, 1985) (extended to Feb. 4, 1985)), President
(continued...)