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## OFF-BUDGET AGENCIES, PROGRAMS, AND ACTIVITIES

§ 406(a) **SEC. 406.**<sup>725</sup> (a) Notwithstanding any other provision of law, budget authority,<sup>726</sup> credit authority,<sup>727</sup> and estimates of outlays<sup>728</sup> and receipts for activities of the Federal budget which are off-budget immediately prior to the date of enactment of this section, not including activities of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds,<sup>729</sup> shall be included<sup>730</sup> in a budget submitted pursuant to section 1105<sup>731</sup> of title 31, United States Code, and in a concurrent resolution on the budget reported pursuant

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<sup>725</sup> Section 214 of Gramm-Rudman-Hollings added sections 405-407. *See infra* p. 418. Section 406 is codified at 2 U.S.C. § 655 (1988).

<sup>726</sup> Section 3(2) defines "budget authority." *See supra* pp. 11-13.

<sup>727</sup> Section 3(10) defines "credit authority." *See supra* p. 19.

<sup>728</sup> Section 3(1) defines "outlays." *See supra* p. 11.

<sup>729</sup> The Social Security Act creates these trust funds at 42 U.S.C. §§ 401(a) & 401(b) (1988 & Supp. III 1991), respectively.

<sup>730</sup> Despite this effort to include off-budget Government entities in the budgetary totals, Congress has subsequently created new off-budget Government entities to refinance the Farm Credit System and the insurance system for the savings and loan industry. The Agricultural Credit Act of 1987 created the Farm Credit System Financial Assistance Corporation, the Federal Savings and Loan Insurance Corporation Recapitalization Act of 1987 created the Financing Corporation for that industry, and the Financial Institutions Reform, Recovery and Enforcement Act of 1989 created the Resolution Funding Corporation, also for that industry. Similarly, the Omnibus Budget Reconciliation Act of 1989 took the Postal Service out of the budget. Finally, section 13301 of the Budget Enforcement Act completed the removal of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund (that is, Social Security) from the budget. *See infra* p. 745.

<sup>731</sup> Section 1105, entitled "Budget contents and submission to Congress," deals with the executive department's budget submission. *See infra* pp. 788-798.

to section 301<sup>732</sup> or section 304<sup>733</sup> of this Act and shall be considered, for purposes of this Act, budget authority,<sup>734</sup> outlays,<sup>735</sup> and spending authority<sup>736</sup> in accordance with definitions set forth in this Act.

- § 408(b) (b) All receipts and disbursements of the Federal Financing Bank with respect to any obligations which are issued, sold, or guaranteed by a Federal agency shall be treated as a means of financing such agency for purposes of section 1105<sup>737</sup> of title 31, United States Code, and for purposes of this Act.

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<sup>732</sup> See *supra* pp. 50-87.

<sup>733</sup> See *supra* pp. 117-119.

<sup>734</sup> Section 3(2) defines "budget authority." See *supra* pp. 11-13.

<sup>735</sup> Section 3(1) defines "outlays." See *supra* p. 11.

<sup>736</sup> Section 401(c)(2) defines "spending authority." See *supra* pp. 251-254.

<sup>737</sup> Section 1105, entitled "Budget contents and submission to Congress," deals with the executive department's budget submission. See *infra* pp. 788-798.