

through (4).¹²³⁵

§ 251(a)(7)

(7) OMB¹²³⁶ ESTIMATES. — As soon as practicable after Congress completes action on any discretionary appropriation,¹²³⁷ CBO,¹²³⁸ after consultation with the Committees on the Budget of the House of Representatives

¹²³⁵ See, e.g., OFFICE OF MANAGEMENT AND BUDGET, WITHIN-SESSION OMB SEQUESTER REPORT TO THE PRESIDENT AND CONGRESS FOR FISCAL YEAR 1991, H.R. DOC. NO. 102-70, 102d Cong., 1st Sess. (Apr. 25, 1991) (\$1.4 million, 0.0013% sequester in domestic discretionary budget authority after enactment of H.R. 1281, the Dire Emergency Supplemental Appropriations Act, 1991, Pub. L. No. 102-27 (Apr. 10, 1991)). In the case of this mid-session sequester, the General Accounting Office found that the Office of Management and Budget had called for the sequester erroneously. Commenting on the rescission request that the President sent up to remedy the supposed overage, the Special Assistant to the Comptroller General, writing for the Comptroller General, wrote as follows:

As you know, the President's justification for the proposed rescission is that its approval would eliminate the need for a sequester of domestic discretionary resources in fiscal year 1991 (calculated by OMB to be .0013 percent of sequesterable domestic budget authority). In the Administration's opinion, the sequester action was necessary because the Dire Emergency Supplemental Appropriation for fiscal year 1991, Pub. L. No. 102-27, ____ Stat. ____ (1991), exceeded by \$2.4 million the domestic discretionary spending cap established by the 1991 Budget Reconciliation Act. On April 25, 1991, OMB issued a within-session sequester report and the President ordered a sequester of budgetary resources in domestic discretionary accounts of .0013 percent. See OMB Bulletin No. 91-11, April 25, 1991.

In our view, OMB's scoring of two provisions in the Dire Emergency Supplemental as new budget authority was erroneous. B-243744, Apr. 24, 1991. Since, in our opinion, the language of the two provisions did not create any new budget authority, the discretionary spending cap was not breached. Accordingly, no mid-session sequester was necessary, and the proposed rescission was not needed.

Letter from Milton J. Socolar to the President of the Senate and the Speaker of the House of Representatives (June 11, 1991) (GAO file no. B-241514.8)

¹²³⁶ Section 250(c)(15) defines "OMB" to mean "the Director of the Office of Management and Budget." See *supra* p. 446.

¹²³⁷ Section 250(c)(7) defines "discretionary appropriations." See *supra* p. 444.

¹²³⁸ Section 250(c)(16) defines "CBO" to mean "the Director of the Congressional Budget Office." See *supra* p. 446.