

ate committees of the House of Representatives and Senate to determine and recommend changes in laws within their jurisdictions to reduce outlays¹⁹¹⁶ or increase revenues by specified amounts. If the President recommends no reductions pursuant to Section 4 (b)(2)(C),¹⁹¹⁷ the special direct spending message shall include the text of a special resolution concurring in the President's recommendation of no legislative action.

§ 6 **Sec 6. *Adjustments to Direct Spending Targets.***¹⁹¹⁸

§ 6(a) **(a) *Required Annual Adjustments.*** Prior to the submission of the President's budget¹⁹¹⁹ for each of fiscal years 1995 through 1997, the Director¹⁹²⁰ shall adjust the direct spending targets¹⁹²¹ in accordance with this Section. Any such adjustments shall be reflected in the targets used in the report under Section 3¹⁹²² and message (if any) under Section 4.¹⁹²³

¹⁹¹⁵(...continued)
tives), as applied to the House by H. Res. 235, 103d Cong., 1st Sess., 139 CONG. REC. H6122 (daily ed. Aug. 3, 1993)), *infra* pp. 844-848 (reconciliation procedures in response to special direct spending message).

¹⁹¹⁶ Section 3(1) of the Congressional Budget Act defines "outlays." *See supra* p. 11.

¹⁹¹⁷ *See supra* p. 825.

¹⁹¹⁸ Section 2 of this order establishes the "direct spending targets." *See supra* pp. 819-821.

¹⁹¹⁹ That is, under 31 U.S.C. § 1105 (1988 & Supp. III 1991). *See supra* pp. 788-798.

¹⁹²⁰ Section 2(a) of this order defines "Director" to mean the Director of the Office of Management and Budget. *See supra* p. 820.

¹⁹²¹ Section 2 of this order establishes the "direct spending targets." *See supra* pp. 819-821.

¹⁹²² *See supra* pp. 821-822.

¹⁹²³ *See supra* pp. 822-826.

§ 6(b)(1) **(b) *Adjustment for Increases in Beneficiaries.*** (1) The Director¹⁹²⁴ shall adjust the direct spending targets¹⁹²⁵ for increases (if any) in actual or projected numbers of beneficiaries under direct spending¹⁹²⁶ programs for which the number of beneficiaries is a variable in determining costs.

§ 6(b)(2) **(2) The adjustment shall be made by —**

§ 6(b)(2)(A) **(A) computing, for each program under paragraph (1), the percentage change between**

§ 6(b)(2)(A)(i) **(i) the annual average number of beneficiaries under that program (including actual numbers of beneficiaries for the prior fiscal year and projections for the budget¹⁹²⁷ and subsequent fiscal years) to be used in the President's budget¹⁹²⁸ with which the adjustments will be submitted, and**

§ 6(b)(2)(A)(ii) **(ii) the annual average number of beneficiaries used in the adjustments made by the Director¹⁹²⁹ in the previous year (or, in the case of adjustments made in 1994, the annual average number of benefi-**

¹⁹²⁴ Section 2(a) of this order defines "Director" to mean the Director of the Office of Management and Budget. *See supra* p. 820.

¹⁹²⁵ Section 2 of this order establishes the "direct spending targets." *See supra* pp. 819-821.

¹⁹²⁶ For a discussion of the meaning of "direct spending" for the purposes of this order, *see supra* note 1862.

¹⁹²⁷ Section 250(c)(12) of Gramm-Rudman-Hollings defines "budget year." *See supra* p. 446.

¹⁹²⁸ That is, under 31 U.S.C. § 1105 (1988 & Supp. III 1991). *See supra* pp. 788-798.

¹⁹²⁹ Section 2(a) of this order defines "Director" to mean the Director of the Office of Management and Budget. *See supra* p. 820.

ciaries used in the Director's¹⁹³⁰ initial report under Section 2(b)¹⁹³¹);

§ 6(b)(2)(B) (B) applying the percentages computed under subparagraph (A) to the projected levels of outlays¹⁹³² for each program consistent with the direct spending targets¹⁹³³ in effect immediately prior to the adjustment; and

§ 6(b)(2)(C) (C) adding the results of the calculations required by subparagraph (B) to the direct spending targets¹⁹³⁴ in effect immediately prior to the adjustment.

§ 6(b)(3) (3) No adjustment shall be made for any program for a fiscal year in which the percentage increase computed under paragraph (2)(A) is less than or equal to zero.¹⁹³⁵

§ 6(c) (c) *Adjustments for Revenue Legislation.* The Director¹⁹³⁶ shall adjust the targets¹⁹³⁷ as follows:

§ 6(c)(1) (1) they shall be increased by the amount of any

¹⁹³⁰ Section 2(a) of this order defines "Director" to mean the Director of the Office of Management and Budget. *See supra* p. 820.

¹⁹³¹ *See supra* p. 820.

¹⁹³² Section 3(1) of the Congressional Budget Act defines "outlays." *See supra* p. 11.

¹⁹³³ Section 2 of this order establishes the "direct spending targets." *See supra* pp. 819-821.

¹⁹³⁴ Section 2 of this order establishes the "direct spending targets." *See supra* pp. 819-821.

¹⁹³⁵ That is, the adjustment cannot be a downward adjustment.

¹⁹³⁶ Section 2(a) of this order defines "Director" to mean the Director of the Office of Management and Budget. *See supra* p. 820.

¹⁹³⁷ Section 2 of this order establishes the "direct spending targets." *See supra* pp. 819-821.

increase in receipts; or

§ 6(c)(2)

(2) they shall be decreased by the amount of any decrease in receipts, resulting from receipts legislation enacted after the date of enactment of OBRA,¹⁹³⁸ except legislation enacted in response to the message transmitted under Section 4.¹⁹³⁹

§ 6(d)

(d) *Adjustments To Reflect Congressional Decisions.* Upon enactment of a reconciliation bill enacted in response to a message submitted under Section 4,¹⁹⁴⁰ the Director¹⁹⁴¹ shall adjust direct spending targets¹⁹⁴² for the current year,¹⁹⁴³ the budget year,¹⁹⁴⁴ and each outyear¹⁹⁴⁵ through 1997 by —

§ 6(d)(1)

(1) increasing the target¹⁹⁴⁶ for the current

¹⁹³⁸ The Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, 107 Stat. 312 (1993), enacted August 10, 1993.

¹⁹³⁹ See *supra* pp. 822-826.

¹⁹⁴⁰ See *supra* pp. 822-826.

¹⁹⁴¹ Section 2(a) of this order defines "Director" to mean the Director of the Office of Management and Budget. See *supra* p. 820.

¹⁹⁴² Section 2 of this order establishes the "direct spending targets." See *supra* pp. 819-821.

¹⁹⁴³ Section 250(c)(13) of Gramm-Rudman-Hollings defines "current year." See *supra* p. 446.

¹⁹⁴⁴ Section 250(c)(12) of Gramm-Rudman-Hollings defines "budget year." See *supra* p. 446.

¹⁹⁴⁵ Section 250(c)(14) of Gramm-Rudman-Hollings defines "outyear." See *supra* p. 446.

¹⁹⁴⁶ Section 2 of this order establishes the "direct spending targets." See *supra* pp. 819-821.

year¹⁹⁴⁷ and the budget year¹⁹⁴⁸ by the amount stated for that year in that reconciliation bill (but if a separate vote was required by Congressional rules, only if that vote has occurred); and

§ 6(d)(2) (2) decreasing the target¹⁹⁴⁹ for the current,¹⁹⁵⁰ budget,¹⁹⁵¹ and outyears¹⁹⁵² through 1997 by the amount of reductions in direct spending¹⁹⁵³ enacted in that reconciliation bill.

§ 6(e) (e) *Designated Emergencies.* The Director¹⁹⁵⁴ shall adjust the targets¹⁹⁵⁵ to reflect the costs of legislation that is designated as an emergency by Congress and the President under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.¹⁹⁵⁶

¹⁹⁴⁷ Section 250(c)(13) of Gramm-Rudman-Hollings defines "current year." *See supra* p. 446.

¹⁹⁴⁸ Section 250(c)(12) of Gramm-Rudman-Hollings defines "budget year." *See supra* p. 446.

¹⁹⁴⁹ Section 2 of this order establishes the "direct spending targets." *See supra* pp. 819-821.

¹⁹⁵⁰ Section 250(c)(13) of Gramm-Rudman-Hollings defines "current year." *See supra* p. 446.

¹⁹⁵¹ Section 250(c)(12) of Gramm-Rudman-Hollings defines "budget year." *See supra* p. 446.

¹⁹⁵² Section 250(c)(14) of Gramm-Rudman-Hollings defines "outyear." *See supra* p. 446.

¹⁹⁵³ For a discussion of the meaning of "direct spending" for the purposes of this order, *see supra* note 1862.

¹⁹⁵⁴ Section 2(a) of this order defines "Director" to mean the Director of the Office of Management and Budget. *See supra* p. 820.

¹⁹⁵⁵ Section 2 of this order establishes the "direct spending targets." *See supra* pp. 819-821.

¹⁹⁵⁶ *See supra* p. 517.

- § 7 **Sec. 7. Relationship to Balanced Budget and Emergency Deficit Control Act.**¹⁹⁵⁷ Recommendations pursuant to Section 4¹⁹⁵⁸ shall include a provision specifying that reductions in outlays¹⁹⁵⁹ or increases in receipts resulting from that legislation shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985.¹⁹⁶⁰
- § 8 **Sec. 8. Estimating Margin.** For any fiscal year for which the overage¹⁹⁶¹ is less than one-half of 1 percent of the direct spending target¹⁹⁶² for that year, the procedures set forth in Section 4¹⁹⁶³ shall not apply.
- § 9 **Sec. 9. Means-Tested Programs.** In making recommendations under Section 4,¹⁹⁶⁴ the Director¹⁹⁶⁵ shall seriously consider all other alternatives before proposing reductions in means-tested programs.
- § 10 **Sec. 10. Effective Date.** This order shall take effect upon

¹⁹⁵⁷ That is, Gramm-Rudman-Hollings. See *supra* pp. 405-692.

¹⁹⁵⁸ See *supra* pp. 822-826.

¹⁹⁵⁹ Section 3(1) of the Congressional Budget Act defines "outlays." See *supra* p. 11.

¹⁹⁶⁰ That is, sections 251-253 of Gramm-Rudman-Hollings. See *supra* pp. 475-533.

¹⁹⁶¹ Section 4(a) implicitly defines "overage." See *supra* pp. 822-823.

¹⁹⁶² Section 2 of this order establishes the "direct spending targets" (see *supra* pp. 819-821) and section 6 of this order provides for their annual adjustment (see *supra* pp. 827-831).

¹⁹⁶³ See *supra* pp. 822-826.

¹⁹⁶⁴ See *supra* pp. 822-826.

¹⁹⁶⁵ Section 2(a) of this order defines "Director" to mean the Director of the Office of Management and Budget. See *supra* p. 820.