

§ 255(f) (f) CERTAIN PROGRAM BASES. — Outlays¹⁵²⁵ for programs specified in paragraph (1) of section 257¹⁵²⁶ shall be subject to reduction only in accordance with the procedures established in section 251(a)(3)(C)¹⁵²⁷ and 256(b).¹⁵²⁸

¹⁵²⁵ Section 250(c)(1) (*see supra* p. 440) defines "outlays" at least in part by reference to the definition of section 3(1) of the Congressional Budget Act. *See supra* p. 11.

¹⁵²⁶ This reference is to programs for which Gramm-Rudman-Hollings calls for cuts in automatic spending increases only. Under Gramm-Rudman-Hollings as it existed before enactment of the Budget Enforcement Act, section 257(1) set forth the provisions on these programs. *See supra* note 1197. Those provisions now appear in section 256(a), so this reference should be to section 256(a). Section 256(a) states:

(a) AUTOMATIC SPENDING INCREASES. — Automatic spending increases are increases in outlays due to changes in indexes in the following programs:

- (1) National Wool Act;
- (2) Special milk program; and
- (3) Vocational rehabilitation basic State grants.

In those programs all amounts other than the automatic spending increases shall be exempt from reduction under any order issued under this part.

See infra p. 578.

Congress's intent to refer to section 256(a) can be seen from the fact that there is no longer any section 257(1). Section 257(a) sets forth general principles relating to the baseline. *See infra* p. 600. At least some drafters of the Budget Enforcement Act intended to amend section 255(f) to read as does the new section 255(h), on "OPTIONAL EXEMPTION OF MILITARY PERSONNEL." *See infra* note 576. These drafters would thus have repealed the provisions of subsection (f) as it reads now, and thus did not change the cross-references set forth here.

¹⁵²⁷ This reference is to procedures for the reduction of automatic spending increases. Under Gramm-Rudman-Hollings as it existed before enactment of the Budget Enforcement Act, section 251(a)(3)(C) set forth such procedures, stating:

(C) The amount by which outlays for automatic spending increases scheduled to take effect during the fiscal year are to be reduced shall be credited as reductions in outlays under non-defense programs, and the total amount of reductions in outlays under non-defense programs required under subparagraph (B) shall be reduced accordingly.

(continued...)

¹⁵²⁷(...continued)

This provision no longer exists in section 251.

Related provisions now appear in sections 252(c)(1)(A) and 253(e)(1), so this reference should be to those sections. Section 252(c)(1)(A), regarding the pay-as-you-go sequester, states:

(c) ELIMINATING A DEFICIT INCREASE. — (1) The amount required to be sequestered in a fiscal year under subsection (b) shall be obtained from non-exempt direct spending accounts from actions taken in the following order:

(A) FIRST. — All reductions in automatic spending increases specified in section 256(a) shall be made.

See supra p. 513.

Section 253(e)(1), regarding deficit target sequesters, states:

(e) NON-DEFENSE. — Actions to reduce non-defense accounts shall be taken in the following order:

(1) FIRST. — All reductions in automatic spending increases under section 256(a) shall be made.

See supra p. 525.

Congress's intent to refer to sections 252(c)(1)(A) and 253(e)(1), and not to section 251(a)(3)(C), can be seen from the fact that there is no longer any section 251(a)(3)(C). Section 251(a)(3) deals with procedures for sequestration when the President exempts military personnel. *See supra* p. 477. At least some drafters of the Budget Enforcement Act intended to amend section 255(f) to read as does the new section 255(h), on "OPTIONAL EXEMPTION OF MILITARY PERSONNEL." *See infra* note 1544. These drafters would thus have repealed the provisions of subsection (f) as it reads now, and thus did not change the cross-references set forth here.

¹⁵²⁸ This reference is to procedures for the treatment of Federal administrative expenses under sequestration and thus should be to section 256(h). *See infra* pp. 587-589. Under Gramm-Rudman-Hollings as it existed before enactment of the Budget Enforcement Act, section 256(b) set forth such procedures. So as to put the subsections of section 255 in the order that they take would effect, section 13101(d)(2) of the Budget Enforcement Act moved what used to be subsection (b) to be what is now subsection (h) and moved what used to be subsection (c) to be what is now subsection (b). *See infra* p. 704.

At least some drafters of the Budget Enforcement Act intended to amend section 255(f) to read as does the new section 255(h), on "OPTIONAL EXEMPTION OF MILITARY
(continued...)

§ 255(g)

(g) OTHER PROGRAMS AND ACTIVITIES. —

§ 255(g)(1)(A)

(1)(A) The following budget accounts¹⁵²⁹ and activities shall be exempt from reduction under any order issued under this part:

Activities resulting from private donations, bequests, or voluntary contributions to the Government;

Administration of Territories, Northern Mariana Islands Covenant Grants (14-0412-0-1-806);

Thrift Savings Fund (26-8141-0-7-602);

Alaska Power Administration, Operations and maintenance (89-0304-0-1-271);

Appropriations for the District of Columbia (to the extent they are appropriations of locally raised funds);

Bonneville Power Administration fund and borrowing authority established pursuant to section 13 of Public Law 93-454 (1974), as amended (89-4045-0-3-271);

Bureau of Indian Affairs, miscellaneous payments to Indians (14-2303-0-1-452);

Bureau of Indian Affairs miscellaneous trust

¹⁵²⁹(...continued)

PERSONNEL." See *infra* note 1544. These drafters would thus have repealed the provisions of subsection (f) as it reads now, and thus did not change the cross-references set forth here.

¹⁵²⁹ Section 250(c)(11) defines "account." See *supra* p. 445.