

Federal Budget – Spring 2009

Professor Timothy J. Muris

We will study the Federal Budget in its many particulars, including the relevant constitutional and case law, statutory framework, institutional structure, and important policy components, such as discretionary spending, entitlements, and regulatory analysis. We will discuss the budget process as it evolves during the year, beginning with CBO's Baseline Reports, Release of the President's Budget, Development and Passage of the Congressional Budget Resolution, the Appropriations Process, and (sometimes) Reconciliation.

With one exception, grades will be based upon the final exam. The exception is that each student will be responsible for discussing two of the cases on the list in Attachment 1. Failure to participate adequately will result in a reduced grade.

We will use a variety of sources, including:

Attachment 1 (law review articles, cases, and DOJ opinions)

Attachment 2 (Congressional materials exploring The Budget Process)

Attachment 3 (Chapters from the Budget Puzzle, of which I am a co-author, on reserve)

We will begin with the Stith and Sidak articles, cited in Attachment 1. Assignments will depend on the speed with which we cover the material, and upon the dates of release of the CBO reports and the President's Budget.

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Stith, “The Congress’s Power of the Purse”, 97 Yale Law J. No. 7, (June 1988), pp 1343-1396

Sidak, “The Presidential Power of the Purse”, 1989 Duke Law J. No. 5, (1989), pp 1162-1253

United States v. Butler, 297 U.S. 1 (1936).

United States v. Dickerson, 310 U.S. 554 (1940).

New York Airways, Inc. v. United States, 369 F.2d 743 (Court Claims, 1966).

Los Angeles v. Adams, 556 F.2d 40 (D.C. Cir., 1977).

Human Resources Development Institute v. Donovan, 587 F. Supp. 617 (D.C. Cir., 1983).

International Union UAAAIWA v. Donovan, 746 F.2d 855 (D.C. Cir., 1984).

Government Operations in the Event of a Lapse in Appropriations, Letter from Walter Dellinger, August 16, 1995, 2 Op. O.L.C. at 323

Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations. Letter from Benjamin Civiletti, January 16, 1981, 43 Op. Att’y. Gen. 293 (1981)

Introduction to the Budget Process

Link:

<http://www.budget.house.gov/crs-reports/98-721.pdf>

The Congressional Budget Process: A Brief Overview

Link:

<http://www.budget.house.gov/crs-reports/RS20095>

<http://fpc.state.gov/documents/organization/80722.pdf> (1/22/07)

The Appropriations & Budget Process

Link:

<http://budget.senate.gov/republican/analysis/budgetprocess.pdf>

Glossary of Budgetary Terms

Link:

<http://www.gao/new.items/d05734.sp.pdf>

The Congressional Budget Process: An Explanation

Link:

<http://www.cbo.gov/links.shtml> - click on Congressional Budget Process (12-1998)

http://www.senate.gov/~budget/republican/major_documents/budgetprocess.pdf

The Long-Term Budget Outlook

Link:

<http://www.cbo.gov/ftpdoc.cfm?index=4916&type=1> (12-17-2006)

http://budget.senate.gov/democratic/charts/2006/packet_LeavittHshrng030106.pdf

The ABCs of Long-Term Budget Challenges Opening Remarks @ Director's Conference on Long-Term Budget Challenges

Link:

<http://www.cbo.gov/showdoc.cfm?index=7703&sequence=0>

The Budget Puzzle: Understanding Federal Spending

by

John F. Cogan, Timothy J. Muris and Allen Shick

Chapters 3 & 4 (printouts w/ endnotes)

On Reserve in Library