

# Committee on Rules Legislative Process Program

Section 3 – *The Committee System and the Federal Budget Process*

110<sup>TH</sup> CONGRESS

LOUISE M. SLAUGHTER, *Chairwoman*

## The Appropriations Process and the Appropriations Committee

Section 3, chapter 3 of 5

*February 19, 2008*



# The Appropriations Process and the Appropriations Committee

Section 3 chapter 3 of 5

---

## Table of Contents

|   |           |
|---|-----------|
| <b>OVERVIEW OF THE AUTHORIZATION-APPROPRIATIONS PROCESS</b> ..... | <b>2</b>  |
| AUTHORIZING LEGISLATION.....                                      | 2         |
| APPROPRIATIONS MEASURES.....                                      | 2         |
| ENFORCING THE AUTHORIZATION-APPROPRIATIONS PROCESS .....          | 3         |
| <b>THE APPROPRIATIONS SUBCOMMITTEES</b> .....                     | <b>4</b>  |
| THE SUBCOMMITTEES.....  | 4         |
| 302(B) ALLOCATIONS .....  | 5         |
| <b>ANNUAL APPROPRIATIONS CYCLE</b> .....                          | <b>7</b>  |
| PRESIDENT SUBMITS BUDGET .....                                    | 7         |
| CONGRESS ADOPTS BUDGET RESOLUTION.....                            | 8         |
| TIMETABLE FOR CONSIDERATION OF APPROPRIATIONS MEASURES .....      | 9         |
| WORK OF THE APPROPRIATIONS COMMITTEES.....                        | 10        |
| HOUSE AND SENATE FLOOR ACTION .....                               | 10        |
| House.....  | 10        |
| Senate.....   | 11        |
| HOUSE AND SENATE CONFERENCE ACTION .....                          | 12        |
| PRESIDENTIAL ACTION.....  | 12        |
| <b>TYPES OF APPROPRIATIONS MEASURES</b> .....                     | <b>13</b> |
| REGULAR APPROPRIATIONS BILLS.....                                 | 13        |
| CONTINUING RESOLUTIONS .....                                      | 14        |
| SUPPLEMENTALS.....  | 15        |
| <b>USE OF OMNIBUS MEASURES</b> .....                              | <b>16</b> |
| SUMMARY .....   | 16        |
| HISTORY .....   | 17        |
| OMNIBUS APPROPRIATIONS ACTS: FY1986-FY2006 .....                  | 18        |
| SELECTED ISSUES IN THE USE OF OMNIBUS APPROPRIATIONS ACTS.....    | 19        |
| Prior Consideration of Regular Appropriations Acts .....          | 19        |
| Across-the-Board Spending Cuts .....                              | 20        |
| Inclusion of Legislative Provisions.....                          | 21        |
| <b>OTHER APPROPRIATIONS PROCEDURES</b> .....                      | <b>22</b> |
| LIMITATIONS.....  | 22        |
| THE “EARMARKING” PROCESS.....                                     | 23        |
| Earmarks Defined.....   | 23        |
| Earmarking Reforms: 110 <sup>th</sup> Congress .....              | 23        |
| AUTHORIZING LANGUAGE IN APPROPRIATIONS BILLS.....                 | 25        |
| Authorizing Legislation .....                                     | 25        |
| Appropriations Measures.....                                      | 25        |
| Enforcing the Authorization-Appropriations Process .....          | 26        |
| UNAUTHORIZED APPROPRIATIONS.....                                  | 27        |
| Procedural Considerations .....                                   | 28        |

# Overview of the Authorization-Appropriations Process

CRS Report: RS20371<sup>1</sup>  
Updated December 8, 2006

Bill Heniff Jr.  
Analyst in American National Government  
Government and Finance Division

A primary avenue for exercising Congress's power of the purse is the authorization and appropriation of federal spending to carry out government activities. While the power over appropriations is granted to Congress by the U.S. Constitution, the authorization appropriation process is derived from House and Senate rules. The formal process consists of two sequential steps: (1) enactment of an authorization measure that may create or continue an agency or program as well as authorize the subsequent enactment of appropriations; and (2) enactment of appropriations to provide funds for the authorized agency or program.

The authorizing and appropriating duties in this two-step process are carried out by a division of labor within the committee system. Legislative committees, such as the House Committee on Armed Services and the Senate Committee on Commerce, Science, and Transportation, are responsible for authorizing legislation related to the agencies and programs under their jurisdiction; most standing committees have authorizing responsibilities. The Appropriations Committees of the House and Senate have jurisdiction over appropriations measures. As discussed below, House and Senate rules generally prohibit the encroachment of these committee responsibilities by the authorizers and appropriators.

Agencies and programs funded through the annual appropriations process, referred to as *discretionary spending*, generally follow this two-step process. Not all federal agencies and programs, however, are funded through this authorization-appropriations process. Funding for some agencies and programs is provided by the authorizing legislation, bypassing this two-step process. Such spending, referred to as *direct spending*, currently constitutes about two-thirds of all federal spending. Some direct spending, mostly entitlement programs, is funded by permanent appropriations in the authorizing law. Other direct spending (referred to as appropriated entitlements), such as Medicaid, is funded in appropriations acts, but the amount appropriated is controlled by the authorizing legislation.

## Authorizing Legislation

An authorizing measure can establish, continue, or modify an agency or program for a fixed or indefinite period of time. It also may set forth the duties and functions of an agency or program, its organizational structure, and the responsibilities of agency or program officials. Authorizing legislation also authorizes the enactment of appropriations for an agency or program. The amount authorized to be appropriated may be specified for each fiscal year or may be indefinite (providing "such sums as may be necessary"). The authorization of appropriations is intended to provide guidance regarding the appropriate amount of funds to carry out the authorized activities of an agency.

## Appropriations Measures

An appropriations measure provides budget authority to an agency for specified purposes. Budget authority allows federal agencies to incur obligations and authorizes payments to be made out of the Treasury. Discretionary agencies and programs, and appropriated entitlement programs, are funded each year in appropriations acts. The 13 subcommittees of the Appropriations Committees of the House and Senate are each responsible for one of the *regular appropriations acts*. The regular appropriations acts provide budget authority for the next fiscal year, beginning October 1. Congress usually adopts one or more *supplemental appropriations*

---

<sup>1</sup> <http://www.congress.gov/erp/rs/html/RS20371.html>

acts to provide additional funding for unexpected needs while the fiscal year is in progress. If the regular appropriation acts are not completed by October 1, then Congress must adopt a *continuing appropriations act*, commonly referred to as a continuing resolution, providing stop-gap funding. In some years, instead of adopting the regular appropriation measures individually, Congress may include several in an omnibus appropriations measure, or a continuing appropriations bill providing funding for the full fiscal year.

### **Enforcing the Authorization-Appropriations Process**

The separation between the two steps of the authorization-appropriations process is enforced through points of order provided by rules of the House and Senate. First, the rules prohibit appropriations for unauthorized agencies and programs; an appropriation in excess of an authorized amount is considered an unauthorized appropriation. Second, the rules prohibit the inclusion of legislative language in appropriations measures. Third, the House, but not the Senate, prohibits appropriations in authorizing legislation. While the rules encourage the integrity of the process, a point of order must be raised to enforce the rules. Also, the rules may be waived by suspension of the rules, by unanimous consent, or, in the House, by a special rule. If unauthorized appropriations are enacted into law through circumvention of House and Senate rules, in most cases the agency may spend the entire amount.

# The Appropriations Subcommittees

Excerpt from CRS Report: 97-684 (page 2)<sup>2</sup>  
Updated February 22, 2007

The Congressional Appropriations Process: An Introduction  
Sandy Streeeter  
Analyst in American National Government  
Government and Finance Division

The House and Senate Committees on Appropriations have jurisdiction over the annual appropriations measures. At the beginning of the 110th Congress, both committees reorganized their subcommittees. Each committee now has 12 subcommittees and each subcommittee has jurisdiction over an annual appropriations measure that provides funding for departments and agencies under the subcommittee's jurisdiction.<sup>3</sup>

The jurisdictions of these House and Senate appropriations subcommittees are generally parallel. That is, each House appropriations subcommittee is paired with a Senate appropriations subcommittee and the two subcommittees' jurisdictions are generally identical.

## The Subcommittees

- Agriculture, Rural Development, Food and Drug Administration, and Related Agencies;
- Commerce, Justice, Science, and Related Agencies;
- Defense;
- Energy and Water Development, and Related Agencies;
- Financial Services and General Government;
- Department of Homeland Security;
- Interior, Environment, and Related Agencies;
- Departments of Labor, Health and Human Services, Education, and Related Agencies;
- Legislative Branch;
- Military Construction, Veterans Affairs, and Related Agencies;
- State, Foreign Operations, and Related Programs; and
- Departments of Transportation, and Housing and Urban Development, and Related Agencies.

---

<sup>2</sup> <http://www.congress.gov/erp/rl/html/97-684.html>

<sup>3</sup> The House has an additional subcommittee, Select Intelligence Oversight Panel (select panel). It, however, does not have jurisdiction over providing spending. The select panel, instead, makes intelligence funding recommendations to the House Defense Appropriations Subcommittee, which has jurisdiction over legislation to provide intelligence spending.

## 302(b) allocations

CRS Report: RS20144<sup>4</sup>  
Updated August 29, 2003

Allocations and Subdivisions in the Congressional Budget Process  
Bill Heniff Jr.  
Analyst in American National Government  
Government and Finance Division

The annual budget resolution sets forth total spending and revenue levels for at least five fiscal years. The spending amounts are allocated, or “crosswalked,” to the House and Senate committees having jurisdiction over discretionary spending (the Appropriations Committees) and direct spending (the legislative committees). The committee allocations provide Congress with one means of enforcing the spending levels of a budget resolution after it has been adopted.

While the budget resolution allocates spending among the 20 major functional categories of the federal budget for the purpose of providing a broad statement of budget priorities, the functional categories do not correspond to the committee system by which Congress operates. The committee allocations reformulate the functional category amounts in a budget resolution to correspond to committee jurisdictions. By allocating the spending among committees responsible for spending legislation, the committee allocations allow Congress to hold its committees accountable for staying within the spending limits established in the budget resolution.

Section 302(a) of the Congressional Budget Act (CBA) of 1974 (Titles I-IX of P.L. 93-344), as amended, requires that the total budget authority and outlays set forth in the budget resolution be allocated to each House and Senate committee that has jurisdiction over specific spending legislation. These committee allocations usually are included in the joint explanatory statement accompanying the conference report on a budget resolution. Section 302(b) of the CBA requires the Appropriations Committee of each chamber to subdivide its committee allocation among its 13 subcommittees as soon as practicable after a budget resolution has been adopted. The Appropriations Committees are then required to report these subdivisions to their respective chamber and may revise the subdivisions any time during the appropriations process to reflect actions taken on spending legislation. Section 302(c) of the CBA provides a point of order against the consideration of any appropriations measures before the Appropriations Committees report their subdivisions.

The congressional budget process timetable sets April 15 as the deadline for completion of the annual budget resolution. However, since Congress usually does not meet this deadline, Section 302(a)(5) of the CBA provides for provisional spending allocations if a budget resolution has not been adopted by April 15. Under these provisions, the chair of the House Budget Committee must submit to the House a Section 302(a) spending allocation for the House Appropriations Committee as soon as practicable after April 15. The House Appropriations Committee, in turn, must report its Section 302(b) subdivisions to the House as soon as practicable. The provisional allocations remain in effect until Congress adopts a budget resolution for the current budget year.

The spending allocations and subdivisions may be revised after a budget resolution has been adopted if provided for in the resolution. For instance, Congress usually includes reserve fund provisions in the annual budget resolution, which provide the chairs of the House and Senate Budget Committees the authority to revise the committee spending allocations if certain legislation is reported by the appropriate committee or other conditions are met. The House and Senate Appropriations Committees have jurisdiction over the 13 regular appropriations acts and other appropriations acts. The Appropriations Committees of each chamber have 13 parallel subcommittees, each of which is responsible for one of the 13 regular appropriations acts. After

---

<sup>4</sup> <http://www.congress.gov/erp/rs/pdf/RS20144.pdf>

extensive hearings, each of the subcommittees reports one of the 13 regular appropriations bills to its respective full committee. Then, the full Appropriations Committees report the bills to their respective chamber. A cost estimate of each bill is prepared and compared to the amount allocated or subdivided to the relevant subcommittee.

Section 302(f) of the CBA prohibits any measure or amendment that would cause the 302(a) or 302(b) allocations to be exceeded. In the House, these committee allocations and suballocations are the primary focus of enforcement since Section 311(c) of the CBA, known as the "Fazio exception," allows the overall limit of spending to be breached so long as a committee's 302(a) allocation is not exceeded.

The allocation limits are not self-enforcing; a Member must raise a point of order for an allocation to be enforced. The points of order may also be waived. In the House, a special rule may be adopted, or unanimous consent may be granted, waiving any budgetary points of order. In the Senate, the point of order against violations of the spending allocations may be waived by a motion under Section 904 of the CBA or by unanimous consent. A motion to waive the point of order requires a three-fifths vote of all Senators duly sworn and chosen (60 votes if there are no vacancies).

Discretionary spending policies primarily are enforced by this Section 302 process. Direct spending policies, on the other hand, are primarily enforced by the reconciliation process.



# Annual Appropriations Cycle

Excerpt from CRS Report: 97-684 (pages 2-10)<sup>5</sup>  
Updated February 22, 2007

The Congressional Appropriations Process: An Introduction  
Sandy Streeter  
Analyst in American National Government  
Government and Finance Division

## President Submits Budget

The President initiates the appropriations process by submitting his annual budget for the upcoming fiscal year<sup>6</sup> to Congress. He is required to submit his annual budget on or before the first Monday in February.<sup>7</sup> Congress has, however, provided deadline extensions, both statutorily and, sometimes, informally.<sup>8</sup>

The President recommends spending levels for various programs and agencies of the federal government in the form of *budget authority* (or *BA*) because Congress provides budget authority instead of cash to agencies. Budget authority is the authority provided by federal law to incur financial *obligations* that will result in immediate or future expenditures (or *outlays*) involving federal funds. Examples of financial obligations include entering into contracts to build a submarine or purchase supplies. The resulting outlays are payments from the Treasury, usually in the form of checks or electronic funds transfers.

An FY2006 appropriations act, for example, provided \$1.6 billion in new budget authority for FY2006 to the Department of Defense (DOD) to build a nuclear attack submarine. That is, the act gave DOD legal authority to sign contracts to build the submarine. The department could not commit the government to pay more than \$1.6 billion. The outlays occur when government payments are made to the contractor.

An appropriation is a type of budget authority that not only provides the authority to make obligations, but also gives the agency legal authority to make the subsequent payments from the Treasury. Appropriations must be obligated in the fiscal year(s) for which they are provided. Appropriations measures provide *new* budget authority (as opposed to previously enacted budget authority).

Not all new budget authority provided for a fiscal year is expended that year. For example, in the case of construction projects, the outlays may occur over several years as various stages of the project are completed. In the example, the \$1.6 billion outlays may be spent over four fiscal years:

- FY2006, \$0.2 billion;
- FY2007, \$0.2 billion;
- FY2008, \$0.6 billion; and
- FY2009, \$0.6 billion.

---

<sup>5</sup> <http://www.congress.gov/erp/rl/html/97-684.html>

<sup>6</sup> Congress generally provides spending for fiscal years, in contrast to calendar years. Federal government *fiscal years* begin on October 1 and end the following September 30. FY2007 began on October 1, 2006.

<sup>7</sup> 31 U.S.C. 1105(a).

<sup>8</sup> For information on deadline extensions in presidential transition years, see CRS Report RS20752, *Submission of the President's Budget in Transition Years*, by Robert Keith.

In other cases, such as federal employee salaries, the outlays may occur in the same fiscal year for which the appropriations are provided.

As Congress considers appropriations measures providing new budget authority for a particular fiscal year, discussions on the resulting outlays only involve estimates. Data on the actual outlays for a fiscal year are not available until the fiscal year has ended.

When the President submits his budget to Congress, each agency generally provides detailed *justification* materials to the House and Senate appropriations subcommittees with jurisdiction over its funding.

## **Congress Adopts Budget Resolution**

The Congressional Budget and Impoundment Control Act of 1974, as amended, (the Congressional Budget Act)<sup>9</sup> requires Congress to adopt an annual budget resolution.<sup>10</sup> The budget resolution is Congress's response to the President's budget. The budget resolution must cover at least five fiscal years: the upcoming fiscal year plus the four subsequent fiscal years.

The budget resolution, in part, sets total new budget authority and outlay levels for each fiscal year covered by the resolution. It also distributes federal spending among 20 functional categories (such as national defense, agriculture, and transportation) and sets similar levels for each function.

Within each chamber, the total new budget authority and outlays for each fiscal year are also distributed among committees with jurisdiction over spending, thereby setting spending ceilings for each committee (see "Allocations" section below).<sup>11</sup> The House and Senate Committees on Appropriations receive ceilings only for the upcoming fiscal year, because appropriations measures are annual. Once the appropriations committees receive their spending ceilings, they separately distribute the funding among their respective subcommittees, providing spending ceilings for each subcommittee.

The budget resolution is never sent to the President, nor does it become law. It does not provide budget authority or raise or lower revenues; instead, it is a guide for the House and Senate as they consider various budget-related bills, including appropriations and tax measures. Both the House and Senate have established parliamentary rules to enforce some of these spending ceilings when appropriations measures are considered on the House or Senate floor, respectively. (For more details, see "Spending Ceilings for Appropriations Measures" section below).

The Congressional Budget Act provides an April 15 deadline for final congressional adoption of the budget resolution. However, during the 31 fiscal years Congress has considered budget resolutions (FY1976-FY2006), Congress frequently did not meet this deadline. For three of those years (FY1999, FY2003, and FY2005), Congress never completed a budget resolution.<sup>12</sup>

While there is no penalty if the budget resolution is not completed or is tardy, there may be significant difficulties. First, certain enforceable spending ceilings associated with the budget resolution are not established until the budget resolution is completed. Second, under the Congressional Budget Act, the Senate cannot consider appropriations legislation for the

---

<sup>9</sup> 2 U.S.C. 601-656 (2005). The Congressional Budget Act (Titles I-IX of P.L. 93-344 (88 Stat. 297) has been amended several times. Significant amendments were provided in the Balanced Budget and Emergency Deficit Control Act of 1985, P.L. 99-177 (99 Stat. 1037, 1038); Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, P.L. 100-119 (101 Stat. 754); Budget Enforcement Act of 1990, P.L. 101-508 (104 Stat. 1388- 573 to 1388-630); Omnibus Budget Reconciliation Act of 1993, P.L. 103-66 (107 Stat. 312); and Budget Enforcement Act of 1997, P.L. 105-33 (111 Stat. 251).

<sup>10</sup> Budget resolutions are under the jurisdiction of the House and Senate Committees on the Budget.

<sup>11</sup> The committee ceilings are usually provided in the joint explanatory statement that accompanies the conference report on the budget resolution.

<sup>12</sup> Congress is also not expected to complete the FY2007 budget resolution. For more information on budget resolutions, see CRS Report RL30297, *Congressional Budget Resolutions: Selected Statistics and Information Guide*, by Bill Heniff Jr. and Justin Murray.

upcoming fiscal year until (1) Congress completes the budget resolution and (2) Senate Committee on Appropriations receives its spending allocations. Furthermore, a three-fifths vote of all Senators (60 Senators, if there are no vacancies) is required in the Senate to waive this rule or appeal the presiding officer's ruling on a point of order under this rule.<sup>13</sup>

The Congressional Budget Act prohibits House consideration of appropriations measures for the first fiscal year of the budget resolution until Congress completes the budget resolution. But, it provides an exception. Even if the budget resolution is not in place, the House may begin considering most appropriations measures<sup>14</sup> after May 15. No similar exception exists in the Senate.

If Congress delays completion of the annual budget resolution (or does not complete the resolution),<sup>15</sup> each chamber may adopt a deeming resolution to address these procedural difficulties.

## Timetable for Consideration of Appropriations Measures

Traditionally, the House of Representatives initiated consideration of appropriations measures and the Senate subsequently amended the House-passed bills. For the FY1998 through FY2005 regular appropriations bills,<sup>16</sup> the Senate appropriations subcommittees and committee did not generally wait for the House bill; instead, they reported original Senate bills. Under this non-traditional approach, both House and Senate appropriations committees and their subcommittees were often considering the regular bills simultaneously. The Senate returned to the traditional practice, however, for the FY2006 and FY2007 regular appropriations bills.

The House Committee on Appropriations reports the 12 regular appropriations bills separately to the full House. The committee begins reporting the bills in May or June, completing all or almost all of them by July or the annual August recess. Generally, the full House begins consideration of the regular appropriations bills in May or June as well, passing most by July or the recess.

For FY2006 and FY2007, the Senate appropriations committee reported all or almost all of the House-passed bills, with its amendments, before the August recess. For FY2006, the Senate passed about half of the bills before the August recess and the remaining bills in September and October.<sup>17</sup>

For half of the past 10 years (FY1998-FY2007), neither chamber passed all the regular appropriations bills.<sup>18</sup> The regular bills that did not pass were generally funded in omnibus appropriations measures (see "Regular Appropriations Bills" section below).<sup>19</sup>

During the fall, the appropriations committees are usually heavily involved in conferences to resolve differences between the two chambers. Relatively little or no time is left before the fiscal year begins to resolve what may be wide disparities between the House and Senate, to say

---

<sup>13</sup> 2 U.S.C. 634 (2005) and section 403(b)(5) of the Concurrent Resolutions on the Budget for Fiscal Year 2006, H.Con.Res. 95 (109th Cong.).

<sup>14</sup> 2 U.S.C. 634 (2005). The House exception applies to regular appropriations bills and supplemental appropriations measures that provide funding for more than one agency or purpose (for more information, see "Types of Appropriations Measures" below).

<sup>15</sup> For information on deeming resolutions, see "Allocations" section below and CRS Report RL31443, The "Deeming Resolution:" A Budget Enforcement Tool, by Robert Keith.

<sup>16</sup> Of the three types of appropriations measures, regular appropriations bills typically provide most of the funding. A notable exception is the FY2007 full-year continuing resolution (P.L. 110-5), which provides funding for nine FY2007 regular appropriations bills.

<sup>17</sup> The Senate only passed 3 of the 11 FY2007 regular appropriations bills.

<sup>18</sup> For FY2003, the Senate did not separately pass 11 regular bills, but the Senate considered for amendment and passed an omnibus measure that included all 11 bills. For purposes of this report, the FY2003 bills are, therefore, considered as passed.

<sup>19</sup> From FY1998 through FY2005, both the House and Senate considered 13 regular appropriations bills. Due to a reorganization of the House and Senate committees in 2005, Congress approved 11 regular bills for FY2006 and FY2007. Nine of the FY2007 regular bills are packaged in a single measure (P.L. 110-5), which the President enacted on February 15, 2007.

nothing of those between Congress and the President. Congress is usually faced with the need to enact one or more temporary continuing resolutions pending the final disposition of the regular appropriations bills.<sup>20</sup>

## Work of the Appropriations Committees

After the President submits his budget, the House and Senate appropriations subcommittees hold hearings on the segments of the budget under their jurisdiction. They focus on the details of the agencies' justifications, primarily obtaining testimony from agency officials.

After the hearings have been completed and the House and Senate appropriations committees have generally received their spending ceilings, the subcommittees begin to mark up<sup>21</sup> the regular bills under their jurisdiction and report them to their respective full committees. Under the traditional practice, which the Senate resumed for the FY2006 and FY2007 regular bills, each Senate subcommittee would wait to amend the House-passed bill. Both appropriations committees consider each of their subcommittee's recommendations separately. The committees may adopt amendments to a subcommittee's recommendations and then report the bill as amended to their respective floors for action.

## House and Senate Floor Action

After the House or Senate appropriations committee reports an appropriations bill to the House or Senate, respectively, the bill is brought to the floor. At this point, Representatives or Senators are generally provided an opportunity to propose floor amendments to the bill.

### House

Prior to floor consideration of a regular appropriations bill, the House generally considers a special rule reported by the House Committee on Rules setting parameters for floor consideration of the bill.<sup>22</sup> If the House adopts the special rule, it usually considers the appropriations bill immediately.

The House considers the bill in the Committee of the Whole House on the State of the Union (or Committee of the Whole) of which all Representatives are members.<sup>23</sup> A special rule on an appropriations bill usually provides for one hour of general debate on the bill. The debate includes opening statements by the chair and ranking minority member<sup>24</sup> of the appropriations subcommittee with jurisdiction over the regular bill, as well as other interested Representatives.

---

<sup>20</sup> For a description of continuing resolutions, see "Continuing Resolutions" section below.

<sup>21</sup> The chair usually proposes a draft bill (the *chair's mark*). The chair and other subcommittee members discuss amendments to the draft and may agree to include some (referred to as *marking up the bill*). Regular appropriations bills are not introduced prior to full committee markup. The bill is introduced when the House appropriations committee reports the bill; a bill number is assigned at that time. House rules allow the House appropriations committee to originate a bill. In contrast, most House committees do not have such authority.

<sup>22</sup> Because the regular appropriations bills must be completed in a timely fashion, House Rule XIII, clause 5, provides that these appropriations bills are privileged. This allows the House Committee on Appropriations to bring a regular appropriations bill directly to the floor in contrast to asking the rules committee to report a special rule providing for the measure's consideration. The latter method is used for most major bills. In recent years, the House appropriations committee has usually used the special rule procedure, however. These special rules typically include waivers of certain parliamentary rules regarding the consideration of appropriations bills and certain provisions within them. Special rules may also be used for other purposes, such as restricting floor amendments.

<sup>23</sup> House Rule XVIII, clause 3, requires that appropriations measures be considered in the Committee of the Whole before the House votes on passage of the measures (see CRS Report 95-563, *The Legislative Process on the House Floor: An Introduction*, by Christopher M. Davis).

<sup>24</sup> A *ranking minority member* of a committee or subcommittee is the head of the minority party members of the particular committee or subcommittee.

After the Committee of the Whole debates the bill, it considers amendments. A regular appropriations bill is generally read for amendment, by paragraph.<sup>25</sup> Amendments must meet requirements of the

- House standing rules and precedents, for example, amendments must be germane to the bill;
- congressional budget process (see "Spending Ceilings for Appropriations Measures" section below);
- authorization-appropriation process, which enforces the relationship between authorization and appropriation measures (see "Relationship Between the Authorization and Appropriation Measures" section below); and
- special rule providing for consideration of the particular bill.

If an amendment violates any of these requirements, any Representative may raise a point of order to that effect. If the presiding officer rules the amendment out of order, it cannot be considered on the House floor. The special rule may waive any of these requirements, thereby allowing the House to consider the amendment.

During consideration of individual regular appropriations bills, the House sometimes sets additional parameters, either by adopting a special rule or by *unanimous consent*. That is, the House agrees to the new parameters only if no Representative objects. For example, the House sometimes agrees to limit debate on individual amendments by unanimous consent.

After the Committee of the Whole completes consideration of the measure, it rises (dissolves) and reports the bill with any adopted amendments to the full House. The House then votes on the adopted amendments and passage. After House passage, the bill is sent to the Senate.

## Senate

The full Senate considers the bill as reported by its appropriations committee.<sup>26</sup> The Senate does not utilize the device of a special rule to set parameters for consideration of bills. Before taking up the bill, however, or during its consideration, the Senate sometimes sets parameters by unanimous consent.

When the bill is brought up on the floor, the chair and ranking minority member of the appropriations subcommittee make opening statements on the contents of the bill as reported.

Committee and floor amendments to the reported bills must meet requirements under the Senate standing rules and precedents, congressional budget process, authorization-appropriation process, as well as requirements agreed to by unanimous consent. The specifics of the Senate and House requirements differ, including the waiver procedures.<sup>27</sup>

The Senate, in contrast to the House, does not consider floor amendments in the order of the bill. Senators may propose amendments to any portion of the bill at any time unless the Senate agrees to set limits.

---

<sup>25</sup> For more information, see CRS Report 98-995, *The Amending Process in the House of Representatives*, by Christopher M. Davis and Stanley Bach.

<sup>26</sup> In cases in which the non-traditional practice is utilized, the Senate Committee on Appropriations reports a Senate bill and after the full Senate has completed action on it, the Senate waits for the House to send its bill to the Senate and amends the House-passed bill with generally a substitute amendment that contains the text of the Senate bill, as amended on the Senate floor.

<sup>27</sup> The Senate may waive these rules either by unanimous consent or, in some cases, by motion.

## House and Senate Conference Action

Generally, members of the House and Senate appropriations subcommittees having jurisdiction over a particular regular appropriations bill, and the chair and ranking minority members of the full committees meet to negotiate over differences between the House- and Senate-passed bills.<sup>28</sup>

Under House and Senate rules, the negotiators (or *conferees* or *managers*) are generally required to remain within the scope of the differences between the positions of the two chambers.<sup>29</sup> Their agreement must be within the range established by the House- and Senate-passed versions. For example, if the House-passed bill appropriates \$3 million for a program and a separate Senate amendment provides \$5 million, the conferees must reach an agreement that is within the \$3-\$5 million range. However, these rules are not always followed.<sup>30</sup>

The Senate typically passes a single substitute amendment to each House bill. In such instances, the conferees must reach agreement on all points of difference between the House and Senate versions before reporting the conference report in agreement to both houses. When this occurs, the conferees propose a new conference substitute for the bill as a whole. The conferees attach a joint explanatory statement (or *managers' statement*) explaining the new substitute.

Usually, the House considers conference reports on appropriations measures first because it traditionally considers the measures first. The first house to consider a conference report has the option of voting to recommit the report to the conference for further consideration, rejecting the conference report, or adopting it. After the first house adopts the conference report, the conference is automatically disbanded; therefore, the second house has two options -- adopt or reject the conference report.

Conference reports cannot be amended in either the House or Senate.

If the conference report is rejected, or is recommitted by the first house, the conferees negotiate further over the matters in dispute between the two houses.<sup>31</sup> The measure cannot be sent to the President until both houses have agreed to the entire text of the bill.

## Presidential Action

After Congress sends the bill to the President, he has 10 days to sign or veto the measure. If he takes no action, the bill automatically becomes law at the end of the 10-day period. Conversely, if he takes no action when Congress has adjourned, he may *pocket veto* the bill.

If the President vetoes the bill, he sends it back to Congress. Congress may override the veto by a two-thirds vote in both houses. If Congress successfully overrides the veto, the bill becomes law. If Congress is unsuccessful, the bill dies.

---

<sup>28</sup> If the Senate and/or House does not pass a bill, informal negotiations typically take place on the basis of the reported version of that chamber(s). For example, the provisions of the House-passed bill and Senate committee-reported bill might be negotiated. Typically, the compromise is included in a conference report on an omnibus appropriations measure (see "Regular Appropriations Bill" section below).

<sup>29</sup> House Rule XXII, clause 9, and Senate Rule XXVIII, paragraphs 2 and 3.

<sup>30</sup> Generally, before the House considers a conference report on an appropriations measure, it adopts a special rule waiving all points of order against the conference report and its consideration, including points of order that the conference report goes beyond the scope of the differences.

<sup>31</sup> Technically, if either house rejects the conference report, the two houses normally agree to further conference, usually appointing the same conferees.



# Types of Appropriations Measures

Excerpt from CRS Report: 97-684 (pages 13-15)<sup>32</sup>  
Updated February 22, 2007

The Congressional Appropriations Process: An Introduction  
Sandy Streeeter  
Analyst in American National Government  
Government and Finance Division

There are three major types appropriations measures: regular appropriations bills, continuing resolutions, and supplementals. Of the three types, regular appropriations bills typically provide most of the funding.<sup>33</sup>

## Regular Appropriations Bills

The House and Senate annually consider several regular appropriations measures. Each House and Senate appropriations subcommittee has jurisdiction over one regular bill. Due to the House and Senate appropriations committees' recent reorganization, therefore, each chamber will consider 12 regular bills.

Regular appropriations bills contain a series of unnumbered paragraphs with headings; each is generally an account. The basic unit of appropriation is the account. Under these measures, funding for each department and large independent agency is distributed among several accounts. Each account, generally, includes similar programs, projects, or items, such as a "research and development" account or "salaries and expenses" account. For small agencies, a single account may fund all of the agency's activities. These acts typically provide a lump-sum amount for each of these accounts. A few accounts include a single program, project, or item, which the appropriations acts fund individually.

In report language,<sup>34</sup> the House and Senate Committees on Appropriations provide more detailed directions to the department and agencies on the distribution of funding among various activities funded within an account. Funding for most local projects are included in report language, as opposed to the text of the appropriations bill.

Appropriations measures may also provide transfer authority.<sup>35</sup> *Transfers* shift budget authority from one account or fund to another. For example, if the DOD moved budget authority from the "Aircraft Procurement, Navy" account to the "Shipbuilding and Conversion, Navy" account, that would be a transfer. Agencies are prohibited from making such transfers without statutory authority.

In contrast, agencies may generally shift budget authority from one activity to another within an account without such statutory authority; this activity is referred to as *reprogramming*.<sup>36</sup> The appropriations subcommittees have established notification and other oversight procedures for the various agencies to follow regarding reprogramming actions. Generally, these procedures differ with each subcommittee.

---

<sup>32</sup> <http://www.congress.gov/erp/rl/html/97-684.html>

<sup>33</sup> A notable exception is an FY2007 continuing resolution (P.L. 110-5), which provides funding for nine FY2007 regular appropriations bills through the end of FY2007.

<sup>34</sup> *Report language* refers to the content of committee reports and joint explanatory statements, which are attached to the back of conference reports.

<sup>35</sup> Authorization measures may also provide transfer authority. For information on authorization measures, see "Relationship Between the Authorization and Appropriation Measures" section below.

<sup>36</sup> Transfer authority may be required, however, in cases in which the appropriations act includes a set aside for a specified activity within an account.

Congress has traditionally considered and approved each regular appropriations bill separately, but Congress has recently combined bills together. For 18 of the past 31 years (FY1977-FY2007), Congress packaged two or more regular appropriations bills together in one measure, or, in the case of FY2001, into two measures.<sup>37</sup> These packages are referred to as omnibus measures or mini-bus measures.<sup>38</sup>

In these cases, Congress typically began consideration of each regular bill separately, but generally in conference combined some of the bills together. During conference on a single regular appropriations bill, the conferees typically included in the conference report final agreements on other outstanding regular appropriations bills, thereby creating an omnibus or minibus appropriations measure.

Packaging, was used for nine consecutive fiscal years beginning for FY1980. The first two of those years (FY1980-FY1981) occurred while President Jimmy Carter was in the White House, and the remaining seven were during Ronald Reagan's presidency. Since that time, it has been used nine times -- five during President William Jefferson Clinton's presidency (FY1996-FY1997 and FY1999-FY2001) and four while President George W. Bush has been in the White House (FY2003-FY2005 and FY2007).

In two of the years (FY1987 and FY1988) during Ronald Reagan's presidency, all the bills were enacted together, and in two years (FY2003 and FY2007) while President George W. Bush has been in the White House, all but two bills were enacted together. (From FY1977 through FY2005, Congress annually considered 13 regular appropriations bills and, for FY2006 and FY2007, Congress generally considered 11 regular bills.)<sup>39</sup>

Packaging regular appropriations bills can be an efficient means of resolving outstanding differences within Congress and between Congress and the President. The negotiators can make more convenient trade-offs between issues among several bills.

## Continuing Resolutions

Regular appropriations bills expire at the end of the fiscal year. If action on one or more regular appropriations measures has not been completed by the date of expiration of the previously enacted appropriations measure, the agencies funded by these bills must cease nonessential activities due to lack of budget authority. Traditionally, *continuing appropriations* have been used to maintain temporary funding to agencies and programs until the regular bills are enacted. Such appropriations continuing funding are usually provided in a joint resolution, hence the term *continuing resolution* (or *CR*).

On or before the deadline, Congress and the President generally complete action on an initial continuing resolution that temporarily funds the outstanding regular appropriations bills. In contrast to funding practices in regular bills (i.e., providing appropriations for each account), temporary continuing resolutions generally provide funding by a rate and/or formula. Recently, the continuing resolutions have generally provided a rate at the levels provided in the previous fiscal year. The initial CR typically provides temporary funding until a specific date or until the

---

<sup>37</sup> The FY2001 Energy and Water Development bill was attached to the FY2001 Veterans Affairs, Housing and Urban Development, and Independent Agencies bill. The FY2001 Legislative Branch bill and Treasury and General Government bill were attached to the FY2001 Labor, Health and Human Services, Education, and Related Agencies bill.

<sup>38</sup> There is no agreed upon definition of minibus or omnibus appropriations measures, but a *minibus* appropriations measure generally refers to a measure including a few regular appropriations bills and an *omnibus* appropriations measure refers to a measure containing several regular bills.

<sup>39</sup> During the 2005 reorganization of the House and Senate Committees on Appropriations, the House committee reduced the number of its subcommittees from 13 to 10 and the Senate committee reduced its number from 13 to 12. The full House committee had jurisdiction over one bill. The House, therefore, initially considered 11 regular bills and the Senate considered 12. During consideration of the appropriations bills, the Senate combined two bills, resulting in 11 regular bills.



enactment of the applicable regular appropriations acts, if earlier. Once the initial CR becomes law, additional interim continuing resolutions are frequently utilized to sequentially extend the expiration date. These subsequent continuing resolutions sometimes change the funding methods. Over the past 31 fiscal years, Congress has approved, on average, four continuing resolutions each year.

## **Supplementals**

Congress frequently considers one or more supplemental appropriations measures for a fiscal year that provide additional funds for specified activities. Supplementals may provide funding for unforeseen needs (such as funds to recover from a hurricane, earthquake or flood); or increase or provide funding for other activities. These measures, like regular appropriations bills, provide specific amounts of funding for individual accounts in the bill. Sometimes Congress includes supplemental appropriations in regular bills and continuing resolutions.

During a calendar year, Congress typically considers, at least

- 12 regular appropriations bills for the fiscal year that begins on October 1;
- several continuing resolutions for the same fiscal year; and
- one or more supplementals for the previous fiscal year.

# Use of Omnibus Measures

Excerpt from CRS Report: RL32473 (pages 2-7)<sup>40</sup>  
Updated December 10, 2007

Omnibus Appropriations Acts: Overview of Recent Practices  
Robert Keith  
Analyst in American National Government  
Government and Finance Division

## Summary

Omnibus appropriations acts have become a significant feature of the legislative process in recent years as Congress and the President have used them more frequently to bring action on the regular appropriations cycle to a close. Following a discussion of pertinent background information, this report reviews the recent enactment of such measures and briefly addresses several issues raised by their use.

For nearly two centuries, regular appropriations acts were considered by the House and Senate as individual measures and enacted into law as freestanding laws. In 1950, the House and Senate undertook a one-time experiment in improving legislative efficiency by considering all of the regular appropriations acts for FY1951 in a single bill, the Omnibus Appropriations Act of 1950. The following year, the House and Senate returned to the practice of considering the regular appropriations acts individually.

During the period covering FY1986-FY2006, a total of 271 regular appropriations acts were considered. All but one of these acts were enacted into law either individually or as part of an omnibus measure. Of the 270 measures enacted into law, 181 (67%) were enacted as freestanding measures and 89 (33%) were enacted in omnibus legislation. On average, less than nine (8.6) regular appropriations acts were enacted into law as freestanding measures and more than four (4.2) were enacted into law in omnibus legislation each year.

During this period, 12 different omnibus measures were enacted into law for 11 different fiscal years (two separate omnibus appropriations acts were enacted for FY2001). Each of the measures funded between two and 13 of the regular appropriations acts, on average funding about seven of them.

Eight of the omnibus measures were bills or joint resolutions carrying the designation "consolidated" appropriations or "omnibus consolidated" appropriations in the title; three were continuing appropriations acts; and one was the VA-HUD Appropriations Act for FY2001, which also included the Energy and Water Development Appropriations Act for FY2001.

In addition to the customary concern -- of sacrificing the opportunity for debate and amendment for greater legislative efficiency -- that arises whenever complex legislation is considered under time constraints, the use of omnibus appropriations acts has generated controversy for other reasons. These include whether adequate consideration was given to regular appropriations acts prior to their incorporation into omnibus appropriations legislation, the use of across-the-board spending cuts, and the inclusion of significant legislative (rather than funding) provisions.

Omnibus appropriations acts have become a significant feature of the legislative process in recent years as Congress and the President have resorted more frequently to their use to bring action on the regular appropriations cycle to a close. Following a discussion of pertinent background information, this report reviews the recent use of such measures and briefly addresses several issues that their use raises.

---

<sup>40</sup> <http://www.congress.gov/erp/rl/html/RL32473.html>

## History

Each year, Congress and the President enact discretionary spending<sup>41</sup> in the form of regular appropriations acts, as well as continuing and supplemental appropriations acts.<sup>42</sup> The number of regular appropriations acts had been fixed at 13 for several decades, but a realignment of the House and Senate Appropriations subcommittees at the beginning of the 109th Congress reduced the number of regular appropriations acts considered each year to 11. If action is not completed on all of the regular appropriations acts toward the end of a congressional session, Congress sometimes will combine the unfinished appropriations acts into an omnibus measure. An omnibus act may set forth the full text of each of the regular appropriations acts included therein, or it may enact them individually by cross-reference.

The House and Senate consider annual appropriations acts, and other budgetary legislation, within constraints established in a yearly budget resolution required by the Congressional Budget Act of 1974, as amended. Budget resolution policies are enforced by points of order that may be raised during House and Senate consideration of spending, revenue, and debt-limit legislation.<sup>43</sup> On occasion, budget policies may be modified by agreements reached between congressional leaders and the President; such modifications may be accommodated during legislative action through the use of waivers of points of order, emergency spending designations, and other budgetary or procedural devices.

During the period covering FY1991-FY2002, legislative action on annual appropriations acts also was subject to limits on discretionary spending established by the Budget Enforcement Act (BEA) of 1990, as amended. Under this statutory mechanism, separate discretionary spending limits were applied to two different measurements of spending -- budget authority and outlays. The discretionary spending limits were enforced by the sequestration process, which involved automatic, largely across-the-board reductions in discretionary spending in order to eliminate any breach of the limits.<sup>44</sup>

For nearly two centuries, regular appropriations acts were considered by the House and Senate as individual measures and enacted into law by the President as freestanding laws. In 1950, the House and Senate undertook a one-time experiment in improving legislative efficiency by considering all of the regular appropriations acts for FY1951 in a single bill, the Omnibus Appropriations Act of 1950 (81st Congress, P.L. 759, September 6, 1950).<sup>45</sup> The following year, the House and Senate returned to the practice of considering the regular appropriations acts individually.

In the late 1970s and continuing into the 1980s, continuing appropriations acts sometimes took the form of omnibus legislation, incorporating the full text of multiple regular appropriations acts for full-year funding instead of providing short-term funding by formula.<sup>46</sup> In recent years, the House and Senate on several occasions have combined multiple regular

---

<sup>41</sup> *Discretionary spending*, which accounts for roughly one-third of total federal spending, is spending that is under the control of the House and Senate Appropriations Committees. For the most part, discretionary spending funds the routine operations of the federal government. It is distinguished from *direct spending*, which is controlled by the legislative committees in substantive law and funds such mandatory programs as Social Security and Medicare. Discretionary spending and direct spending together make up total federal spending.

<sup>42</sup> For background on the appropriations process, see CRS Report 97-684, *The Congressional Appropriations Process: An Introduction*, by Sandy Streeter.

<sup>43</sup> For information on changes in the number of regular appropriations acts over the years, see CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920-2007*, by James V. Saturno.

<sup>44</sup> The Senate Appropriations Committee reported a twelfth regular appropriations act, for the District of Columbia, but in final legislative action it was incorporated into another bill.

<sup>45</sup> For a general discussion of budget enforcement procedures, see CRS Report 98-721, *Introduction to the Federal Budget Process*, by Robert Keith.

<sup>46</sup> The sequestration process is discussed in detail in CRS Report RL31137, *Sequestration Procedures Under the 1985 Balanced Budget Act*, by Robert Keith.

appropriations acts into "consolidated" appropriations measures, sometimes enacting individual bills by cross-reference.

## Omnibus Appropriations Acts: FY1986-FY2006

During the 21-year period covering FY1986-FY2006, 12 different omnibus measures were enacted into law for 11 different fiscal years (two separate omnibus appropriations acts were enacted for FY2001). Each of the measures funded between two and 13 of the regular appropriations acts, on average funding about seven of them.

Eight of the omnibus measures were bills or joint resolutions carrying the designation "consolidated" appropriations or "omnibus consolidated" appropriations in the title; three were continuing appropriations acts; and one was the VA-HUD Appropriations Act for FY2001, which also included the Energy and Water Development Appropriations Act for FY2001.

[P.L. 106-553](#) was enacted as an omnibus measure enacting the Commerce-Justice-State-Judiciary Appropriations Act for FY2001 and the District of Columbia Appropriations Act for FY2001 by cross-reference. However, the provision dealing with District of Columbia appropriations was repealed; therefore, [P.L. 106-553](#) is not counted in this report as an omnibus measure.

**Table 1. Omnibus Appropriations Acts: FY1986-FY2006**

|  |
|--|
| <p><b>Further Continuing Appropriations Act, 1986</b><br/>(<a href="#">P.L. 99-190</a>; December 19, 1985)</p> <p><b>Continuing Appropriations Act, 1987</b><br/>(<a href="#">P.L. 99-500</a>; October 18, 1986)</p> <p><b>Further Continuing Appropriations Act, 1988</b><br/>(<a href="#">P.L. 100-202</a>; December 22, 1987)</p> <p><b>Omnibus Consolidated Rescissions and Appropriations Act of 1996</b><br/>(<a href="#">P.L. 104-134</a>; April 26, 1996)</p> <p><b>Omnibus Consolidated Appropriations Act, 1997</b><br/>(<a href="#">P.L. 104-208</a>; September 30, 1996)</p> <p><b>Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999</b><br/>(<a href="#">P.L. 105-277</a>; October 21, 1998)</p> <p><b>Consolidated Appropriations Act, 2000</b><br/>(<a href="#">P.L. 106-113</a>; November 29, 1999)</p> <p><b>Consolidated Appropriations Act, 2001</b><br/>(<a href="#">P.L. 106-554</a>; December 21, 2000)</p> <p><b>VA-HUD Appropriations Act, 2001</b><br/>(<a href="#">P.L. 106-377</a>; October 27, 2000)</p> <p><b>Consolidated Appropriations Resolution, 2003</b><br/>(<a href="#">P.L. 108-7</a>; February 20, 2003)</p> <p><b>Consolidated Appropriations Act, 2004</b><br/>(<a href="#">P.L. 108-199</a>; January 23, 2004)</p> <p><b>Consolidated Appropriations Act, 2005</b><br/>(<a href="#">P.L. 108-447</a>; December 8, 2004)</p> |
|--|

During this period, a total of 271 regular appropriations acts were considered. All but one of these acts were enacted into law either individually or as part of an omnibus measure.<sup>47</sup>

Of the 270 measures enacted into law, 181 (67%) were enacted as freestanding measures and 89 (33%) were enacted in omnibus legislation. On average, less than nine (8.6) regular appropriations acts were enacted into law as freestanding measures and more than four (4.2) were enacted into law in omnibus legislation each year.

<sup>47</sup> See "The Omnibus Appropriations Act of 1950," by Dalmus H. Nelson, *Journal of Politics*, vol. 15, no. 2, May 1953.

Sixty (22%) of the 270 regular appropriations acts were enacted into law on or before October 1, the start of the fiscal year. Six of these measures were included in an omnibus measure (for FY1997) and the rest were enacted as freestanding measures. On average during this period, about three (2.9) regular appropriations acts were enacted annually before the start of the fiscal year.

Six of the eight omnibus appropriations acts bearing the designation "consolidated" or "omnibus consolidated" in their title originated in the House as a regular appropriations act and were expanded in coverage (and their titles redesignated) at the conference stage. These included the appropriations acts for

- Defense ([H.R. 3610](#)) in FY1997;
- Transportation ([H.R. 4238](#)) in FY1999;
- District of Columbia ([H.R. 3194](#)) in FY2000;
- Labor-HHS-Education ([H.R. 4577](#)) in FY2001;
- Agriculture ([H.R. 2673](#)) in FY2004; and
- Foreign Operations ([H.R. 4818](#)) in FY2005.

The acts for FY2000 and FY2001 enacted regular appropriations measures by cross-reference instead of including their full text (except for FY2000 appropriations for the District of Columbia).<sup>48</sup>

In FY2003, the omnibus measure originated in the House as a simple continuing resolution ([H.J.Res. 2](#)), but was expanded in coverage and redesignated during Senate floor action. The remaining measure, for FY1996 ([H.R. 3019](#)), originated as an omnibus measure and retained this status throughout its consideration.

## **Selected Issues in the Use of Omnibus Appropriations Acts**

Several issues pertaining to the use of omnibus appropriations have been the focus of debate in recent years, including the extent to which the regular appropriations acts have received consideration prior to being incorporated into omnibus legislation, the use of across-the-board spending cuts, and the inclusion of legislative provisions.

### **Prior Consideration of Regular Appropriations Acts**

One of the chief concerns regarding the use of omnibus appropriations acts is that it reduces the opportunities Members have to debate and amend the regular appropriations acts that are incorporated therein. This concern may be lessened if the regular appropriations acts eventually incorporated into omnibus legislation are first considered individually.

Data collected for the FY1986-FY2006 period show that the Senate is more likely than the House not to have given prior consideration to regular appropriations acts. The House did not initially consider, or considered but did not pass, 17 of the 89 regular appropriations acts subsequently included in omnibus legislation. These most often included regular appropriations acts for Foreign Operations (four times), Labor-HHS-Education (three times), and Agriculture and Defense (two times each).

---

<sup>48</sup> For more information on practices relating to the use of continuing appropriations acts, see CRS Report RL32614, *Duration of Continuing Resolutions in Recent Years*, by Robert Keith.

During the same period, the Senate did not initially consider, or considered but did not pass, 39 of the 89 regular appropriations acts subsequently included in omnibus legislation. Seven of the 39 measures not initially passed by the Senate were considered on the floor, while 32 were not (all 32 of these measures were reported by the Senate Appropriations Committee). The regular appropriations acts most often included in omnibus legislation without either initial consideration or passage in the Senate were for (1) Commerce, Justice, (2) Interior, and (3) Labor-HHS-Education, at five times each. Two regular appropriations acts -- Legislative Branch and Military Construction -- were included in omnibus appropriations acts during this period (five times and two times, respectively), but not without having first been considered by the Senate in each instance.

## Across-the-Board Spending Cuts

In order to adhere to restraints imposed by congressional budget resolutions, the discretionary spending limits, and ad hoc budget agreements between congressional leaders and the President, or to meet other purposes, Congress and the President from time to time incorporate across-the-board cuts in discretionary budget authority into annual appropriations acts.<sup>49</sup> During the six fiscal years covering FY2000-FY2005, five government-wide, across-the-board spending cuts were included in omnibus appropriations acts. In addition, an across-the-board cut was included in the Defense Appropriations Act for FY2006, a year in which all of the regular appropriations acts were enacted separately.<sup>50</sup>

The across-the-board spending cuts included in omnibus appropriations acts ranged in size from 0.22% to 0.80% of covered appropriations, and an estimated \$1.1 billion to \$3.5 billion in savings:

- the 0.38% cut for FY2000 in [P.L. 106-113](#) saved an estimated \$2.4 billion in budget authority;
- the 0.22% cut for FY2001 in [P.L. 106-554](#) saved an estimated \$1.1 billion in budget authority;
- the 0.65% cut for FY2003 in [P.L. 108-7](#) saved an estimated \$2.6 billion in budget authority;
- the 0.59% cut for FY2004 in [P.L. 108-199](#) saved an estimated \$2.8 billion in budget authority; and
- the 0.80% cut for FY2005 in [P.L. 108-447](#) saved an estimated \$3.5 billion in budget authority.

The 0.59% across-the-board cut in nondefense programs for FY2004 in [P.L. 108-199](#) was accompanied by a requirement that defense appropriations, which were exempt from the 0.59% cut, be reduced by a fixed amount (\$1.8 billion). This requirement was repealed by Section 9003(c) of the Defense Appropriations Act for FY2005, which President Bush signed into law on August 5, 2004, as [P.L. 108-287](#) (118 Stat. 951 et. seq.).

<sup>49</sup> The Foreign Operations Appropriations Act for FY1992 was not enacted into law. Funding for activities covered by this act was provided in a series of continuing resolutions, culminating with the enactment of P.L. 102-266 on April 1, 1992.

<sup>50</sup> For additional information on the legislative history and structure of recent omnibus appropriations acts, see (1) CRS Report RS20403, *FY2000 Consolidated Appropriations Act: Reference Guide*, by Robert Keith (archived; available from author); (2) CRS Report RS20756, *FY2001 Consolidated Appropriations Act: Reference Guide*, by Robert Keith (archived; available from author); (3) CRS Report RS21433, *FY2003 Consolidated Appropriations Resolution: Reference Guide*, by Robert Keith; (4) CRS Report RS21684, *FY2004 Consolidated Appropriations Act: Reference Guide*, by Robert Keith; and (5) CRS Report RS21983, *FY2005 Consolidated Appropriations Act: Reference Guide*, by Robert Keith.



Omnibus appropriations acts sometimes include other across-the-board spending cuts that apply to individual appropriations acts, as set forth in separate divisions of the omnibus legislation. [P.L. 108-199](#), for example, included two other requirements for much smaller uniform spending cuts in nondefense programs: (1) a 0.465% cut in funding in the Commerce-Justice-State Appropriations division, estimated to yield \$188.7 million in savings; and (2) a cut of \$50 million in administrative expenses for the Departments of Labor, Health and Human Services, and Education.

Further, [P.L. 108-447](#) included three other provisions requiring across-the-board spending cuts focused on particular divisions of the act: (1) a 0.54% cut in the Commerce-Justice-State Appropriations division, estimated to save \$229 million; (2) a 0.594% cut in the Interior Appropriations division, estimated to save \$120 million; and (3) a cut of \$18 million in the Labor-HHS-Education Appropriations division, applicable to administrative and related expenses for departmental management (except for the Food and Drug Administration and the Indian Health Service).

The significance of the spending cuts differed with regard to budget enforcement. The FY2000 cut was an integral component of the plan that successfully avoided a sequester at the end of the session. The FY2001 cut contributed to overall discretionary spending being below the statutory limits, but the across-the-board cut proved to be unnecessary in avoiding a sequester. With regard to the FY2003 cut, the House and Senate did not reach agreement on a budget resolution and the statutory discretionary limits had expired the fiscal year before; nonetheless, the across-the-board cut was necessary in adhering to an informal limit reached between congressional leaders and President Bush and avoiding a veto of the omnibus appropriations act. Similarly, the FY2004 and FY2005 cuts were necessary to keep the costs of the measures under overall limits acceptable to the President.

Although the across-the-board spending cuts were viewed as essential elements in meeting budget enforcement goals, some Members criticized them as involving a formulaic approach that undermined the process of making deliberate, informed choices regarding appropriate funding levels.

### **Inclusion of Legislative Provisions**

Although House and Senate rules and practices over the decades have promoted the separate consideration of legislation and appropriations, the separation has not been ironclad. In many instances, during the routine operation of the annual appropriations process, minor provisions are included in appropriations acts that technically may be regarded under the rules as legislative in nature, but do not significantly undermine the dichotomy between legislation and appropriations. At other times, however, the legislative provisions included in annual appropriations acts -- especially omnibus appropriations acts -- have been much more substantial and have represented a deliberate suspension of the usual procedural boundaries.<sup>51</sup>

In addition to the regular appropriations for FY2003, for example, the Consolidated Appropriations Resolution for FY2003 ([P.L. 108-7](#)) included the Agricultural Assistance Act of 2003, amendments to the Price-Anderson Act and the Homeland Security Act, and provisions dealing with the U.S.-China Economic and Security Review Commission, among other legislative matters.

While the inclusion of significant legislative matters may represent an efficient way to conclude legislative business as a congressional session comes to an end, it also may raise concerns about the adequate opportunity for Members to debate and amend them.

---

<sup>51</sup> This topic is discussed in more detail in CRS Report RL32153, *Across-the-Board Spending Cuts in Omnibus Appropriations Acts*, by Robert Keith.

# Other Appropriations Procedures

## Limitations

Excerpt from CRS Report: 98-518 (page 2)<sup>52</sup>  
Updated December 7, 2004

Earmarks and Limitations in Appropriations Bills  
Sandy Streeter  
Analyst in American National Government  
Government and Finance Division

A *limitation* places a restriction on the expenditure of funds provided in an appropriations bill, either by setting a spending ceiling, or by prohibiting the use of funds for a specified purpose(s). Congress is not required to provide funds for every agency or purpose authorized by law. It may provide funds for some activities or projects under an agency, but not others. Precedents require that the language be phrased in the negative, for example, that none of the funds provided in this paragraph (typically an account) shall be used for a specified activity.<sup>53</sup>

Limitations may apply to a single account, several accounts, a title, or a bill. They may be included in appropriations bills, floor amendments, and conference reports. Limitations are also included in committee reports and managers' statements. As with earmarks, limitations included in the text of the legislation are legally binding; limitations provided only in the committee reports and managers' statements are not legally binding, but may have effect.

Under Senate and House rules, limitations, as well as other language in the text of appropriations legislation, cannot change existing law (paragraphs 2 and 4 of Senate Rule XVI and clause 2(b) and (c) of House Rule XXI). That is, they cannot amend or repeal existing law nor create new law (referred to as *legislation* or *legislation on an appropriations bill*). Limitations also may not extend beyond the fiscal year for which an appropriation is provided.

In the House, these prohibitions apply to committee-reported regular appropriations bills and supplementals, which provide funds for more than one purpose or agency, as well as amendments and conference reports to such measures. The rule does not apply to continuing resolutions or amendments and conference reports to such resolutions. In the Senate, these prohibitions apply only to amendments, including committee amendments, to regular appropriations bills, supplementals, which provide funds for more than one purpose or agency, as well as continuing resolutions.

In the House, the rule may be waived by adoption of a special rule. Under Senate precedents, an amendment, which contains legislation to a House-passed appropriations measure, may be considered if it is germane to language in that measure. Amendments to original Senate bills are not afforded such protection. Under House rules, limitation amendments generally must be considered after all the other amendments have been considered (clause 2(c) of House Rule XXI). Only the majority leader (or his designee) may prevent consideration of permissible limitation amendments by making a motion to "rise and report," effectively ending consideration of a measure. If a majority votes for the motion, no more amendments may be considered. If the motion fails, the majority leader may again propose it after a limitation amendment is voted on (clause 2(d) of House Rule XXI). No similar procedure restricts the consideration of limitation amendments in the Senate.

---

<sup>52</sup> <http://www.congress.gov/erp/rs/html/98-518.html>

<sup>53</sup> Walter Kravitz, *Congressional Quarterly's American Congressional Dictionary: Third Edition*, pp. 139-140.



## The “Earmarking” Process

### Earmarks Defined

Under clause 9 of rule XXI, for purposes of that clause, the term “congressional earmark” is defined as “...a provision or report language included primarily as the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality of Congressional district, other than through a statutory or administrative formula-driven or competitive award process.” – **Rule XXI, Clause 9(d)**

### Earmarking Reforms: 110<sup>th</sup> Congress

Excerpt from CRS Report: RL33818<sup>54</sup>  
Updated October 17, 2007

“Federal Budget Process Reform in the 110<sup>th</sup> Congress: A Brief Overview” (pages 6-7)  
Robert Keith  
Specialist in American National Government  
Government and Finance Division

Reform of congressional earmarking practices in appropriations, direct spending, and tax legislation (and accompanying reports) was considered in 2006 by the House and Senate, but the two chambers did not come to a resolution of the issue. The issue has been addressed again by both chambers during the 110<sup>th</sup> Congress.

While definitions of earmarking vary, an earmark generally is considered to be an allocation of resources to specifically-targeted beneficiaries, either through earmarks of discretionary or direct spending, limited tax benefits, or limited tariff benefits. Earmarks may be proposed by the President or may be originated by Congress. Concern about existing earmarking practices arose because some of them were inserted into legislation or accompanying reports without any identification of the sponsor, and the belief that many earmarks were not subject to proper scrutiny and diverted resources to lesser-priority items or items without sufficient justification, thereby contributing to wasteful spending or revenue loss.

The essential feature of earmark reform proposals is a bar against the consideration of legislation that does not identify individual earmarks and the Members who sponsored them, the distribution of such information in a way that makes it readily available before the legislation is considered, and certification by earmark sponsors that neither they nor their spouses have a financial interest in the earmark.

An earmark reform provision, requiring the identification of earmarks and their sponsors before legislation may be considered and imposing other restrictions on the use of earmarks, was contained in Title IV (Section 404) of the House’s rules package for the 110<sup>th</sup> Congress, H.Res. 6, adopted on January 5, 2007. The earmark reform provisions were added to the rules of the House as Clause 9 of Rule XXI. The earmark identification requirement applies to all legislation; if no earmarks are included, then a statement to that effect must be supplied.<sup>55</sup>

---

<sup>54</sup> <http://www.congress.gov/erp/rl/pdf/RL33818.pdf>

<sup>55</sup> For examples of earmark identification for different types of measures, see (1) *Transportation-HUD Appropriations Act for FY2008*; report to accompany H.R. 3074, H.Rept. 110-238 (July 18, 2007), pp. 215-258; (2) *National Defense Authorization Act for Fiscal Year 2008*; report to accompany H.R. 1585, H.Rept. 110-146 (May 11, 2007), pp. 558-571; (3) *Farm, Nutrition, and Bioenergy Act of 2007*; report to accompany H.R. 2419, H.Rept. 110-256, Pt. 1 (July 23, 2007), p. 396; and (4) *Renewable Energy and Energy Conservation Tax Act of 2007*; report to accompany H.R. 2776, H.Rept. 110-214 (June 27, 2007), p. 119. The latter two examples contain statements that no earmarks, limited tax benefits, or limited tariff benefits are included.

Later in the session, on June 18, 2007, the House adopted H.Res. 491, a measure dealing (for the remainder of the 110<sup>th</sup> Congress) with the consideration of conference reports on regular appropriations acts containing earmarks that were not submitted to the conference by either chamber. The measure established a point of order that is intended to curtail the practice of “air-dropping” earmark provisions, not first passed by either chamber, into appropriations acts at the conference stage.

On January 18, the Senate adopted S. 1, ethics reform legislation. Title I of the act, referred to separately as the Legislative Transparency and Accountability Act of 2007, included earmark reform provisions requiring the prior identification of earmarks, and their sponsors, in all spending and revenue legislation, and various other constraints on earmarking practices.<sup>56</sup> Senator Robert C. Byrd, the chairman of the Senate Appropriations Committee, announced on April 17 that the committee would follow a policy of requiring earmark disclosure for the FY2008 appropriations cycle, similar to the requirements set forth in S. 1.

On July 31, the House passed S. 1 with an amendment under the suspension of the rules procedure, by a vote of 411-8. The Senate agreed to the House amendment, by a vote of 83-14, on August 2, thus clearing the measure. President George W. Bush signed the bill into law on September 14, as P.L. 110-81 (121 Stat. 735-776), the Honest Leadership and Open Government Act of 2007. In its final form, P.L. 110-81 includes earmark reform provisions in Section 521 (Congressionally Directed Spending), which are added to the Standing Rules of the Senate as a new Rule XLIV.

---

<sup>56</sup> See CRS Report RL33852, *Ethics, Lobbying, and Related Procedural Reforms Proposed in S. 1, 110th Congress*, by Jack Maskell, R. Eric Petersen, Bill Heniff Jr., Sandy Streeter, and Todd B. Tatelman.

## Authorizing Language in Appropriations Bills

Excerpt from CRS Report: RS20371 (pages 1-2)<sup>57</sup>  
Updated December 8, 2006

Overview of the Authorization-Appropriations Process  
Bill Heniff Jr.  
Analyst in American National Government  
Government and Finance Division

A primary avenue for exercising Congress's power of the purse is the authorization and appropriation of federal spending to carry out government activities. While the power over appropriations is granted to Congress by the U.S. Constitution, the authorization-appropriation process is derived from House and Senate rules. The formal process consists of two sequential steps: (1) enactment of an authorization measure that may create or continue an agency or program as well as authorize the subsequent enactment of appropriations; and (2) enactment of appropriations to provide funds for the authorized agency or program. See <http://www.crs.gov/products/guides/guidehome.shtml> for more information on budget process.

The authorizing and appropriating duties in this two-step process are carried out by a division of labor within the committee system. Legislative committees, such as the House Committee on Armed Services and the Senate Committee on Commerce, Science, and Transportation, are responsible for authorizing legislation related to the agencies and programs under their jurisdiction; most standing committees have authorizing responsibilities. The Appropriations Committees of the House and Senate have jurisdiction over appropriations measures. As discussed below, House and Senate rules generally prohibit the encroachment of these committee responsibilities by the authorizers and appropriators.

Agencies and programs funded through the annual appropriations process, referred to as *discretionary spending*, generally follow this two-step process. Not all federal agencies and programs, however, are funded through this authorization-appropriations process. Funding for some agencies and programs is provided by the authorizing legislation, bypassing this two-step process. Such spending, referred to as *direct spending*, currently constitutes about two-thirds of all federal spending. Some direct spending, mostly entitlement programs, is funded by permanent appropriations in the authorizing law. Other direct spending (referred to as appropriated entitlements), such as Medicaid, is funded in appropriations acts, but the amount appropriated is controlled by the authorizing legislation.

### Authorizing Legislation

An authorizing measure can establish, continue, or modify an agency or program for a fixed or indefinite period of time. It also may set forth the duties and functions of an agency or program, its organizational structure, and the responsibilities of agency or program officials.

Authorizing legislation also authorizes the enactment of appropriations for an agency or program. The amount authorized to be appropriated may be specified for each fiscal year or may be indefinite (providing "such sums as may be necessary"). The authorization of appropriations is intended to provide guidance regarding the appropriate amount of funds to carry out the authorized activities of an agency.

### Appropriations Measures

An appropriations measure provides budget authority to an agency for specified purposes. Budget authority allows federal agencies to incur obligations and authorizes payments to be made out of the Treasury. Discretionary agencies and programs, and appropriated entitlement programs, are funded each year in appropriations acts.

---

<sup>57</sup> <http://www.congress.gov/erp/rs/html/RS20371.html>

The 13 subcommittees of the Appropriations Committees of the House and Senate are each responsible for one of the *regular appropriations acts*. The regular appropriations acts provide budget authority for the next fiscal year, beginning October 1. Congress usually adopts one or more *supplemental appropriations acts* to provide additional funding for unexpected needs while the fiscal year is in progress. If the regular appropriation acts are not completed by October 1, then Congress must adopt a *continuing appropriations act*, commonly referred to as a continuing resolution, providing stop-gap funding. In some years, instead of adopting the regular appropriation measures individually, Congress may include several in an omnibus appropriations measure, or a continuing appropriations bill providing funding for the full fiscal year.

### **Enforcing the Authorization-Appropriations Process**

The separation between the two steps of the authorization-appropriations process is enforced through points of order provided by rules of the House and Senate. First, the rules prohibit appropriations for unauthorized agencies and programs; an appropriation in excess of an authorized amount is considered an unauthorized appropriation. Second, the rules prohibit the inclusion of legislative language in appropriations measures. Third, the House, but not the Senate, prohibits appropriations in authorizing legislation.

While the rules encourage the integrity of the process, a point of order must be raised to enforce the rules. Also, the rules may be waived by suspension of the rules, by unanimous consent, or, in the House, by a special rule. If unauthorized appropriations are enacted into law through circumvention of House and Senate rules, in most cases the agency may spend the entire amount.

## Unauthorized Appropriations

Excerpt from CRS Report: RL31055 (pages 9, 15)<sup>58</sup>  
Updated December 13, 2006

House Offset Amendments to Appropriations Bills: Procedural Considerations  
Sandy Streeter  
Analyst in American National Government  
Government and Finance Division

Under House Rule XXI, clause 2(a), legislation must generally be enacted authorizing appropriations for a purpose (such as an account, program, project, or activity) before appropriations for that purpose can be considered on the House floor. The rule prohibits floor consideration of: (1) appropriations for purposes whose authorization has expired; (2) appropriations that have not been authorized; and (3) appropriations that exceed spending ceilings approved in an authorization act. Appropriations violating these restrictions are *unauthorized appropriations*.<sup>59</sup>

The prohibition applies to regular appropriations bills and supplemental appropriations measures, which provide funds for more than one purpose or agency (referred to, in the House, as *general appropriations bills*).<sup>60</sup>

Appropriations bills frequently include unauthorized appropriations. An unauthorized appropriation is allowed to remain in an appropriations bill when the House adopts a special rule waiving the rule against the provision, or, less frequently, when no one raised a point of order against it.<sup>61</sup> A *germane*<sup>62</sup> amendment to such a provision is permitted if the amendment solely and *directly*<sup>63</sup> changes the amount of the unauthorized appropriation. Such an amendment cannot add legislative language or earmark separate funds for another unauthorized purpose. In contrast, an amendment, such as a reachback amendment, adding a new paragraph to another part of a bill that *indirectly*<sup>64</sup> increases an unauthorized amount is prohibited.

An example of an amendment that directly changes the amount of appropriation would strike the original amount, \$2 million, and replace it with another amount, \$3 million.<sup>65</sup> A special rule waiving the point of order (or no one raising the point of order) protects these amendments as well as the unauthorized appropriation in the bill.

Since clause 2(f) amendments directly change amounts in bills, they may increase unauthorized appropriations that were allowed to remain in the bill (subject to the spending ceilings enforced by sections 302(f) and 311(a) as well as clause 2(f)). A scenario providing the stages follows:

1. An authorization act authorizes \$2 million for program yellow for FY2002.

---

<sup>58</sup> <http://www.congress.gov/erp/rl/html/RL31055.html>

<sup>59</sup> Unauthorized appropriations for works and projects in progress are allowed.

<sup>60</sup> In the House, continuing resolutions are not considered general appropriations bills and, therefore, may include unauthorized appropriations. For background information, see [CRS Report 97-684](#), *The Congressional Appropriations Process: An Introduction*, by Sandy Streeter.

<sup>61</sup> In parliamentary parlance, the unauthorized appropriation is *permitted to remain in the bill*.

<sup>62</sup> House Rule XVI, clause 7, prohibits an amendment from including a subject different from that contained in the paragraph or section it would amend. For information on the application of this rule, see House rules and precedents sources in "For Additional Information," below.

<sup>63</sup> "Directly" refers to changing the unauthorized amount by amending the text in the bill that provides the unauthorized amount or by adding a parenthesis immediately after the amount. "Indirectly" refers to changing the unauthorized amount by adding a new provision that refers to the amount.

<sup>64</sup> *Ibid.*

<sup>65</sup> An amendment that changes the amount by inserting after the amount a parenthetical increase or decrease may also increase an unauthorized appropriation that was allowed to remain, for example, by inserting after the original amount of \$2 million -- (increase by \$1 million). For more information, see U.S. Congress, House, *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, by Wm. Holmes Brown, 104th Cong., 2nd sess. (Washington: GPO, 1996), p. 141, section 69.

2. Subsequently, an FY2002 regular appropriations bill provides an appropriation of \$3 million for program yellow. The appropriation exceeds the authorization level by \$1 million, which is an unauthorized appropriation.

3. The House adopts a special rule waiving House Rule XXI, clause 2(a) against all provisions in the bill, allowing the above appropriation to remain in the bill.

4. A clause 2(f) offset amendment directly replacing the appropriated amount of \$3 million for program yellow with \$4 million would be allowed.

This exception to the prohibition against unauthorized appropriations applies to amendments changing lump-sum appropriations as well as earmarks. In the following example, all these unauthorized amounts could be increased by a clause 2(f) offset amendment:

For necessary expenses, including salaries and related expenses, of the Executive Office for YYY, to implement program activities, \$200,000,000, of which \$100,000,000 is for the yellow program, \$50,000,000 for the green program, and \$50,000,000 for the blue program.

A clause 2(f) amendment may not propose to increase an *authorized* appropriation in an appropriations bill beyond the authorized level. In the scenario demonstrating the stages above, if the regular appropriations bill provided \$2 million, which was the authorized level, an amendment increasing that amount would be prohibited.

## Procedural Considerations

Appropriations bills generally include unauthorized appropriations. Typically, the House Rules Committee reports a special rule adopted by the House, waiving the prohibition against unauthorized appropriations<sup>66</sup> for most or all unauthorized appropriations in a reported bill. Clause 2(f) amendments can increase those unauthorized appropriations allowed to remain. Reachback amendments, however, can only increase authorized appropriations in the bill to the authorized level.

In some cases, entire bills or significant portions of bills have been unauthorized appropriations. As a result, reachback amendments could not increase those amounts. Most of the lump-sum appropriations provided in the committee-reported FY2001 defense and military construction regular appropriations bills were unauthorized. The House adopted special rules regarding each bill waiving House Rule XXI, clause 2. Therefore, clause 2(f) amendments to those bills could increase the funds in the bill, while reachback amendments were limited to the few, if any, authorized appropriations.

If the account or earmark a Representative wants to increase is unauthorized, the Member must generally use a clause 2(f) amendment within the restrictions on such amendments. For example, the amendment could not add a new lump-sum appropriation or earmark.

---

<sup>66</sup> Budget authority (and the resulting outlays) designated as an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900-922) is exempt from the 302(f) and 311(a) points of order (see "Spending Ceilings and Offset Amendments"). However, language in an amendment designating specific funds as such an (Continued...)

(Continued...) emergency is considered legislation and, therefore, would violate House Rule XXI, clause 2(c). Such language would create new law, which would not otherwise exist.