

An hourglass-shaped graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is centered in the narrow neck of the hourglass. The top bulb is filled with a dark blue color, and the bottom bulb is filled with a light blue color. The globe is centered in the narrow neck of the hourglass.

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Appropriations Bills: What Are "General Provisions"?

Sandy Streeter, Government and Finance Division

January 25, 2007

Abstract. An annual appropriations act generally consists of two parts— paragraphs providing funding, and general provisions focusing on non-funding as well as funding issues. Generally, each paragraph corresponds to a unique budget account and provides a lump sum amount for a group of activities such as agency salaries and expenses, and may include restrictions or conditions that apply to that funding. Some general provisions establish restrictions and conditions which apply to a single account, multiple accounts, the entire bill, or a department or agency funded in the bill. General provisions may be of a policy or operational character.

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An annual appropriations act generally consists of two parts—paragraphs providing funding, and general provisions focusing on non-funding as well as funding issues. Generally, each paragraph corresponds to a unique budget account and provides a lump-sum amount for a group of activities such as agency salaries and expenses, and may include restrictions or conditions that apply to that funding. Some general provisions establish restrictions and conditions which apply to a single account, multiple accounts, the entire bill, or a department or agency funded in the bill. General provisions may be of a policy or operational character. For more information on federal budget process, see <http://www.crs.gov/products/guides/guidehome.shtml>.

Funding for some accounts and some general provisions may be controversial, while others are not. In most appropriations bills, few general provisions provide funding. A few examples of general provisions from the FY1998 appropriations acts are provided below:

- Prohibited funds provided in the act to be used by the Occupational Health and Safety Administration to promulgate or issue final ergonomic protection standards during FY1998;
- Cut off funds for troops in Bosnia after June 30, 1998, unless, by May 15, 1998, the President had met certain requirements and required the Administration to request supplemental funds to cover the costs of the extended mission;
- Prohibited FY1998 funds provided in the act for field or pilot tests, administration, distribution, or implementation of any national education test and directed the National Academy of Sciences to conduct three studies on topics related to national testing;
- Provided for a court test, involving expedited judicial review, of the constitutionality and legality of using sampling techniques for the 2000 census, allowed a limited test of sampling in the 1998 census dress rehearsal, and established a Census Monitoring Board to monitor all aspects of the preparation and implementation of the 2000 census;
- Prohibited funds provided in the act from being used for two specified positions; and
- Allowed a department to transfer funds between its accounts, subject to certain restrictions.

Most appropriations bills include a “General Provisions” title at the end of the act. In addition, some acts provide “General Provisions” or “Administrative Provisions” sections that applies to a specific title, department, or agency. The Treasury-Postal Service-General Government bill also includes a title for government-wide general provisions. These provisions apply to departments and agencies funded in all appropriations bills. For example, the FY1998 act required all agencies funded by any of the 13 FY1998 appropriations acts to ensure that all of their workplaces are free from the illegal use of controlled substances. In addition, an appropriations bill sometimes includes a separate title on a major policy. The FY1998 Veterans Affairs-Housing and Urban Development Act included a title that contained a restructuring plan for Section 8 housing contracts.

Because an appropriations act provides funds for a particular fiscal year it is presumed that general provisions are likewise for a particular fiscal year unless the provision clearly states that it

is to remain in effect permanently. For example, the language may state that the particular provision shall remain in effect “hereafter.”¹

House Rule XXI, clause 2(b) and (c) prohibit House floor consideration of provisions in most appropriations bills, excepting continuing resolutions, that “change existing law” (commonly referred to as *riders*). This prohibition applies to provisions in the bill reported by the House Appropriations Committee, floor amendments, and the conference report (House Rule XXII, clause 5). Some general provisions violate this rule. In such a case, the House typically adopts a special rule waiving this rule against all or selected provisions in the bill reported by the House Appropriations Committee, or against all provisions in the conference report.

Senate Rule XVI, paragraphs 2 and 4, prohibit riders in committee and floor amendments to most appropriations bills, including continuing resolutions. It does not prohibit such language in original Senate bills reported by the Senate Appropriations Committee or conference reports.

If a rider is enacted into law either because it was protected, or no one raised a point of order against it, the rider has the force of law. These rules do not affect the validity or enforceability of provisions enacted into law. They only affect House and Senate consideration of such provisions on their respective floors.

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¹ For other indications of permanence, see U.S. General Accounting Office, *Principles of Federal Appropriations Law, Vol I*, third edition, GAO-04-261SP, Jan. 2004, chapter 2(B)(4).