



Appropriations Bills: What Is Report Language?

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Report language refers to information provided in reports accompanying committee-reported legislation as well as joint explanatory statements, which are included in conference reports. Report language contains more detailed guidance to departments and agencies than is provided in related appropriations bills or legislative text in conference reports.

The House requires a written committee report to accompany each reported bill.¹ Although there is no comparable Senate requirement, the Senate Appropriations Committee typically prepares such reports. Both chambers require an explanatory statement to accompany each conference report.² Although the entire document is generally referred to as a conference report, it comprises two separate parts. The conference report contains a conference committee's proposal for legislative language resolving the House and Senate differences on a measure, while the joint explanatory statement explains the conference report.

Report language accompanying appropriations measures, and that in conference reports, generally includes detailed spending instructions, directives, expectations, and spending restrictions. The funding instructions set aside spending within lump-sum amounts in the bill or legislative text of the conference report for designated purposes, such as specified programs, projects, or activities. Congressionally initiated earmarks (referred to as *congressional earmarks* in the House and *congressionally directed spending items* in the Senate) are frequently provided in report language instead of the text of the measure or legislative text of the conference report.³

Directives contained in report language may require or encourage departments or agencies to take specified action or refrain from taking a certain action. For example, a report might direct an agency to conduct a cost-benefit analysis of an activity or encourage an agency to implement specified regulations expeditiously.

Spending restrictions might include instructions for a department or agency not to use funds provided in the bill for specified programs, projects, or activities, or they might set spending ceilings for these activities.

Committee reports also usually provide a comparative statement of the funding levels requested by the President, contained in the bill, and proposed by the other chamber or committee, if any. In addition, both houses generally require their Appropriations Committees to provide additional information, such as a

- cost estimate that provides a comparison of funding provided in the measure, except for continuing appropriations, with certain spending ceilings associated with the annual budget resolution (302(b) allocations);⁴
- comparison of the text of statutes the committee proposes to amend or repeal with the proposed changes (the House also requires a description of the effect of

¹ Under House Rule XIII, clause 2.

² House Rule XXII, clause 7(e), and Senate Rule XXVIII, paragraph 6.

³ For more information on congressional earmarks, see CRS Report RL34462, *House and Senate Procedural Rules Concerning Earmark Disclosure*, by (name redacted).

⁴ House Rule XIII, clause 3(c)(2), and Congressional Budget and Impoundment Control Act of 1974, 2 U.S.C. §§ 621, 639. For more information on the annual budget resolution and 302(b) allocations, see CRS Report 97-684, *The Congressional Appropriations Process: An Introduction*, by (name redacted); and CRS Report R40472 *The Budget Resolution and Spending Legislation*, by Megan Suzanne Lynch.

any provision in a general appropriations bill⁵ that directly or indirectly changes the application of existing law);⁶ and

- statement identifying appropriations for unauthorized purposes.⁷

Procedures are available in both the Senate and House to waive or suspend these rules. In the House, rules may be waived by unanimous consent, on a motion to suspend the rules requiring a two-thirds vote, and by adopting a special rule waiving the rule(s), which requires a majority vote and is reported by the House Rules Committee. Waivers of Senate rules are typically by unanimous consent.

The House requires that committee reports and joint explanatory statements include a list of congressional earmarks and their sponsors.⁸ Although the Senate does not require that such a list be included in committee reports, the Senate Appropriations Committee has generally done so.⁹

Committee reports are typically prepared by the staff of the Senate and House Appropriations subcommittee with jurisdiction over the particular bill or provision at the direction of the appropriations subcommittee chair. Conflicts between the guidance in the Senate and House committee reports are usually resolved during conference on the bill and included in the joint explanatory statement.

Because committee reports and managers' statements are not part of the legislative measures considered on the floor of the Senate or House, they are not subject to points of order to which bills and amendments may be vulnerable.

Significantly, report language does not have statutory force, departments and agencies are not legally bound by their declarations.¹⁰ These documents do, however, explain congressional intent, and executive branch agencies take them seriously because they must justify their budget requests annually to the Appropriations Committees.

⁵ In the House, *general appropriations bill* refers to the 12 annual regular appropriations bills and supplemental appropriations measures that provide funds for more than one purpose or agency. The term does not apply to continuing resolutions; in contrast, the Senate includes continuing resolutions as well.

⁶ House Rule XIII, clause 3(e) and (f)(1)(A) and Senate Rule XXVI, paragraph 12.

⁷ House Rule XIII, clause 3(f)(1)(B) and Senate Rule XVI, paragraph 7. For more information on House and Senate rules regarding such unauthorized appropriations, see CRS Report 97-684, *The Congressional Appropriations Process: An Introduction*, by (name redacted); and CRS Report RS20371, *Overview of the Authorization-Appropriations Process*, by (name redacted)

⁸ House Rule XXI, clause 9.

⁹ Senate Rule XLIV requires the chair of the committee reporting the bill or the Majority Leader to certify that a list (or a chart or other similar form) of all earmarks and the name of each Senator who submitted a request for each item listed has been available on a publicly accessible congressional website for at least 48 hours before the a vote on consideration of a measure. A similar requirement applies to conference reports.

For information waiving or suspending these House and Senate earmark transparency rules, see CRS Report RL34462, *House and Senate Procedural Rules Concerning Earmark Disclosure*, by (name redacted).

¹⁰ For more information, see CRS Report RL34373, *Earmarks Executive Order: Legal Issues*, by (name redacted) and (name redacted); and CRS Report RL34642, *Bush Administration Policy Regarding Congressionally Originated Earmarks: An Overview*, by (name redacted), (name redacted), and (name redacted).

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