



# Appropriations Bills: What Are “General Provisions”?

**name redacted**

Analyst on Congress and the Legislative Process

March 24, 2010

Congressional Research Service

7-....

[www.crs.gov](http://www.crs.gov)

98-648

An annual appropriations act, except continuing resolutions, 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, conditions, or requirements that apply to that funding. Separate parts of the act, generally referred to as “general provisions” or “administrative provisions,” establish restrictions, conditions, and requirements that may apply to the entire act, a specific title, department, agency, or account.

Typically a general provisions title is included in appropriations acts, almost always at the end of the act. These provisions may affect funding and activities in the entire act or may apply only to one or more titles, departments, agencies, independent agencies, or accounts. Separate general provisions or administrative provisions are typically included that may affect a single title, department, agency, independent agency, or account. The Financial Services and General Government act also includes a title for government-wide general provisions. These provisions apply to departments and agencies funded in all appropriations bills. For example, the FY2010 act requires all federal agencies to have a written policy for ensuring a drug-free workplace.

General provisions may be of a policy or operational character. In most appropriations bills, few general provisions provide funding. Examples of general provisions from the FY2010 appropriations acts follow:

- Prohibits the use of funds provided in the act for planning, testing, piloting, or developing a national identification card;
- Cancels specific amounts provided in previously enacted appropriations acts;
- Gives the Attorney General authority to waive, under specific circumstances, matching fund requirements for certain adult and juvenile prisoner reentry demonstration projects;
- Prohibits funds provided in the act to be used to reduce the mission and staff level of a specified operational center;
- Bars the use of funds in the act by a certain agency to issue a specified final regulation;
- Prohibits funds provided in the act or previous appropriations acts from being used for one specified staff position, but provides certain waiver authority for the affected department;
- Requires the Chief Financial Officer of a specific department to submit to the Senate and House Appropriations Committees a monthly budget and staffing report; and
- Allows a department to transfer funds between its accounts, subject to certain restrictions.

In addition, an appropriations bill sometimes includes a separate title on a major policy. The FY2009 Omnibus Appropriations Act, for example, included the Afghan Allies Protection Act of

2009, which, in part, increased the number of certain Afghan aliens that could be granted special immigration status and authorized temporary resettlement assistance for them.<sup>1</sup>

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.”<sup>2</sup>

House Rule XXI, clause 2(b) and (c) prohibit House floor consideration of provisions in most appropriations bills that “change existing law” (referred to as *legislation on an appropriations bill* or *legislation*). 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 may violate this rule. In such a case, the House typically adopts a special rule, reported by the House Rules Committee, waiving the application of 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, prohibits legislation in committee and floor amendments to most appropriations bills. It does not prohibit such language, however, in Senate bills originated and reported by the Senate Appropriations Committee or conference reports.

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

## **Author Contact Information**

(name redacted)

Analyst on Congress and the Legislative Process

-redacted-@crs.loc.gov, 7-....

---

<sup>1</sup> P.L. 111-8, 123 Stat. 524, 807.

<sup>2</sup> 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).

# EveryCRSReport.com

The Congressional Research Service (CRS) is a federal legislative branch agency, housed inside the Library of Congress, charged with providing the United States Congress non-partisan advice on issues that may come before Congress.

EveryCRSReport.com republishes CRS reports that are available to all Congressional staff. The reports are not classified, and Members of Congress routinely make individual reports available to the public.

Prior to our republication, we redacted names, phone numbers and email addresses of analysts who produced the reports. We also added this page to the report. We have not intentionally made any other changes to any report published on EveryCRSReport.com.

CRS reports, as a work of the United States government, are not subject to copyright protection in the United States. Any CRS report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS report may include copyrighted images or material from a third party, you may need to obtain permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

Information in a CRS report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to members of Congress in connection with CRS' institutional role.

EveryCRSReport.com is not a government website and is not affiliated with CRS. We do not claim copyright on any CRS report we have republished.