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The House Appropriations Process: Opportunities for Member Participation

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SUMMARY

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The House Appropriations Process: Opportunities for Member Participation

Each year, Congress produces appropriations legislation that provides discretionary funding for a broad range of government activities related to defense, transportation, education, the environment, homeland security, and community development. Because of the extensive effects that appropriations legislation has on government activities and operations, Members often seek to participate in its development.

This report provides information on opportunities for Members to participate in the annual appropriations process. Many of these opportunities are provided by the House Committee on Appropriations, which has sole jurisdiction over appropriations legislation in the House and has developed mechanisms for collecting Member input during the development of appropriations legislation. In addition, certain customs and procedures exist more broadly in the House that allow Members to participate during other stages of the appropriations process.

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Introduction

The Constitution grants Congress two significant powers related to the appropriations process: (1) the power to write appropriations legislation and (2) the power to determine the rules of its internal proceedings.[1] Congress has thus developed certain types of appropriations legislation, as well as rules and practices, that govern how appropriations legislation is developed and considered. This collection of legislation, rules, and practices is referred to as the annual appropriations process.

Using this process, Congress produces appropriations legislation that provides discretionary funding for a broad range of government activities related to defense, transportation, education, the environment, homeland security, and community development. Because of the extensive effects that appropriations legislation has on government activities and operations, Members often seek to participate in its creation.

This report provides information on opportunities for Members to participate in the annual House appropriations process. Members may use such opportunities as they seek to influence any aspect of appropriations funding, such as increasing or decreasing total appropriations funding levels or suggesting changes to funding for a specific program. Likewise, Members might use these opportunities to advocate for certain restrictions on appropriations funding or excluding funding for a certain type of activity altogether.

Many of these opportunities are provided by the House Committee on Appropriations, which has sole jurisdiction over appropriations legislation in the House and has developed mechanisms for collecting Member input during the development of appropriations legislation. In addition, certain customs and procedures exist more broadly in the House that allow Members to participate during other stages of the appropriations process. While certain opportunities might be available during any stage of the process, some are generally available only during a certain stage of the appropriations process. For the purposes of this report, the appropriations process is divided into two primary stages: bill development and floor consideration.

Opportunities Available at Any Time

Some opportunities for participation are available during any stage of the appropriations process and are typically used for a variety of purposes within the legislative process generally.

Dear Colleague Letters

Members may communicate their views and preferences on any aspect of appropriations by writing letters to congressional leadership, the House Committee on Appropriations, or its subcommittees.

To enhance the potential effectiveness of these messages, Members may employ “Dear Colleague” letters urging other Members to join them in their communication. The House describes “Dear Colleague” letters as “correspondence signed by Members of Congress and

[1] Article I, Section 9, Clause 7, states that “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law,” and Article I, Section 5, Clause 2, states that “Each House may determine the Rules of its Proceedings.”

distributed in bulk to Members in both chambers" that are used primarily "by one or more Members to persuade others to cosponsor or oppose a bill."[2]

"Dear Colleague" letters related to appropriations funding might include specific requests and provide supporting information, such as why the underlying issue is important, historical data, and information about community support.

For information on how to submit such letters, see the Dear Colleague section of the Housenet website.[3] For more information on the use of Dear Colleague letters in Congress, see CRS Report R44768, *"Dear Colleague" Letters in the House of Representatives: Past Practices and Issues for Congress*, by Jacob R. Straus.

Floor Speeches

Members deliver speeches on the House floor to bring attention to an array of different issues. This may include expressing support for, or opposition to, any aspect of appropriations funding.

Legislative Debate

Members may use floor debate to express their preferences during the consideration of appropriations legislation (described below). Members might also express sentiments related to appropriations when the chamber is considering other related legislation, such as the budget resolution[4] or an underlying authorization of appropriations.[5] In each of these cases, preferences related to possible subsequent appropriations actions might be expressed during general debate, debate on amendments, or debate on the motion to recommit, when applicable.

Nonlegislative Debate

Members may also deliver speeches on the House floor when the chamber is not engaged in the consideration of legislation. During such nonlegislative debate, Members may speak on any policy or issue they choose. There are generally three periods of nonlegislative debate in the House, all of which are governed by unanimous consent agreements: (1) "one-minute" speeches, which usually occur at the start of a legislative day and do not need to be reserved in advance; (2) "morning-hour" speeches, which may last up to five minutes but must be reserved in advance through the Members' respective party leadership; and (3) "special-order speeches," which generally occur once legislative business has concluded and allow Members to control up to one hour of debate at the discretion of the Members' respective leadership.

For more information on nonlegislative debate, see CRS Report R46626, *Nonlegislative Debate in the House: One-Minute, Morning-Hour, and Special-Order Speeches*, by Jane A. Hudiburg.

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[2] U.S. Congress, House, *Dear Colleagues*, https://housenet.house.gov/communications/dear-colleagues?utm_source=hn&utm_medium=web&utm_campaign=sm-comms.

[3] Ibid.

[4] For more information on the ways in which a budget resolution may affect appropriations legislation, see CRS Report R40472, *The Budget Resolution and Spending Legislation*, by Megan S. Lynch.

[5] For more information on ways in which authorization legislation may affect appropriations, see CRS Report R46497, *Authorizations and the Appropriations Process*, by James V. Saturno.

Engagement with the Executive Branch

Members may attempt to affect appropriations policy through engagement with the executive branch. For example, if Members would like specific funding to be included in (or excluded from) the President's annual budget request, they may appeal to agencies, the Office of Management and Budget, and/or the President as the budget request is being developed.[6] Once appropriations legislation has been enacted, Members may likewise engage with the executive branch as they attempt to influence how agencies use discretion provided to them with respect to expending appropriated funds.

Opportunities Available During Bill Development

The House Committee on Appropriations, which has sole jurisdiction over appropriations legislation in the House, has typically provided formal opportunities for Members to offer input as it develops annual appropriations bills.

Each of the 12 subcommittees of the House Committee on Appropriations is responsible for drafting one regular annual appropriations bill. The full committee and its subcommittees have discretion over any committee mechanisms created to collect Member input, and practices for collecting input may vary by subcommittee.

Member Day Hearings

Most House committees are required by House rules to hold a "Member Day" hearing during the first session of the Congress to receive testimony from Members on proposed legislation within the committee's jurisdiction.[7]

In the past, both the full House Committee on Appropriations and some of its subcommittees have held "Member Day" hearings during the late winter or spring months at which Members communicated preferences related to appropriations legislation.[8] The logistics of such hearings are largely set by the committee, but in the past, Members have been asked to sign up to testify and have been required to submit written testimony in advance. Members were given the option to deliver such testimony orally during the hearing or to submit written testimony solely for the hearing record.[9]

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[6] For more information on the President's annual budget request, see CRS Report R43163, *The President's Budget: Overview of Structure and Timing of Submission to Congress*, by Michelle D. Christensen.

[7] H.Res. 8, Section 3(a). For more information, see CRS Report R45731, *House Rules Changes Affecting Committee Procedure in the 116th Congress (2019-2020)*, by Jane A. Hudiburg; and CRS Report R46804, *House Rules Changes Affecting Committee Procedure in the 117th Congress (2021-2022)*, by Jane A. Hudiburg.

[8] In the first session of the 117th Congress, according to the website of the House Committee on Appropriations, Member Day hearings for six of the subcommittees occurred in May. (Those subcommittees were Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; Energy and Water Development, and Related Agencies; Homeland Security; Military Construction, Veterans Affairs and Related Agencies; Labor, Health and Human Services, Education, and Related Agencies; and Transportation, Housing and Urban Development, and Related Agencies.) A full committee Member Day hearing occurred on June 9, 2021. U.S. Congress, House Committee on Appropriations, *Member Days*, 117th Cong., 1st sess., https://appropriations.house.gov/events/member-days.

[9] Ibid.

Member Requests

The House Committee on Appropriations provides another formal mechanism for Members to communicate their preferences and offer input as appropriations legislation is being developed. The committee invites Members to submit "Member requests" through an electronic submission portal available at https://AppropriationsSubmissions.House.gov. The submission portal typically begins accepting requests in the late winter/early spring and is open for a limited amount of time, such as two weeks.[10] Each subcommittee will typically release a letter providing detailed information on the submission process for requests within that subcommittee's jurisdiction.

While the types of formal requests that Members may submit are determined by the committee and its subcommittees, three general types of requests have been permitted: programmatic, language-based, and, more recently, Community Project Funding.

Subcommittees have sometimes limited the number of formal requests that could be made by an individual Member and have sometimes required that any requests be ranked in order of the Member's priority.[11]

Programmatic Requests

The first type of Member request, known as a programmatic request, has been used to (1) express general support for a program[12] or (2) request a specific amount of funding for a specific program in a subcommittee's bill.[13]

Examples of programmatic requests include the following:[14]

- Support the highest possible funding for Community Development Block Grants;
- Provide $100 million for the Low and No Emission Bus program;
- Provide $150 million for Small Business Development Centers;

[10] For example, in 2021, the House Appropriations Committee announced that the subcommittee electronic submission systems would begin accepting Member requests on March 29 and would remain open until mid-April. See U.S. Congress, House Committee on Appropriations, *Dear Colleague (March 4, 2021)*, 117th Cong., 1st sess., https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/documents/Full%20Committee%20Dear%20Colleague.pdf.

[11] For example, see U.S. Congress, House Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, *Dear Colleague*, 117th Cong., 1st sess., March 10, 2021, https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/documents/Ag%20Dear%20Colleague.pdf.

[12] See U.S. Congress, House Committee on Appropriations, Subcommittee on Defense, *Dear Colleague*, 117th Cong., 1st sess., March 9, 2021, https://e-dearcolleague.house.gov/Home/Preview?DCID=322437.

[13] See U.S. Congress, House Committee on Appropriations: Subcommittee on Financial Services and General Government, https://e-dearcolleague.house.gov/Home/Preview?DCID=322457 (March 9, 2021); Subcommittee on Homeland Security, https://e-dearcolleague.house.gov/Home/Preview?DCID=322471 (March 9, 2021); and Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, https://e-dearcolleague.house.gov/Home/Preview?DCID=322629 (March 10, 2021).

[14] These examples were provided by the following subcommittees: U.S. Congress, House Committee on Appropriations: Subcommittee on Defense, https://e-dearcolleague.house.gov/Home/Preview?DCID=322437 (March 9, 2021); Subcommittee on Financial Services and General Government, https://e-dearcolleague.house.gov/Home/Preview?DCID=322457 (March 9, 2021); Subcommittee on Homeland Security, https://e-dearcolleague.house.gov/Home/Preview?DCID=322471 (March 9, 2021); and Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, https://e-dearcolleague.house.gov/Home/Preview?DCID=322629 (March 10, 2021).

- Provide $5 billion in the Transportation Security Administration's Procurement, Construction, and Improvements account for credential authentication technology; and
- Provide $5.7 billion for F-35A aircraft.

Language Requests

The next type of Member requests, known as language requests, fall into two separate categories described below: those that seek to add legislative language to the appropriations bill and those that seek to add language to the committee report accompanying the appropriations bill. Language requests do not direct funding to a particular entity and generally do not include dollar amounts.[15] They typically seek to restrict funding or to direct agency action.

Bill Language Requests

Requests to add language to the text of the appropriations bill might take many forms but are often in the form of restrictions on the funding provided in the bill.[16] House Rule XXI, clause 2(c), prohibits general appropriations legislation from including "legislative provisions." This essentially means provisions that would legislate, authorize, or otherwise make changes to existing law. However, provisions may be permitted that restrict the amount, purpose, or availability of funds so long as they do not change existing law. These restrictive provisions are often referred to as "limitations."[17]

As a consequence, statements concerning requests to insert bill language have characterized them as restrictive.[18] For example, such a request might state

> None of the funds appropriated by this Act may be made available to deliver F-35 air vehicles or any other F-35 weapon system equipment to [specific country].[19]

Report Language Requests

Requests to add language to the committee report accompanying an appropriations bill often seek to direct an agency to take some type of action—for example, to provide a report to Congress or submit a spending plan. While committee report language does not establish a statutory requirement in the same manner as bill text, agencies often follow the directives included in the committee report because it is considered a direct statement of congressional interest and intent.[20] Requests to add report language typically "encourage, urge, or direct" a department or agency to

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[15] These examples were provided by the following subcommittees: U.S. Congress, House Committee on Appropriations: Subcommittee on Defense, https://e-dearcolleague.house.gov/Home/Preview?DCID=322437 (March 9, 2021); Subcommittee on Financial Services and General Government, https://e-dearcolleague.house.gov/Home/Preview?DCID=322457 (March 9, 2021); and Subcommittee on Homeland Security, https://e-dearcolleague.house.gov/Home/Preview?DCID=322471 (March 9, 2021).

[16] As stated in U.S. Congress, House Committee on Appropriations, Subcommittee on Defense, https://e-dearcolleague.house.gov/Home/Preview?DCID=322437 (March 9, 2021).

[17] For more information on limitations, see CRS Report R41634, *Limitations in Appropriations Measures: An Overview of Procedural Issues*, by James V. Saturno.

[18] For example, as stated in U.S. Congress, House Committee on Appropriations, Subcommittee on Defense, https://e-dearcolleague.house.gov/Home/Preview?DCID=322437 (March 9, 2021).

[19] Ibid.

[20] For more information on appropriations committee report language, see CRS Report R44124, *Appropriations Report Language: Overview of Components and Development*, by Kevin P. McNellis.

take some type of action. Report language requests typically do not direct funding to a particular entity and generally do not include dollar amounts.

Examples of report language requests include the following:[21]

- The Committee directs the Director of the F-35 Joint Program Office to submit a report that includes an estimate of the full procurement cost of equipment required to support the legacy Autonomic Logistics Information System for all aircraft in the program of record;
- The Committee encourages the Small Business Administration and its resource partners to continue efforts to increase outreach and direct support to women entrepreneurs and small businesses in underserved communities;
- The Committee direct/urges/encourages the Department of Homeland Security to fully account for Blue Campaign funding in future budget submissions and is urged to continue transitioning the program to direct appropriations.

Community Project Funding Requests

In 2021, the House Committee on Appropriations allowed Members to submit Community Project Funding (CPF) requests for FY2022 appropriations legislation.[22] CPF requests generally seek to direct funding within an appropriations program or account to a specific entity. CPF requests differ from programmatic requests, which express a desired funding level for a specific account. Instead, CPF requests seek to actually direct the use of funds within an existing program or account to a specific state, local government, or nonprofit recipient.

For example, a CPF request might state

> Provide $500,000 for a specific entity in City, State.[23]

Not every House appropriations subcommittee permitted CPF requests,[24] and those subcommittees that did permit them allowed them to be requested only for certain appropriations accounts. For example, the House Agriculture Subcommittee allowed CPF requests to be submitted within three specified accounts.[25]

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[21] These examples were provided by the following subcommittees: U.S. Congress, House Committee on Appropriations: Subcommittee on Defense, https://e-dearcolleague.house.gov/Home/Preview?DCID=322437 (March 9, 2021); Subcommittee on Financial Services and General Government, https://e-dearcolleague.house.gov/Home/Preview?DCID=322457 (March 9, 2021); and Subcommittee on Homeland Security, https://e-dearcolleague.house.gov/Home/Preview?DCID=322471 (March 9, 2021).

[22] U.S. Congress, House Committee on Appropriations, "DeLauro Announces Community Project Funding in Fiscal Year 2022," 117th Cong., 1st sess., February 26, 2021, https://appropriations.house.gov/news/press-releases/delauro-announces-community-project-funding-in-fiscal-year-2022.

[23] As stated in U.S. Congress, House Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations, https://e-dearcolleague.house.gov/Home/Preview?DCID=322568.

[24] Two subcommittees announced that they would not accept CPF requests: the Appropriations Subcommittee on Legislative Branch and the Appropriations Subcommittee on State, Foreign Operations, and Related Programs. U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *FY 2022 Legislative Branch Appropriations Requests*, 117th Cong., 1st Sess., March 9, 2021, https://e-dearcolleague.house.gov/Home/Preview?DCID=322498; and House Committee on Appropriations, Subcommittee on State, Foreign Operations, and Related Programs, *FY2022 Department of State, Foreign Operations, and Related Programs Appropriations Requests*, 117th Cong., 1st Sess., March 9, 2021, https://e-dearcolleague.house.gov/Home/Preview?DCID=322495.

[25] The three accounts were (1) Agricultural Research Service, Buildings and Facilities; (2) Rural Development, Rural

The full Appropriations Committee released guidance that specified several restrictions and requirements on CPF requests for FY2022, including Members were permitted to submit no more than 10 CPF requests; CPF requests were prohibited from being directed to for-profit entities; Members were required to post all requests on their websites; and Members were required to demonstrate community support for the CPF.[26]

As noted by the committee, CPF requests are subject to the existing House transparency requirements governing earmarks. This means that under the House Code of Official Conduct (House Rule XXIII, clause 17(a)), a Member requesting an earmark must provide a written statement to the chair and ranking minority member of the committee of jurisdiction that includes the Member's name, the name and address of the intended earmark recipient, the purpose of the earmark, and a certification that the Member or Member's spouse has no financial interest in such an earmark.[27] While it is not required by House rules, the Appropriations Committee also required that a requesting Member certify that his or her immediate family had no financial interest in the CPF request. The committee provided a template for the required letter and certification on its website.[28]

For more information on the rules and requirements governing CFP requests, see CRS Report R46722, *Community Project Funding: House Rules and Committee Protocols*, by Megan S. Lynch.

Amendments Offered During Subcommittee or Full Committee Markup

Amendments may be offered by committee members during an appropriations subcommittee or full committee markup, though such amendments have typically been few in number.

Once each appropriations subcommittee has developed a draft of its respective appropriations bill—commonly referred to as a committee print—the subcommittee will typically hold a markup and then will vote to report the draft bill to the full Appropriations Committee. During such markups, Members of the subcommittee may offer amendments (although by tradition, Members often reserve their amendments for full committee markup).

The full committee will then typically hold a markup on the subcommittee-reported text, after which it will vote to report the bill to the House. During these markups, members of the full committee may offer additional amendments to the committee print.

In addition to amendments that are offered to the draft bill text, the committee may also consider amendments to the language in the committee report accompanying the measure, as described above. House rules allow Members of the committee to submit supplemental, minority,

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Community Facility Grants; and (3) Rural Utilities Service, ReConnect Grants. House Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, https://e-dearcolleague.house.gov/Home/Preview?DCID=322568 (March 10, 2021).

[26] U.S. Congress, House Committee on Appropriations, "DeLauro Announces Community Project Funding in Fiscal Year 2022," 117th Cong., 1st sess., February 26, 2021, https://appropriations.house.gov/news/press-releases/delauro-announces-community-project-funding-in-fiscal-year-2022.

[27] Guidance and clarification in determining a financial interest is available in U.S. Congress, House Committee on Standards of Official Conduct, *The House Ethics Manual*, 110th Cong., 2nd sess., 2008 (Washington: GPO, 2008), pp. 238-239. Available also at http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf.

[28] See https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/documents/Directions%20for%20Member%20Certifications.pdf.

additional, or dissenting views for inclusion in the committee report to the House if submitted in writing and filed within two calendar days of the measure being ordered reported by the full committee.[29]

Opportunities Available During Floor Consideration

Members may also attempt to participate in the appropriations process when the House of Representatives is considering the appropriations legislation on the House floor. Members may attempt to secure debate time to express preferences related to any aspect of appropriations legislation or seek to offer an amendment.

Debate/Colloquy

Members may seek to secure debate time in order to communicate preferences related to appropriations while the House is considering appropriations legislation. Bill managers (typically the chair and ranking member of the committee or their designees) may yield portions of time to Members to make remarks during a period of general debate. Members may also request in advance that a bill manager engage in a "colloquy." A colloquy is a discussion between two or more Members, scripted in advance, that is used to convey legislative intent or bring attention or clarity to a specific issue. For example, during debate on the FY2020 State, Foreign Operations Appropriations bill, a Member engaged in a colloquy with the subcommittee chair in order to clarify that specific language in the bill's accompanying committee report should not be construed as directing an agency to cease certain operations.[30]

In addition to general debate, a Member may be granted debate time if he or she offers an amendment that has been made in order (as described below) or if he or she is yielded time during debate on the amendment of another Member either in support or opposition.

Amendments

Under current practice, when the House considers regular appropriations legislation, it usually does so under the terms of a special rule reported from the House Committee on Rules.[31] A special rule establishes the terms of consideration for the appropriations legislation, meaning that the special rule specifies how long the bill will be debated, who will control debate time, whether any standing House rules applicable to the bill will be waived, and which amendments (if any) will be permitted.[32] Once the special rule is adopted by the full House, the terms specified in the special rule will govern how the underlying bill will be considered.

Under current practice, if a Member wishes to offer an amendment to an appropriations bill while it is being considered on the House floor, the Member must first submit that amendment to the

[29] House Rule XIII, clause 3(a)(1)(A).

[30] *Congressional Record*, daily edition, vol. 165, part 99 (June 13, 2019), p. 4649.

[31] For more information, see CRS Report 98-612, *Special Rules and Options for Regulating the Amending Process*, by Megan S. Lynch.

[32] In addition to amendments made in order to be offered during consideration of the bill, special rules often include self-executing provisions that essentially allow specified amendments to be considered as adopted and automatically incorporated in the bill upon the adoption of the special rule.

Committee on Rules. The Committee on Rules will then issue a special rule specifying which amendments, if any, may be offered on the House floor.

Before issuing a special rule, the House Committee on Rules will announce its intent to hold a hearing on a specific measure. In a Dear Colleague letter posted on the committee's website, the Rules Committee instructs any Member wishing to offer an amendment to an appropriations bill, to submit it to the committee by a specified deadline. The letter will also typically include other requirements, such as directing Members to use the Office of Legislative Counsel to ensure that their amendments are drafted appropriately; directing Members to check with the Committee on Appropriations for technical and subject matter expertise and the Congressional Budget Office for a preliminary assessment of the amendment's budgetary effect; and directing Members to consult with the Office of the Parliamentarian and the Committee on the Budget to confirm that amendments comply with the rules of the House, including the Congressional Budget Act.[33] The Committee on Rules may also note that it does not intend to make in order amendments that are in violation of House rules or budget rules and would require a waiver.[34]

Most floor amendments offered to appropriations legislation in recent years fall into the categories described below. These types of amendments may allow Members to move funding from one appropriations account within a bill to another account, place restrictions on how the funds may be spent, or secure debate time in order to express preferences related to funds provided in the bill. To assist Members with developing amendments, the Committee on Rules often provides "drafting templates" of amendments types on its website.[35] (The list of amendments provided below is not exhaustive.)

Transfer Amendments

In most cases, budget rules prohibit amendments that have the effect of increasing the amount of overall funding contained within a given appropriations bill.[36] For that reason, if a Member wishes to offer an amendment increasing funding for a specific account or program, that amendment typically must include a commensurate decrease to another program or account (i.e., an offset). Such amendments are referred to as transfer amendments because they seek to transfer funds from one account or program to another. A transfer amendment is drafted as seen below:

> Page __, line __, after the [first/second] dollar amount, insert "(reduced by $__)".
>
> Page __, line __, after the [first/second] dollar amount, insert "(increased by $__)".

[33] For example, see U.S. Congress, House Committee on Rules, Amendment Process Announcement for H.R. 4373–Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022, 117th Cong., July 20, 2021, https://rules.house.gov/news/announcement/amendment-process-announcement-hr-4373-department-state-foreign-operations-and.

[34] Ibid.

[35] Ibid.

[36] The Congressional Budget Act of 1974 (P.L. 93-344, as amended) requires the budget resolution to provide each committee with a spending allocation, referred to as a 302(a) allocation, that acts as a limit on spending within that committee's jurisdiction. The 302(a) allocation made to the House Appropriations Committee reflects its jurisdiction over all discretionary spending. The Appropriations Committee then subdivides its 302(a) allocation among its 12 subcommittees and reports these subdivisions to the full House. These sub-allocations are known as 302(b) subdivisions. Section 302(f) of the Budget Act prohibits consideration of any measure or amendment that would cause the 302(a) or 302(b) allocations to be exceeded. Because appropriations subcommittees usually report their bills at the full amount of their 302(b) subdivision, amendments offered to the appropriations bill on the floor would be vulnerable to being ruled out of order if they would cause the spending to exceed the 302(b) allocation.

In some cases, additional budgetary considerations may complicate the drafting of offset amendments. House Rule XXI, clause 2(f), specifies that the decrease in funding must offset the increase in funding in terms of both budget authority and outlays.[37] This means that a transfer amendment has to offset the budget authority (the explicit amount of funding being made available for obligation by that program in a fiscal year) as well as the outlays (the amount of funding that is projected to be paid out during that fiscal year). The Congressional Budget Office estimates the speed at which outlays from each appropriation account are projected to occur (referred to as the *spendout rate*). Accordingly, when identifying an account to use as an offset, it may be useful to choose an account with a similar spendout rate as the account the amendment would increase.[38]

Limitation Amendments

As stated above, House Rule XXI, clause 2(c), prohibits general appropriations legislation from including "legislative provisions." (This essentially means provisions that would legislate, authorize, or otherwise make changes to existing law.) Generally speaking, however, amendments may be permitted that restrict the amount, purpose, or availability of funds so long as they do not change existing law. These restrictive provisions are often referred to as "limitations."[39]

A limitation amendment is drafted as seen below:

> SEC. __. None of the funds made available by this Act may be used to/for _____.

Plus-Minus Amendments

Perhaps due to the difficulty of crafting an amendment to an appropriations bill that would garner political support while not running afoul of House and budget rules, it has become common for Members to offer "plus-minus" amendments. Such amendments are crafted in a way that would reduce and increase the same appropriations account by identical amounts, thereby having no net budgetary effect.

A "plus-minus" amendment is drafted as seen below:

> Page __, line __, after the [first/second] dollar amount, insert "(reduced by $1) (increased by $1)."

While the amendment would not produce a budgetary effect, offering the amendment allows the Member time to speak on the amendment when the House is considering legislation, which may allow the Member to communicate preferences related to that specific program or account.[40]

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[37] This applies to transfer amendments drafted pursuant to House Rule XXI, clause 2(f), which specifically allows transfer amendments even though such amendments would otherwise be prohibited as they affect the measure in more than one place. For more information on restrictions related to House amendments, see CRS Report 98-995, *The Amending Process in the House of Representatives*, by Christopher M. Davis.

[38] For more information, see CRS Report RL31055, *House Offset Amendments to Appropriations Bills: Procedural Considerations*, by James V. Saturno.

[39] A complex body of precedent exists that specifies which types of restrictions are in order. For more information, see CRS Report R41634, *Limitations in Appropriations Measures: An Overview of Procedural Issues*, by James V. Saturno.

[40] For more information, see CRS In Focus IF11973, *"Plus-Minus" Amendments to Regular Appropriations Measures*, by Kevin P. McNellis.

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Specialist on Congress and the Legislative Process

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