



## CRS Report for Congress

### Appropriations Bills: What Is Report Language?

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*Report language* refers to the content of committee reports accompanying committee-reported measures as well as joint explanatory statements which are attached to conference reports. Such documents contain more detailed guidance to departments and agencies than is provided in related appropriations bills or conference reports. For more information on the federal budget process, see [<http://www.crs.gov/products/guides/guidehome.shtml>].

The House requires a written committee report to accompany each reported bill.<sup>1</sup> While 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.<sup>2</sup>

Report language to appropriations measures and related conference reports generally includes detailed spending instructions, directives, expectations, and, sometimes, spending restrictions. The funding instructions set aside spending within lump-sum amounts in the bill or conference report for designated purposes, such as specified programs, projects, or activities. Congressional earmarks are frequently provided in report language instead of the text of the legislation or conference report.<sup>3</sup>

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.

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<sup>1</sup> Under House Rule XIII, clause 2.

<sup>2</sup> House Rule XX, clause 7(e), and Senate Rule XXVIII, paragraph 6.

<sup>3</sup> For more information on congressional earmarks, see CRS Report RL34462, *House and Senate Procedural Rules Concerning Earmark Disclosure*, by Sandy Streeter.

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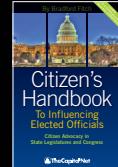
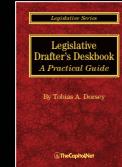
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Committee reports also usually provide a comparative statement of the funding levels requested by the President, contained in the bill, and proposed by the other chamber or committee, if any. In addition, both houses generally require their Appropriations 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);<sup>4</sup>
- 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 any provision in a general appropriations bill<sup>5</sup> that directly or indirectly changes the application of existing law);<sup>6</sup> and
- statement identifying appropriations for unauthorized purposes.<sup>7</sup>

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. Senate rules are typically waived by unanimous consent.

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

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

<sup>4</sup> House Rule XIII, clause 3(c)(2), and Congressional Budget and Impoundment Control Act of 1974, 2 U.S.C. §§ 621, 639.

<sup>5</sup> 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.

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

<sup>7</sup> 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 Sandy Streeter; and CRS Report RS20371, *Overview of the Authorization- Appropriations Process*, by Bill Heniff Jr.

<sup>8</sup> House Rule XXI, clause 9.

<sup>9</sup> 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.

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 Sandy Streeter.

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 legislative measures considered on the floor of the Senate or House, they are not subject to key points of order to which bills and amendments are vulnerable.

Significantly, report language does not have statutory force, departments and agencies are not legally bound by their declarations.<sup>10</sup> 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.

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<sup>10</sup> For more information, see CRS Report RL34373, *Earmarks Executive Order: Legal Issues*, by Thomas J. Nicola and T. J. Halstead; and CRS Report RL34648, *Bush Administration Policy Regarding Congressionally Originated Earmarks: An Overview*, by Clinton T. Brass, Garrett Hatch, and R. Eric Petersen.

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