

CRS Report for Congress

Examples of Legislative Provisions in Annual Appropriations Acts

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Summary

Over the years, House and Senate rules generally have been used to promote the separate consideration of substantive legislation and measures providing annual appropriations to federal agencies, chiefly so that the regular funding of the federal government is not impeded by controversies associated with authorizing and other legislation.

The key rules upon which this separation is based are House Rule XXI and Senate Rule XVI. On July 26, 1999, the Senate agreed to S.Res.160, a measure effectively overturning a 1995 precedent that had caused the Senate's ban against considering legislative provisions in annual appropriations acts not to be enforced for several years.

The procedural separation, however, is not ironclad because (1) the rules are not self-enforcing; (2) the rules may be waived in various ways; and (3) the rules are not fully comprehensive in their coverage and application.

Legislative provisions may generate controversy with any type of annual appropriations act, including regular, continuing, and supplemental appropriations acts. The most visible controversies in recent years often have been associated with omnibus appropriations acts, which are measures that combine two or more regular appropriations acts. During the 1980s and 1990s and continuing into the 2000s, there has been a greater use of omnibus appropriations acts; in some instances, a considerable portion of these omnibus appropriations acts has consisted of legislative provisions.

This report illustrates House and Senate practices regarding legislative provisions by listing dozens of major legislative provisions that were included in 13 omnibus appropriations acts enacted in recent years, as well legislative provisions included in recent supplemental appropriations acts. In addition, the report lists more than a dozen legislative provisions that were dropped from three of the omnibus appropriations acts.

The report will be updated as developments warrant. (For more information on omnibus appropriations acts, see CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by Robert Keith.)

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Examples of Legislative Provisions in Annual Appropriations Acts

The Separation of Legislation and Appropriations

For well over a century, the House and Senate have had rules meant to promote the separate consideration of substantive legislation and measures providing annual appropriations to federal agencies. The chief reason behind this procedural division is to ensure that the regular funding of the federal government is not impeded by controversies associated with authorizing and other legislation that establishes and organizes agencies, authorizes and reauthorizes programs, and sets forth policy guidelines and restrictions.

Despite these rules, substantive legislation sometimes is included in annual appropriations acts. Provisions in annual appropriations acts carrying substantive legislation are referred to as “legislative provisions.”¹

The House and Senate Appropriations Committees typically report three different types of annual appropriations acts each year. Each of the House and Senate Appropriations subcommittees develop one regular appropriations act, which provides budget authority to federal agencies for the upcoming fiscal year.² Supplemental appropriations acts provide additional budget authority during the fiscal year when the regular appropriation is insufficient, or to finance activities not provided for in the regular appropriation. Continuing appropriations acts, also called continuing resolutions, provide stop-gap funding for agencies that have not yet received a regular appropriation.

¹ Legislative provisions in annual appropriations acts often are referred to colloquially as “riders.” In many instances, the term “riders” is intended by some to apply also to “limitation provisions” (i.e., provisions that bar the use of appropriations for certain specified purposes) in such acts. Whereas legislative provisions usually deal with matters extraneous to the issue of funding and usually are out of order under House and Senate rules, limitation provisions are an integral part of funding issues and usually do not violate the rules. The use of the term “riders” is avoided in this report because it is slang and because there is no common agreement as to whether it should apply to limitation provisions as well as legislative provisions.

² From the late 1960s through 2004, the House and Senate Appropriations Committees had 13 parallel subcommittees that each reported one of the regular appropriations acts. The two Appropriations Committees revised their subcommittee structure in 2005, at the beginning of the 109th Congress, reducing the number of subcommittees to 10 in the House Appropriations Committee and 12 in the Senate Appropriations Committee. The subcommittee structure was revised again in 2007, at the beginning of the 110th Congress, resulting in 12 parallel subcommittees in the House and Senate Appropriations Committees.

An *omnibus* appropriations act generally is regarded as a regular appropriations act or a continuing resolution that has been expanded to encompass agencies and accounts normally covered in two or more of the regular appropriations acts. In the case of a continuing resolution that is an omnibus appropriations act, it typically goes beyond formula-funding for multiple bills to include the full text of the regular appropriations acts.

House Rule XXI. In the House, Rule XXI is intended to keep the consideration of annual appropriations acts separate from the consideration of substantive legislation. Clauses 2(b) and 2(c) of the rule prohibit the inclusion of “legislative provisions” (i.e., provisions changing existing law or otherwise carrying substantive law) in *general* appropriations bills reported by the committee or offered as floor amendments. In addition, Clause 4 prohibits the inclusion of appropriations in legislation reported by any committee other than the Appropriations Committee.³ The House, unlike the Senate, does not regard continuing resolutions to be general appropriations bills.

Senate Rule XVI. In the Senate, Rule XVI serves to separate the consideration of legislative and appropriations matters in a fashion similar to that employed by the House. In 1995, however, during the Senate’s consideration of a supplemental appropriations bill, the chair’s ruling that a particular amendment offered by a Senator was out of order as legislation was overturned by the full Senate; this action came to be referred to as the “Hutchison precedent.”⁴ In the aftermath of that ruling, the Senate for several years did not enforce the portion of the rule prohibiting legislative provisions in annual appropriations acts. On July 26, 1999, the Senate agreed by a vote of 53 to 45 to S.Res. 160, a measure effectively overturning the Hutchison precedent and restoring the long-standing prohibition against legislative provisions.⁵

In addition, Senate Rule XXVIII in part bars conferees from inserting new matter (i.e., matter not in the bills passed by either body) into a conference report. In 1996, in an action known as the “FedEx precedent,” the Senate overturned a ruling of the chair, thereby allowing new matter to be included in a conference report. As a consequence of this action, the restriction in Rule XXVIII against the inclusion of new matter in conference reports was not enforced for several years. In the case of annual appropriations acts, the suspension of this part of Rule XXVIII facilitated the inclusion of legislative provisions during this period. Toward the end of the 106th Congress, a provision overturning the FedEx precedent (effective at the beginning

³ Under the recodification of the House rules on January 6, 1999 (pursuant to the adoption of H.Res. 5), this provision was moved to Clause 4 from Clause 5(a).

⁴ See the consideration in the Congressional Record of March 16, 1995, of an amendment offered by Senator Kay Bailey Hutchison to H.R. 889, a supplemental appropriations and rescission act.

⁵ The measure simply declared the following: “Resolved, That the presiding officer of the Senate should apply all precedents of the Senate under rule 16, in effect at the conclusion of the 103rd Congress.”

of the 107th Congress) was enacted as part of the Consolidated Omnibus Appropriations Act for FY2001.⁶

Inclusion of Legislative Provisions in Appropriations Acts

Although House and Senate rules and practices over the decades have promoted the separate consideration of legislation and appropriations, the separation has not been ironclad. In many instances, during the routine operation of the annual appropriations process, minor provisions are included in appropriations acts that technically may be regarded under the rules as legislative in nature, but do not significantly undermine the dichotomy between legislation and appropriations. At other times, however, the legislative provisions included in annual appropriations acts have been much more substantial and have represented a deliberate suspension of the usual procedural boundaries.

In the House and Senate, legislative provisions may be included in annual appropriations acts in several ways, as discussed below.

Rules Are Not Self-Enforcing. First, the rules that enforce the boundaries between legislation and appropriations are not self-enforcing. In order for a potential violation to be stopped, a Member must successfully raise a point of order and it must be sustained if challenged.

Rules May Be Waived. Second, like any other rules of the House and Senate, these rules may be waived in various ways. In the House, for example, it is not uncommon to waive Rule XXI under a “special rule,” reported by the House Rules Committee, governing consideration of the annual appropriations act. The Senate sometimes effectively waives its rules when it considers legislation under unanimous consent agreements.

Rules Are Not Comprehensive. Finally, the rules are not fully comprehensive in their coverage and application. Both House Rule XXI and Senate Rule XVI afford some exceptions, particularly in the Senate. For example, the House, as previously mentioned, does not regard continuing resolutions to be general appropriations bills; consequently, the prohibitions under Rule XXI do not apply to their consideration. Further, while the Senate’s restrictions against legislative provisions apply to amendments of the Senate Appropriations Committee made to a House-passed appropriations act, they do not apply to legislative provisions originated by the committee in a Senate-numbered appropriations act. In recent years, the Senate Appropriations Committee has originated a greater number of annual appropriations acts (i.e., acting on a Senate-numbered measure, rather than a House-passed measure, up to the stage of final action), thereby circumventing the Rule XVI prohibitions against legislative provisions.

⁶ See Section 903 of H.R. 5666, the Miscellaneous Appropriations Act for FY2001, as enacted into law by cross-reference in P.L. 106-554 (114 Stat. 2763A-198; December 21, 2000).

It should be noted that a provision in an appropriations act generally is determined to be legislative by a ruling of the chair. In the Senate, the Members sometimes decide the matter by a vote, upon the raising of a point of order or an appeal of the chair's ruling. The provisions listed in this report, therefore, should be regarded only as "possibly" legislative in nature; although they meet criteria long used by the House and Senate to determine whether a provision is legislative, no ruling was made by the chair or the Senate in these cases. Many of the examples provided in the report explicitly state that they amend an existing law and cite a public law number or a section of the *United States Code* (often, a marginal note is provided in the slip law indicating the applicable section of the U.S.C.).

Recent Practices

The inclusion of legislative provisions in annual appropriations acts has been a long-standing feature of the appropriations process. In many instances, legislative provisions are regarded as routine or technical and do not generate controversy. In other cases, legislative provisions may spark contentious debate, complicating and prolonging the consideration of the underlying appropriations measure.

Controversies regarding the use of legislative provisions sometimes arise in connection with the consideration of regular, continuing, and supplemental appropriations acts, particularly when such acts have been chosen by the House and Senate leadership as vehicles to carry other legislative matters. Controversies probably occur less often in the case of continuing resolutions, because these stop-gap funding measures usually are considered under circumstances where the pressures are greater to keep the measures "clean" and free of provisions that would impede their timely enactment.

With respect to regular and supplemental appropriations acts, the latter type of annual appropriations act is more likely to have been used in recent years as a vehicle for significant legislative matters. A recent supplemental appropriations act, for example, included separate titles dealing with funding shortfalls in a mandatory health program, an increase in the minimum wage, small business tax incentives, and other matters typically addressed outside of the annual appropriations process.

Several examples of legislative provisions included in recent supplemental appropriations acts are shown (in reverse chronological order) in **Table 1**. For each legislative provision, the subject matter is identified — if the provision is given a short title, such as the "Post-9/11 Veterans Educational Assistance Act of 2008," it is listed — and the *Statutes-at-Large* citation is provided. The listing of legislative provisions in **Table 1** (and in the other tables) for each act is intended merely to be illustrative; it does not represent a comprehensive or systematic survey and should not be used to assess or infer any trends in House and Senate practices.

Table 1. Examples of Legislative Provisions Included in Supplemental Appropriations Acts

Supplemental Appropriations Act / Legislative Provision^a	<i>Statutes-at-Large Citation</i>
1. Supplemental Appropriations Act, 2008 (P.L. 110-252; 6/30/2008)	
Combat Veterans Debt Elimination Act of 2008	122 Stat. 2327-2328
Emergency Unemployment Compensation	122 Stat. 2353-2357
Post-9/11 Veterans Educational Assistance Act of 2008	122 Stat. 2357-2386
Close the Contractor Fraud Loophole Act of 2008	122 Stat. 2386-2387
Government Funding Transparency Act of 2008	122 Stat. 2387
Medicaid Provisions	122 Stat. 2387-2396
2. U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28; 5/28/2007)	
Award of Medal of Honor to Woodrow W. Keeble for Valor During Korean War	121 Stat. 138
Elimination of SCHIP Shortfall and Other Health Matters	121 Stat. 186-188
Fair Minimum Wage Act of 2007	121 Stat. 188-189
Small Business and Work Opportunity Tax Act of 2007	121 Stat. 190-204
Small Business and Work Opportunity Act of 2007	121 Stat. 204-211

Supplemental Appropriations Act / Legislative Provision ^a	<i>Statutes-at-Large Citation</i>
3. Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (P.L. 108-324; 10/13/2004)	
Alaska Natural Gas Pipeline Act	118 Stat. 1255-1267
4. Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108-11; 04/16/2003)	
Columbia Orbiter Memorial Act	117 Stat. 603-604
Additional Temporary Extended Unemployment Compensation for Displaced Airline Related Workers	117 Stat. 607-609
Panel to Review Sexual Misconduct Allegations at United States Air Force Academy	117 Stat. 609-610

Source: Prepared by the Congressional Research Service (using the cited public laws in slip law form).

- a. A provision in an appropriations act is determined to be “legislative” by a ruling of the chair or a vote of the chamber, upon the raising of a point of order or appeal. The provisions listed in this table, therefore, should be regarded only as “possibly legislative” in nature; although they meet criteria long used by the House and Senate to determine whether a provision is legislative, no ruling was made by the chair or the chamber in these cases. The listing is intended merely to be illustrative; it does not represent a comprehensive or systematic survey and should not be used to assess or infer any trends in House and Senate practices.

Although legislative provisions may generate controversy with any type of annual appropriations act, the most visible controversies in recent years have tended to be associated with “omnibus” or “consolidated” appropriations acts, which merge two or more of the regular appropriations acts into a single measure.⁷

Beginning in the 1980s, various factors have contributed to the greater use of omnibus appropriations acts, particularly escalating disagreements between the President and Congress over general budgetary policy and policies in key program areas, and the resultant legislative gridlock. At first, the omnibus appropriations acts took the form of continuing resolutions, but in recent years they mostly have taken the form of bills.

Table 2 lists the 13 most recent omnibus appropriations acts.

Table 2. Omnibus Appropriations Acts: FY1986-FY2008

Act	Public Law Number and Date of Enactment
Further Continuing Appropriations Act, 1986	P.L. 99-190; December 19, 1985
Continuing Appropriations Act, 1987	P.L. 99-500; October 18, 1986
Further Continuing Appropriations Act, 1988	P.L. 100-202; December 22, 1987
Omnibus Consolidated Rescissions and Appropriations Act of 1996	P.L. 104-134; April 26, 1996
Omnibus Consolidated Appropriations Act, 1997	P.L. 104-208; September 30, 1996
Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999	P.L. 105-277; October 21, 1998
Consolidated Appropriations Act, 2000	P.L. 106-113; November 29, 1999
Consolidated Appropriations Act, 2001	P.L. 106-554; December 21, 2000
VA-HUD Appropriations Act, 2001	P.L. 106-377; October 27, 2000
Consolidated Appropriations Resolution, 2003	P.L. 108-7; February 20, 2003
Consolidated Appropriations Act, 2004	P.L. 108-199; January 23, 2004
Consolidated Appropriations Act, 2005	P.L. 108-447; December 8, 2004
Consolidated Appropriations Act, 2008	P.L. 110-161; December 26, 2007

Source: Prepared by the Congressional Research Service.

⁷ For more information on omnibus appropriations acts, see CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by Robert Keith.

Table 3 provides examples (in reverse chronological order) of legislative provisions that were included in those omnibus appropriations acts. The earliest three acts were continuing resolutions enacted in the mid-to-late 1980s; the remaining 10 acts were bills enacted in the 1990s and 2000s.

In some instances, a considerable portion of these omnibus appropriations acts has consisted of legislative provisions. Two reasons for this practice are that (1) legislation stalled at the end of a session, that otherwise might not advance, can be carried through to enactment on the funding bill, which is considered to be “must-pass” legislation; and (2) popular legislative provisions may be added to an appropriations act to increase its chances of enactment.

The practice of including major legislative provisions in annual appropriations acts, particularly omnibus acts, generates controversy for several reasons. Some Members decry the practice as undermining the deliberative process. They assert that in many instances the inclusion of such provisions in lengthy and complex appropriations bills considered toward the close of a session may require Members to vote on matters with which they are largely unfamiliar, may give them too little time to debate these matters, may usurp the prerogatives of the relevant authorizing committees, and may shield from proper scrutiny legislation that would not prevail on its own merits.

Advocates of the practice, however, argue that it provides needed flexibility to the legislative process, allowing Congress to process and complete its business more efficiently, especially in the waning days of a session. Many such provisions, they maintain, already have been given a thorough review under regular procedures. Further, their inclusion in annual appropriations bills often is at the behest of authorizing committee members, who have not been able to advance their legislation because of a crowded legislative agenda.

In 2004, circumstances in the Senate prompted some to advance another argument in favor of using an omnibus appropriations act for FY2005. By the beginning of the appropriations cycle for FY2005, the Senate had not agreed to the conference report on the FY2005 budget resolution (S.Con.Res. 95). Consequently, one of the principal procedural tools used to encourage spending restraint — points of order to enforce spending allocations to the Appropriations subcommittees under Section 302(b) of the Congressional Budget Act of 1974 — was not available. The Senate, however, had imposed a ceiling of \$814 billion on total appropriations for FY2005 (enforceable by a point of order) in the prior year’s budget resolution, which still was in effect. In order for the ceiling on total FY2005 appropriations to be enforced at that time, however, all of the regular appropriations bills for that fiscal year would have had to been considered in a single, omnibus measure. (Although the House and Senate did not reach final agreement on the FY2005 budget resolution, the Senate adopted a “deeming resolution” later in the session that resolved the enforcement problem for the remainder of the budget cycle.)⁸

⁸ The Senate’s “deeming resolution” was included as Section 14007 in the Defense Appropriations Act for FY2005 (P.L. 108-287; August 5, 2004). For additional information (continued...)

The Consolidated Appropriations Act for FY2000 (P.L. 106-113) and the Consolidated Appropriations Act for FY2001 (P.L. 106-554) enacted several appropriations bills and legislative bills by cross-reference.

Although the House and Senate regularly incorporate major legislative provisions into annual appropriations acts, Members often are successful in getting legislative provisions dropped from such acts. **Table 4** provides a listing of legislative provisions dropped from three of the omnibus appropriations acts listed in the previous table. As with the other tables, the listing is intended merely to be illustrative.

For the sake of expedience, the examples provided in **Table 4** were drawn from articles contained in the *CQ Almanac* (for calendar year 1996) and the *CQ Monitor* (for calendar year 1998). In the case of the three omnibus appropriations acts listed in the table, all of the legislative provisions were dropped in conference; however, such provisions sometimes are dropped at earlier stages of the legislative process. Whether the provision originated in the House or the Senate is indicated. In this context, origination in a chamber means that it was offered in the markup of the Appropriations Committee or subcommittee of that chamber, was offered during floor consideration by that chamber, or was proposed in conference by the conferees of that chamber.

The three omnibus appropriations acts incorporated the full text of several of the regular appropriations acts. Legislative provisions listed under these omnibus acts may have been dropped in the conference on the omnibus act, or beforehand in a conference on one of the regular appropriations acts subsequently incorporated into the omnibus act.

On many occasions, the House and Senate resolved controversy over a contentious legislative provision by adopting a substantial modification of it rather than dropping it altogether. This report does not address such practices.

⁸ (...continued)

on this topic, see CRS Report RL31443, The “Deeming Resolution”: A Budget Enforcement Tool, by Robert Keith.

**Table 3. Examples of Legislative Provisions
Included in Omnibus Appropriations Acts**

Omnibus Appropriations Act / Legislative Provision ^a	<i>Statutes-at-Large Citation</i>
1. Consolidated Appropriations Act, 2008 (P.L. 110-161; December 26, 2007)	
Extension of Agricultural Programs	121 Stat. 1883-1884
Emergency Steel Loan Guarantee Act of 1999 Amendments	121 Stat. 1892-1893
Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 Amendments	121 Stat. 1930
ED 1.0 Act	121 Stat. 1932-1934
Inland Empire and Cucamonga Valley Recycling Projects	121 Stat. 1954-1955
Redesign and Issuance of Circulating Quarter Dollar Honoring the District of Columbia and Each of the Territories	121 Stat. 2016-2018
Requirement for Public-Private Competition	121 Stat. 2029-2031
Amendments Relating to the Civil Service Retirement System, Amendments Relating to the Federal Employees' Retirement System, and Related Provisions	121 Stat. 2075-2078
Extension of the Implementation Deadline for the Western Hemisphere Travel Initiative	121 Stat. 2080
Secure Handling of Ammonium Nitrate	121 Stat. 2083-2090
Kids in Disasters Well-being, Safety, and Health Act of 2007	121 Stat. 2213-2217
Relief for Iraqi, Montagnards, Hmong and Other Refugees Who Do Not Pose a Threat to the United States	121 Stat. 2364-2366
2. Consolidated Appropriations Act, 2005 (P.L. 108-447; December 8, 2004)	
Patent and Trademark Fees	118 Stat. 2924-2930
Oceans and Human Health Act	118 Stat. 2930-2934
Reform of the Board of Directors of the Tennessee Valley Authority	118 Stat. 2963-2967
Gaylord A. Nelson Apostle Islands National Lakeshore Wilderness Act	118 Stat. 3069-3070
Migratory Bird Treaty Reform Act of 2004	118 Stat. 3071-3072
Cumberland Island Wilderness Boundary Adjustment	118 Stat. 3072-3074

Omnibus Appropriations Act / Legislative Provision^a	<i>Statutes-at-Large Citation</i>
Age Requirement for Senate Pages	118 Stat. 3170
Terrorism and Financial Intelligence	118 Stat. 3242-3246
Denali Commission Act of 1998 Amendment	118 Stat. 3268
Information Comparisons and Disclosure to Assist in Federal Debt Collection	118 Stat. 3283-3284
Housing and Community Development Act of 1987 Amendment	118 Stat. 3319-3320
Designation of National Tree	118 Stat. 3344
Designation of National Veterans Memorial (Mt. Soledad)	118 Stat. 3346-3347
225 th Anniversary of the American Revolution Commemoration Act	118 Stat. 3348-3350
Rural Air Service Improvements Act of 2004	118 Stat. 3350-3351
L-1 Visa and H-1B Visa Reform Act	118 Stat. 3352-3361
National Aviation Heritage Area Act	118 Stat. 3361-3368
Mississippi Gulf Coast National Heritage Area Act	118 Stat. 3374-3377
Satellite Home Viewer Extension and Reauthorization Act of 2004	118 Stat. 3393-3431
Snake River Water Rights Act of 2004	118 Stat. 3341-3441
Small Business Reauthorization and Manufacturing Assistance Act of 2004	118 Stat. 3441-3466
3. Consolidated Appropriations Act, 2004 (P.L. 108-199; January 23, 2004)	
Sun Grant Research Initiative Act of 2003	118 Stat. 41-44
HELP Commission Act	118 Stat. 101-106
Alaskan Fisheries	118 Stat. 108-110
DC School Choice Incentive Act of 2003	118 Stat. 126-134
Denial of Visas to Supporters of Colombian Illegal Armed Groups	118 Stat. 194
Administrative Provisions Related to Multilateral Development Institutions	118 Stat. 202-204
Millennium Challenge Act of 2003	118 Stat. 211-226
Designation of Senator Paul D. Wellstone NIH MDCRC Program	118 Stat. 255
Special Study of Simplification of Need Analysis and Application for Title IV Aid	118 Stat. 263-266

Omnibus Appropriations Act / Legislative Provision^a	<i>Statutes-at-Large Citation</i>
Motorist Information Concerning Pharmacy Services	118 Stat. 296-297
Study on Earned Income Tax Credit Certification Program	118 Stat. 319-320
Oklahoma City National Memorial Act Amendments of 2003	118 Stat. 347-349
Amendment to the McKinney-Vento Homeless Assistance Act	118 Stat. 394
Designations of Areas for PM _{2.5} and Submission of Implementation Plans for Regional Haze	118 Stat. 417
Treatment of Pioneer Homes in Alaska as State Home for Veterans	118 Stat. 417-418
Pesticide Registration Improvement Act of 2003	118 Stat. 419-434
Commission on the Abraham Lincoln Study Abroad Fellowship Program	118 Stat. 435-437
Congaree National Park Boundary Revision	118 Stat. 442
Theodore Roosevelt National Wildlife Refuge	118 Stat. 443-444
The United States Senate-China Interparliamentary Group	118 Stat. 448-449
Recomputation of Benefits Guaranteed in Connection With the Termination of the Republic Steel Retirement Plan	118 Stat. 450-451
4. Consolidated Appropriations Resolution, 2003 (P.L. 108-7; February 20, 2003)	
District of Columbia Charter School Fund	117 Stat. 132-133
Moccasin Bend Archeological District Act	117 Stat. 247-249
T'uf Shur Bien Preservation Trust Area Act	117 Stat. 279-294
National Forest Organizational Camp Fee Improvement Act of 2003	117 Stat. 294-297
Transfer of the Library of Congress Police to the United States Capitol Police	117 Stat. 362-364
Inclusion of Towers in Airport Development	117 Stat. 424-427
Endowment for Presidential Libraries	117 Stat. 462
NASA Enhanced-Use Lease of Real Property Demonstration	117 Stat. 525-526
Homeland Security Act of 2002 Amendments	117 Stat. 526-532
Agricultural Assistance Act of 2003	117 Stat. 538-547

Omnibus Appropriations Act / Legislative Provision ^a	<i>Statutes-at-Large</i> Citation
TANF and Medicare	117 Stat. 548
Price-Anderson Act Amendments	117 Stat. 551
United States-China Economic and Security Review Commission	117 Stat. 552-553
5. VA-HUD Appropriations Act for FY2001 (P.L. 106-377; October 27, 2000)	
Technical Amendments and Corrections to the National Housing Act	114 Stat. 1441A-25
Computer Access for Public Housing Residents	114 Stat. 1441A-27
Native American Eligibility for the Ross Program	114 Stat. 1441A-29
Filipino Veterans' Benefits Improvements	114 Stat. 1441A-57 through 58
Amendment to Irrigation Project Contract Extension Act of 1998	114 Stat. 1441A-70
Scope of Authority of Secretary of Energy to Modify Organization of National Nuclear Security Administration	114 Stat. 1441A-81
6. Consolidated Appropriations Act, 2001 (P.L. 106-554; December 21, 2000)	
Basic Charter School Grant Program (H.R. 5656 enacted by cross-reference)	114 Stat. 2763A57 through 62
Assets for Independence Act Amendments of 2000 (H.R. 5656 enacted by cross-reference)	114 Stat. 2763A74 through 76
Physical Education for Progress Act (H.R. 5656 enacted by cross-reference)	114 Stat. 2763A76 through 79
Early Learning Opportunities Acts (H.R. 5656 enacted by cross-reference)	114 Stat. 2763A79 through 89
Rural Education Achievement Program (H.R. 5656 enacted by cross-reference)	114 Stat. 2763A89 through 92
Mandatory Removal From Employment of Federal Law Enforcement Officers Convicted of Felonies (H.R. 5658 enacted by cross-reference)	114 Stat. 2763A167 through 169
Wet Weather Watershed Pilot Projects (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A225
Vietnam Education Foundation Act of 2000 (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A254 through 258
Colorado Ute Settlement Act Amendments of 2000 (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A258 through 266
Designation of American Museum of Science and Energy (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A266 through 268
Delta Regional Authority Act of 2000 (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A268 through 281
Dakota Water Resources Act of 2000 (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A281 through 293

Omnibus Appropriations Act / Legislative Provision^a	<i>Statutes-at-Large</i> Citation
Sioux Nation Supreme Court and National Native American Mediation Training Center (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A293 through 295
Erie Canalway National Heritage Corridor Act (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A295 through 303
Law Enforcement Pay Equity Act of 2000 (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A303 through 310
Honoring the Navajo Code Talkers (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A311 through 312
Certain Alaskan Cruise Ship Operations (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A315 through 323
LIFE [Legal Immigration Family Equity] Act Amendments of 2000 (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A324 through 328
Literacy Involves Families Together Act (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A328 through 335
Children's Internet Protection Act (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A335 through 352
Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A353 through 357
Jamestown 400 th Commemoration Commission Act of 2000 (H.R. 5666 enacted by cross-reference)	114 Stat. 2763A359 through 363
Commodity Futures Modernization Act of 2000 (H.R. 5660 enacted by cross-reference)	114 Stat. 2763A365 through 461
Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (H.R. 5661 enacted by cross-reference)	114 Stat. 2763A463 through 586
Community Renewal Tax Relief Act of 2000 (H.R. 5662 enacted by cross-reference)	114 Stat. 2763A587 through 651
New Markets Venture Capital Program Act of 2000 (H.R. 5663 enacted by cross-reference)	114 Stat. 2763A653 through 666
Small Business Reauthorization Act of 2000 (H.R. 5667 enacted by cross-reference)	114 Stat. 2763A667 through 710
7. Consolidated Appropriations Act, 2000 (P.L. 106-113; November 29, 1999)	
Silk Road Strategy Act of 1999 (H.R. 3422 enacted by cross-reference)	113 Stat. 1501A123 through 126
Mississippi National Forest Improvement Act of 1999 (H.R. 3423 enacted by cross-reference)	113 Stat. 1501A210 through 214
Early Detection, Diagnosis, and Interventions for Newborns and Infants With Hearing Loss (H.R. 3424 enacted by cross-reference)	113 Stat. 1501A276 through 280
Denali Commission (H.R. 3424 enacted by cross-reference)	113 Stat. 1501A280

Omnibus Appropriations Act / Legislative Provision^a	<i>Statutes-at-Large</i> Citation
Welfare-to-Work and Child Support Amendments of 1999 (H.R. 3424 enacted by cross-reference)	113 Stat. 1501A280 through 287
Canyon Ferry Reservoir, Montana (H.R. 3425 enacted by cross-reference)	113 Stat. 1501A307 through 311
International Debt Relief (H.R. 3425 enacted by cross-reference)	113 Stat. 1501A311 through 318
Survivor Benefits (H.R. 3425 enacted by cross-reference)	113 Stat. 1501A318
Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (H.R. 3426 enacted by cross-reference)	113 Stat. 1501A321 through 403
Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R. 3427 enacted by cross-reference)	113 Stat. 1501A405 through 520
Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948 enacted by cross-reference)	113 Stat. 1501A521 through 603
Paygo Adjustments	113 Stat. 1536-1537
8. Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (P.L. 105-277; October 21, 1998)	
Lorton Technical Corrections Act of 1998	112 Stat. 2681-600 through 603
Olympic and Amateur Sports Act Amendments of 1998	112 Stat. 2681-603 through 609
Federal Vacancies Reform Act of 1998	112 Stat. 2681-611 through 616
American Fisheries Act	112 Stat. 2681-616 through 637
Denali Commission Act of 1998	112 Stat. 2681-637 through 641
American Competitiveness and Workforce Improvement Act of 1998	112 Stat. 2681-641 through 658
Salton Sea Feasibility Study	112 Stat. 2681-658 through 660
Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration	112 Stat. 2681-660 through 670
Office of National Drug Control Policy Reauthorization Act of 1998	112 Stat. 2681-670 through 693
Western Hemisphere Drug Elimination Act	112 Stat. 2681-693 through 707
Drug-Free Workplace Act of 1998	112 Stat. 2681-707 through 710
Canyon Ferry Reservoir, Montana, Act	112 Stat. 2681-710 through 718

Omnibus Appropriations Act / Legislative Provision ^a	<i>Statutes-at-Large</i> Citation
Internet Tax Freedom Act	112 Stat. 2681-719 through 726
Other Provisions [regarding Internet taxes]	112 Stat. 2681-726 through 728
Children's Online Privacy Protection Act of 1998	112 Stat. 2681-728 through 735
Child Online Protection Act	112 Stat. 2681-736 through 741
Vaccine Injury Compensation Program Modification Act	112 Stat. 2681-741 through 742
Persian Gulf War Veterans Act of 1998	112 Stat. 2681-742 through 749
Government Paperwork Elimination Act	112 Stat. 2681-749 through 751
Drug Demand Reduction Act	112 Stat. 2681-751 through 759
Methamphetamine Trafficking Penalty Enhancement Act of 1998	112 Stat. 2681-759 through 760
Not Legalizing Marijuana for Medicinal Use	112 Stat. 2681-760 through 761
Foreign Affairs Reform and Restructuring Act of 1998	112 Stat. 2681-761 through 854
Depository Institutions-GSE Affiliation Act of 1998	112 Stat. 2681-854 through 856
Chemical Weapons Convention Implementation Act of 1998	112 Stat. 2681-856 through 886
Tax and Trade Relief Extension Act of 1998	112 Stat. 2681-886 through 918
Pay-As-You-Go Provision	112 Stat. 2681-919
9. Omnibus Consolidated Appropriations Act, 1997 (P.L. 104-208; September 30, 1996)	
Age Discrimination in Employment Amendments of 1996	110 Stat. 3009-23 through 25
Child Pornography Prevention Act of 1996	110 Stat. 3009-26 through 31
NATO Enlargement Facilitation Act of 1996	110 Stat. 3009-173 through 178
Student Loan Marketing Association Reorganization Act of 1996	110 Stat. 3009-275 through 293
Museum and Library Services Act of 1996	110 Stat. 3009-293 through 314
Thrift Savings Investment Funds Act of 1996	110 Stat. 3009-372 through 374
Thrift Savings Plan Act of 1996	110 Stat. 3009-374 through 378
Federal Financial Management Improvement Act of 1996	110 Stat. 3009-389 through 394
Economic Growth and Regulatory Paperwork Reduction Act of 1996	110 Stat. 3009-394 through 499

Omnibus Appropriations Act / Legislative Provision ^a	<i>Statutes-at-Large Citation</i>
Adjustment of PAYGO Balances	110 Stat. 3009-500
Amendments to District of Columbia School Reform Act of 1995	110 Stat. 3009-503 through 507
Oregon Resource Conservation Act of 1996	110 Stat. 3009-523 through 545
Illegal Immigration Reform and Immigrant Responsibility Act of 1996	110 Stat. 3009-546 through 724
Small Business Programs Improvement Act of 1996	110 Stat. 3009-724 through 747
California Bay-Delta Environmental Enhancement and Water Security Act	110 Stat. 3009-748 through 749
10. Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134; April 26, 1996)	
Amendments to the Violent Crime Control and Law Enforcement Act of 1994	110 Stat. 1321-14 through 22
Prison Litigation Reform Act of 1995	110 Stat. 1321-66 through 77
District of Columbia School Reform Act of 1995	110 Stat. 1321-107 through 156
Amendments to the Goals 2000: Educate America Act	110 Stat. 1321-251 through 257
FDA Export Reform and Enhancement Act of 1996	110 Stat. 1321-313 through 320
USEC [U.S. Enrichment Corporation] Privatization Act	110 Stat. 1321-335 through 354
Debt Collection Improvement Act of 1996	110 Stat. 1321-358 through 380
11. Further Continuing Appropriations for Fiscal Year 1988 (P.L. 100-202; December 22, 1987)	
Cancellation of FY1998 Sequester Order	101 Stat. 1329
Special House and Senate Procedures for Considering Requests for the Nicaraguan Resistance	101 Stat. 1329-437 through 441
Warren G. Magnuson Foundation and Margaret Chase Smith Foundation Assistance Act Authorization and Grants	101 Stat. 1329-442 through 443
Agriculture Aid and Trade Missions Act	101 Stat. 1329-446 through 450
12. Continuing Appropriations for Fiscal Year 1987 (P.L. 99-591; October 30, 1986)	
Defense Acquisition Improvement Act of 1986	100 Stat. 3341-130 through 177
Paperwork Reduction Reauthorization Act of 1986	100 Stat. 3341-335 through 345
Human Rights in Romania	100 Stat. 3341-353 through 354
School Lunch and Child Nutrition Amendments of 1986	100 Stat. 3341-362 through 373

Omnibus Appropriations Act / Legislative Provision ^a	<i>Statutes-at-Large</i> Citation
Aviation Safety Commission Act of 1986	100 Stat. 3341-373 through 376
Metropolitan Washington Airports Act of 1986	100 Stat. 3341-376 through 388
13. Further Continuing Appropriations for Fiscal Year 1986 (P.L. 99-190; December 19, 1985)	
Revisions to Defense Contract Allowable Cost Provision (10 U.S.C. 2324)	99 Stat. 1223-1224
United States Holocaust Memorial Council	99 Stat. 1267
Amendment to Title XI of the Federal Aviation Act of 1958	99 Stat. 1289
Ethics in Government Act Amendments of 1985	99 Stat. 1324-1325

Source: Prepared by the Congressional Research Service (using the cited public laws in slip law form).

- a. A provision in an appropriations act is determined to be “legislative” by a ruling of the chair or a vote of the chamber, upon the raising of a point of order or appeal. The provisions listed in this table, therefore, should be regarded only as “possibly legislative” in nature; although they meet criteria long used by the House and Senate to determine whether a provision is legislative, no ruling was made by the chair or the chamber in these cases. The listing is intended merely to be illustrative; it does not represent a comprehensive or systematic survey and should not be used to assess or infer any trends in House and Senate practices.

Table 4. Examples of Legislative Provisions Dropped From Omnibus Appropriations Acts

Fiscal Year	Appropriations Act	Legislative Provision ^a	Commentary ^b
1996	Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134; April 26, 1996)	Modification of timber salvage policy	Originated in Senate; dropped in conference (<i>CQA</i> , 1996, p. 10-14)
		District of Columbia school voucher plan	Originated in House; dropped in conference (<i>CQA</i> , 1996, p. 10-11 and 12)
		Restriction on Medicaid payments for abortion	Originated in House; dropped in conference (<i>CQA</i> , 1996, p. 10-16)
1997	Omnibus Consolidated Appropriations Act, 1997 (P.L. 104-208; September 30, 1996)	Abortion restrictions on overseas family planning funds (Mexico City policy)	Originated in House; dropped in conference (<i>CQA</i> , 1996, p. 10-52)
		Collection by states of taxes from Indian tribal businesses	Originated in House; dropped in conference (<i>CQA</i> , 1996, p. 10-58)
		General Accounting Office review of Forest Service's management plan for the Tongass National Forest	Originated in Senate; dropped in conference (<i>CQA</i> , 1996, p. 10-58)
		Ban against most federal benefits to illegal immigrants	Originated in House; dropped in conference (<i>CQA</i> , 1996, p. 10-66)
		Bar against Medicare, Medicaid, and Social Security administrative funds being used to support union activities	Originated in House; dropped in conference (<i>CQA</i> , 1996, p. 10-66)
		Exemption for certain workplaces from a safety regulation requiring employees to wear long pants	Originated in House; dropped in conference (<i>CQA</i> , 1996, p. 10-66)
1999	Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (P.L. 105-277; October 21, 1998)	Bar against homosexual couples adopting children	Originated in House; dropped in conference (<i>CQM</i> , 10/20/98, p. 2)
		District of Columbia school voucher plan	Originated in House; dropped in conference (<i>CQM</i> , 10/20/98, p. 2)
		Parental notification regarding the provision of contraceptives to minors	Dropped in conference (<i>CQM</i> , 10/14/98, p. 3)

Fiscal Year	Appropriations Act	Legislative Provision ^a	Commentary ^b
		Term limits for high-level staff of the Federal Election Commission	Originated in House; dropped in conference (<i>CQM</i> , 10/8/98, p. 7)
		Extension of tax credit for alternative fuels	Originated in Senate; dropped in conference (<i>CQM</i> , 10/16/98, p. 4)

Sources: Congressional Quarterly, *CQ Almanac* (1996 and 1997) and *CQ Daily Monitor* (1998).

Notes: *CQM* refers to *CQ Monitor*; *CQA* refers to *CQ Almanac*.

- a. A provision in an appropriations act is determined to be “legislative” by a ruling of the chair or a vote of the chamber, upon the raising of a point of order or appeal. The provisions listed in this table, therefore, should be regarded only as “possibly legislative” in nature; although they meet criteria long used by the House and Senate to determine whether a provision is legislative, no ruling was made by the chair or the chamber in these cases. The listing is intended merely to be illustrative; it does not represent a comprehensive or systematic survey and should not be used to assess or infer any trends in House and Senate practices.
- b. In the case of the three omnibus appropriations acts listed in this table, all of the legislative provisions were dropped in conference; however, such provisions sometimes are dropped at earlier stages of the legislative process. Whether the provision originated in the House or the Senate is indicated. In this context, origination in a chamber means that it was offered in the markup of the Appropriations Committee or subcommittee of that chamber, was offered during floor consideration by that chamber, or was proposed in conference by the conferees of that chamber.

The three omnibus appropriations acts incorporated the full text of several of the regular appropriations acts. Legislative provisions listed under these omnibus acts may have been dropped in the conference on the omnibus act or beforehand in a conference on one of the regular appropriations acts subsequently incorporated into the omnibus act.