

SECTION 96 -- APPROPRIATIONS LANGUAGE

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96.1 General.

Appropriations language transmits the President's budget requests to Congress and is used to request budget authority or other legislative authority (e.g., general provisions) to be provided through the annual appropriations process. The budget includes appropriations language for each account for which appropriations or limitation language was enacted in the CY or is proposed for the BY.

Appropriations language submissions consist of:

- Language enacted for the current year (including enacted supplemental appropriations, and rescissions), with the proposed changes for the budget year, if any;
- Proposed language if none was enacted for the current year and is required to carry out the President's proposals for the budget year; and
- Statutory references.

For accounts that cover direct loan or loan guarantee programs, you must include appropriations language for the subsidy costs, loan levels, and administrative expenses, unless specifically exempted by OMB (see section 96.5(a)).

For programs funded by budget authority that will be disbursed over periods longer than five fiscal years after the authority expires, see section 96.5(b).

Whenever possible, try to include proposed substantive changes in appropriations language with the initial budget submission to provide adequate time for review by OMB.

96.2 Format of language submissions.

Provide language submissions in the format of exhibits 96A (if there is no CY supplemental appropriation) or 96B (if there is a CY supplemental appropriation). You must submit a separate page of appropriations language for each account for which appropriations or limitation language has been enacted in the CY or is proposed for the BY. The text printed in the appropriations acts for the current year constitutes the primary source of material for the language submissions. Normally, the reprinted galleys provided by OMB (see section 95.5) will contain enacted current year appropriations language.

If this is not possible, OMB will provide copies of the enrolled bills showing appropriation items as they appear in the annual appropriations act, continuing resolution, or in supplemental, rescission, or other appropriations acts for the current year. Use these copies to prepare language submissions for OMB and your own use. For each appropriation item, glue the language from the enrolled bill onto a separate sheet of paper. Make changes to the language in accordance with section 96.3.

When you prepare the language, use all of the text in the appropriations act, except the preamble and the title of the act. If the organizational unit is not identified as a heading in the text, insert the title of the organizational unit at the top of the sheet. Where amounts have been appropriated in addition to the regular appropriations for the current year (e.g., supplemental or rescission action), include the text from the additional appropriations to the same sheet as the text from the annual act and omit the account title from the additional appropriations (see exhibit 96B). Display the citation for the additional appropriations after the specific language in parentheses and underscored. In cases where the entire amount available was provided in a supplemental or other appropriations act, provide the title and any immediately preceding organizational unit identification in the same manner as items from an annual act.

If no current year appropriation has been enacted, type the proposed appropriation language as new material and underscore it. If an appropriation for the current year is provided in a continuing resolution, prepare the proposed language as follows:

- Where the continuing resolution includes specific language by account, submit that language in the same manner as language that was provided in a regular appropriations act.
- Where the continuing resolution enacts specific language by reference to an appropriations bill, your OMB representative will provide guidance on preparation of the language submissions.
- Where the continuing resolution refers only to a level or rate (e.g., to the lower of the House or Senate level, Senate level, or current rate), submit the proposed language for the budget year as new material. OMB will provide an explanatory note for insertion following the language.

96.3 Changes in language and amounts.

Make changes to appropriations language as follows:

- To change language, amounts, or account titles enacted for the CY to reflect the BY request to Congress:
 - < Enclose the material to be omitted in brackets []; and

- < Type (double-spaced) and underscore all new material. If possible, insert the new material in the right margin of the page.
- Use a caret (^) and line to indicate clearly the place where the new material is to be inserted.
 - New material should always follow bracketed material, even though bracketed material may only include figures and new material includes additional language.
 - State amounts in dollars rounded to the nearest thousand (e.g. \$10,951,000; not \$10,950,768).
 - Use black lead pencil to make brackets, carets, and insert lines.
 - Do not obliterate pre-existing punctuation marks.
 - When the proposed language for the BY is all new language (e.g., there were no CY appropriations) or where changes to existing language are extensive, type the new materials, double-spaced and underscored.

Make changes to administrative and general provisions in the same manner. If an entire numbered section is proposed for deletion, enclose the material to be omitted in brackets. Bracket section numbers and insert revised numbers following the bracketed material. Insert proposed new provisions at the end of the current law provisions (see exhibit 96C).

96.4 Statutory references.

Insert supporting statutory references in parentheses and underscore following the appropriations language. Agencies are responsible for providing all statutory references and attesting to their correctness.

Present the references in the following sequence:

(1) *Basic authorizing legislation (including currently effective amendments), treaty, or executive order that continues in effect during the budget year.* Such citations will usually be by reference to the United States Code. List citations in this order of preference:

- To the United States Code;
- To the public law number;
- To the popular title of the law (if there is one); or
- To the date of the Act, followed by the applicable volume and page of the Statutes at Large.

Do not include citations to Government-wide, generally applicable laws (e.g., title 5 of the U.S. Code). Cite executive orders by number. Consolidate citations to the same title of the U.S. Code, and list titles (and sections thereunder) in ascending numerical order. Avoid multiple citations to the same statute. If a citation is included in statutory text, do not repeat it in parentheses.

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(2) *The appropriations act from which the text of the appropriations language has been taken.* Generally, reference the short title of the applicable appropriations act. If an appropriations act provides a citation for a specific title (i.e., portion of the act), use that citation. If the act or title thereof has no short title, your OMB representative will specify the citation to use. (When two or more appropriations act citations are required, e.g., a regular appropriations act and a supplemental appropriations act, each citation will follow the appropriations language to which it applies.) Where language in an appropriations bill (that is being considered in the House or the Senate) was enacted by reference in a continuing resolution, cite the continuing resolution (not the referenced bill).

96.5 Special appropriations language requirements.

(a) *Credit programs.*

Each program account associated with a direct loan or loan guarantee program must contain a request for an appropriation for the subsidy costs on a net present value basis; the loan level supportable by that subsidy; and administrative expenses for operating the credit program.

Where loans are disbursed within five years of obligation, use the following standard subsidy appropriation language, as appropriate:

[For the cost of direct loans, \$____,] [and] [for the cost of guaranteed loans, \$____,] as authorized by [authorizing statute]: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize [gross obligations for the principal amount of direct loans not to exceed \$____] [,and] [total loan principal, any part of which is to be guaranteed, not to exceed \$____.] In addition, for administrative expenses to carry out the [direct] [and] [guaranteed] loan program[s], \$____.

Where administrative expenses are proposed to be transferred to a salaries and expenses account, substitute the following phrase for the last sentence above:

In addition, for administrative expenses to carry out the [direct] [and] loan [guarantee] program[s], \$____, which shall be [transferred to and merged with the appropriation for [name of account]] [or, to the extent necessary,] [used to reimburse the Federal Financing Bank as authorized in section 505(c) of the Congressional Budget Act of 1974].

Where loans are disbursed beyond the five year period after obligation, see section 96.5(b).

If you believe that the nature of a program requires a modification of the specified language, you may request an exception (see section 25).

(b) *Programs that disburse over a period longer than five fiscal years.*

Unless otherwise specified by law, budget authority is available for liquidating obligations (i.e., outlays) for only five fiscal years after the authority expires. This could be problematic for programs funded by annual or multi-year budget authority where disbursements are expected to occur more than five fiscal years after the authority expires. Where loans or other costs (such as termination costs for some contracts and annual

lease payments under operating leases, capital leases, or lease-purchase agreements) will be disbursed beyond the five-year period, use the following standard proviso, modified as appropriate, to ensure that the budget authority will remain available for disbursement over the full term of the contract:

:Provided, That such sums are to remain available through 20XX for the disbursement of [loans] [lease payments] [termination costs] obligated in fiscal year 20XX.

96.6 Explanations related to appropriations language.

Do not write explanations or justifications on the language submissions, except notes required for printing as indicated above. Submit the following material separately to support the language submissions:

- An explanation and justification of all new provisions, deletions and proposed changes in the language of the appropriation, other than changes in amounts, including changes to general and administrative provisions.
- A list of new provisions in the proposed language and explanation of the purpose of each.
- A copy of a letter from the Office of Personnel Management approving any new provisions that relate to employment of personnel without regard to civil service or classification laws.

Appropriations Language Without Current Year Supplemental Appropriation

PY—past year
CY—current year
BY—budget year

DEPARTMENT OF GOVERNMENT

The original will be returned to OMB.

Headings will be added to reflect the organizational unit, unless they already appear as separate lines at this point in the appropriations act.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary, including not to exceed [~~\$9,992,000~~] for expenses of travel; purchase (not to exceed [~~one~~] for replacement only) and hire of passenger motor vehicles; [~~and~~] services as authorized by 5 U.S.C 3109; [~~\$3,220,000~~: Provided, That not to exceed \$20,000 of the amount appropriated under this head in the Department of Government Appropriation Act, PY, shall remain available during the current fiscal year] .

\$9,944,000
three, of which two shall be
and uniform or allowances therefor, as authorized by 5 U.S.C. 5901-5902;
\$3,225,000

(10 U.S.C. 3624; P.L. 92-926; Act of June 21, 1970, 82 Stat. 898; Department of Government Appropriations Act, CY.)

Underlined reference in parentheses will be made to basic authorizing legislation (unless cited in the body of the language) and to the act or acts containing the appropriations text reproduced on the language sheet. See section 96.4 for the preferred method of making citations. Do not provide parallel citations or citations to Government-wide, generally applicable laws (e.g., title 5 of the U.S. Code).

- KEY POINTS:
1. Deletions are shown by brackets [].
 2. Inserts are shown by carets ^ and follow (not precede) bracketed matter.
 3. Language to be inserted is shown in the space at the right underscored.
 4. All brackets, carets, and insert lines are to be made in *black lead pencil* (not typed) so as not to obliterate punctuation marks.

Appropriations Language With Current Year Supplemental Appropriation

Headings will be added to reflect the organizational unit, unless they already appear as separate lines at this point in the appropriations act.

PY—past year
CY—current year
BY—budget year

DEPARTMENT OF GOVERNMENT

BUREAU OF EDUCATION

The original will be returned to OMB.

SALARIES AND EXPENSES

For necessary expenses, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, and services authorized by 5 U.S.C. 3109, [~~\$20,416,000~~]

\$20,355,000

(5 U.S.C. 9206; 15 U.S.C. 206; Department of Government Appropriations Act, CY.)

[For an additional amount for "Salaries and Expenses," \$200,000.]

(Supplemental Appropriations Act, CY.)

Include text from current year supplemental appropriations acts, where applicable, even though the supplemental only provides an additional amount.

Underlined reference in parentheses will be made to basic authorizing legislation (unless cited in the body of the language) and the act or acts containing the appropriation text reproduced on the language sheet. See section 96.4 for the preferred method of making citations.

- KEY POINTS:**
1. Deletions are shown by brackets [].
 2. Inserts are shown by carets ^ and follow (not precede) bracketed matter.
 3. Language to be inserted is shown in the space at the right underscored.
 4. All brackets, carets, and insert lines are to be made in *black lead pencil* (not typed) so as not to obliterate punctuation marks.

General Provisions—Print Material Submission

TITLE VII—GENERAL PROVISIONS

GALLEY PROOF

{SEC. 701. Within the unit of limit of cost fixed by law, appropriations and authorizations made for the Department of Government for the fiscal year 1996 under this Act shall be available for purchase, in addition to those specifically provided for, of not to exceed 665 passenger motor vehicles, of which 664 shall be for replacement only, and for the hire of such vehicles.}

SEC. (702) ^ . Funds in this Act available to the Department of Government shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901–5902). 701

{SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Government in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954 (7. U.S.C. 427, 1621–1629), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.}

SEC. (704) ^ . The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed (\$2,000,000) ^ ; *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator. 702 \$2,015,000

SEC. (705) ^ . No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein. 703

SEC. 704. From funds made available to the Department of Government in this Act, the Secretary may transfer amounts to "Department Administration," to be merged with such account and available for the same purpose.

KEY POINTS:

- 1. Deletions of entire sections are shown by use of brackets.
- 2. Section numbers, after those sections proposed for deletion, are bracketed and revised numbers are shown in the margin and underscored.
- 3. Any proposed new sections are included at the end of the current law provisions and underscored.