

SECTION 96 -- APPROPRIATIONS LANGUAGE

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96.1 What do I need to know about appropriations language in general?

Appropriations language constitutes the President's request to Congress for budget authority or other legislative authority (such as general provisions) to be provided through the annual appropriations process. The budget *Appendix* includes appropriations language for each account for which appropriations or limitation language was enacted in the CY or is proposed for the BY.

Submit appropriations language as part of the *print materials* described in section 95. Follow the guidance in that section for your submission of print materials in general and the guidance in this section for appropriations language in particular. 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.

See section 96.5 for special requirements for credit programs and section 96.6 for special requirements for programs funded by budget authority that will be disbursed over periods longer than five fiscal years after the authority expires.

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 What format should I use when submitting appropriation language?

In most cases, you will submit proposed BY appropriations language by marking up language enacted as part of a regular CY appropriations act. However, you may be marking up language contained in or referenced by a continuing resolution, if regular appropriations were not enacted. In other cases, you will submit new language. The following guidance covers each of these cases. In all cases, you must submit the appropriations language for each account on a separate page.

Language enacted as part of a regular CY appropriations act. Provide language submissions in the format of exhibit 96A. The text printed in the appropriations acts for the CY constitutes the primary source of material for the language submissions.

Normally, we provide you with reprinted galleys (see section 95.4) that contain the CY language for each account from regular appropriations acts, supplemental appropriations acts, other appropriations actions, and rescissions. Use them to propose revisions to the CY language for the BY. When we cannot provide the CY language in the form of reprinted galleys, we provide copies of the enrolled bills with the language for the accounts. In this case, use these copies to prepare your language submissions. Cut language items related to an account from the enrolled bill (or bills) and paste it onto a separate sheet of paper for each account. Make changes to the language (whether provided in reprinted galleys or as enrolled bills) in accordance with section 96.3.

Follow these guidelines when submitting 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.
- If there was appropriation action in addition to the regular appropriations action for the current year (such as a supplemental appropriation or a rescission), include the text from the additional appropriations action on the same sheet as the text from the regular act, following the regular act's citation, and omit the account title from the additional language (see exhibit 96A).
- 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.

Appropriations for the CY are provided in a continuing resolutions. If an appropriation for the current year is provided in a continuing resolution, prepare the proposed BY language as follows:

- If the continuing resolution includes specific language by account, we will give you the language as either a reprinted galley or an enrolled bill, and you should submit any revisions as described above for language enacted in a regular appropriations act.

- If the continuing resolution enacts specific language by reference to an appropriations bill, we will provide separate guidance on preparation of the language submissions.
- If the continuing resolution refers only to a level or rate (such as the lower of the House or Senate level, Senate level, or current rate), you must submit the proposed language for the BY as all new language. In such cases, we develop an explanatory note that you insert following the language.

No current year language enacted. If no current year language was enacted, you must type the proposed appropriation language as new material and underscore it to indicate that it should be italicized when printed.

96.3 How do I make changes in language and amounts?

Make changes to appropriations language and amounts 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.
- Place new material following bracketed material, even though the bracketed material may only include figures and new material includes additional language.
- State amounts in dollars rounded to the nearest thousand (for example, \$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.
- If no CY language was enacted, type the proposed new language on a separate page, double-spaced and underscored.

Make changes to administrative and general provisions in the same manner (see exhibit 96B). If you propose to delete an entire numbered section, enclose the section in brackets. Insert proposed new provisions (underscored) at the end of the current law provisions. Be sure to revise the section numbers as necessary by bracketing the old number and inserting revised numbers (underscored) following the bracketed number.

96.4 What supporting statutory references must I provide?

You must provide the supporting statutory references described below, inserting them following the appropriations language (in parentheses and underscored). These references are informational only.

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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.* Follow these guidelines in referring to basic authorizing legislation:

- Cite the legislation in one of the following forms, in this order of preference:
 - ▶ United States Code;
 - ▶ public law number;
 - ▶ the popular title of the law (if there is one); or
 - ▶ the date of the Act, followed by the applicable volume and page of the Statutes at Large.
- Don't include references to Government-wide, generally applicable laws (such as 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.

(2) *The appropriations act from which the text of the appropriations language has been taken.* Follow these guidelines in citing appropriations acts:

- Generally, reference the short title of the applicable appropriations act.
- If an appropriations act provides a citation for a specific title (that is, 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.
- For accounts with appropriations language from more than one source (for example, an account with regular and a supplemental appropriations language), insert the reference following the appropriations language to which it applies.
- If the language in an appropriations bill was enacted by reference in a continuing resolution, cite the continuing resolution (not the referenced bill).

96.5 What are the special appropriations language requirements for credit programs?

The Federal Credit Reform Act imposes special appropriations language requirements for credit programs. (See section 85 for general guidance on credit programs.) Each program account for a direct loan or loan guarantee program must contain:

- A request for an appropriation for the subsidy costs on a net present value basis;
- A specification of the loan level supportable by the subsidy cost appropriation; and
- A request for an appropriation for the administrative expenses for operating the credit program.

Use the following standard subsidy appropriation language, using the bracketed elements as appropriate. If you need to transfer the amount for administrative expenses to a salaries and expenses account, modify the language as described below. Where loans are disbursed beyond the five year period after obligation, you need to add the proviso discussed in section 96.6.

[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 you propose to transfer administrative expenses to a salaries and expenses account, substitute the following 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].

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

96.6 What are the special language requirements for programs that disburse over a period longer than five fiscal years?

Unless otherwise specified by law, budget authority is available for liquidating obligations (that is, 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.

96.7 What do I need to know about explanations of appropriations language?

Submit the information described below on a separate page from the language submissions. Don't write any explanations on the language submissions themselves.

- An explanation and justification of all new provisions, deletions and proposed changes (other than changes in amounts) in the language of the appropriation, including changes to general and administrative provisions.

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- 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

When possible, OMB includes enacted CY appropriations language, including supplemental language, with appropriate headers and cites to the appropriations acts, in reprinted galleys. Otherwise we provide enrolled bills, which you must cut and paste (see section 96.2). In either case, mark up and return originals. See section 95 for general guidance on reprinted galleys.

GALLEY PROOF

KEY POINTS:

- 1. Enclose deletions with brackets [].
- 2. Show insertions with carets (^), following (not preceding) bracketed matter.
- 3. Include language to be inserted (underscored) in the right margin.
- 4. All brackets, carets, and insert lines are to be made in *black lead pencil* (not typed) so as not to obliterate punctuation marks.

DEPARTMENT OF GOVERNMENT
OFFICE OF THE SECRETARY
Federal Funds

Add headings (if not already included in reprinted galley) to reflect the organizational unit, unless they already appear as a separate lines at this point in the appropriations act.

General and special funds:

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary,
 including not to exceed [\$90,000] for expenses of travel; \$94,000
 purchase (not to exceed [one] for replacement only) and hire three, of which two shall be
 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] and uniform allowances
(10 U.S.C. 3624; P.L. 92-926; Act of June 21, 1970, 82 therefor, as authorized
Stat.898; Department of Government Appropriations Act, CY.) by 5 U.S.C. 5901-5902;

[For an additional amount for "Salaries and Expenses," \$200,000.
(Supplemental Appropriations Act, CY).]

Include text (if not already included in reprinted galley) from current year supplemental appropriations acts, where applicable, even though the supplemental only provides an additional amount.

Add references (underlined and in parentheses) to basic authorizing legislation (unless cited in the body of the language) and to the act or acts containing the appropriations text (unless already included in the reprinted galley). See section 96.4 for the preferred method of making citations. Don't provide parallel citations or citations to Government-wide, generally applicable laws (e.g., title 5 of the U.S. Code.)

General Provisions

GALLEY PROOF

TITLE VII--GENERAL PROVISIONS

[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 passanger 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 701 uniforms or allowances therefore as authorized by law (5 U.S.C. 5901-5902).

[SEC. 703. Not less than \$1,500,000 fo 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 the said Acts and chapters.]

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 702 [\$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.

SEC. [705] . No part of any appropriation contained in this Act shall remain availabe 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 number, after those sections proposed for deletion, are bracketed and revised numbers are shown in the margin and underscored.
3. Any proposed new sectios are included at the end of the current law provisions and underscored.