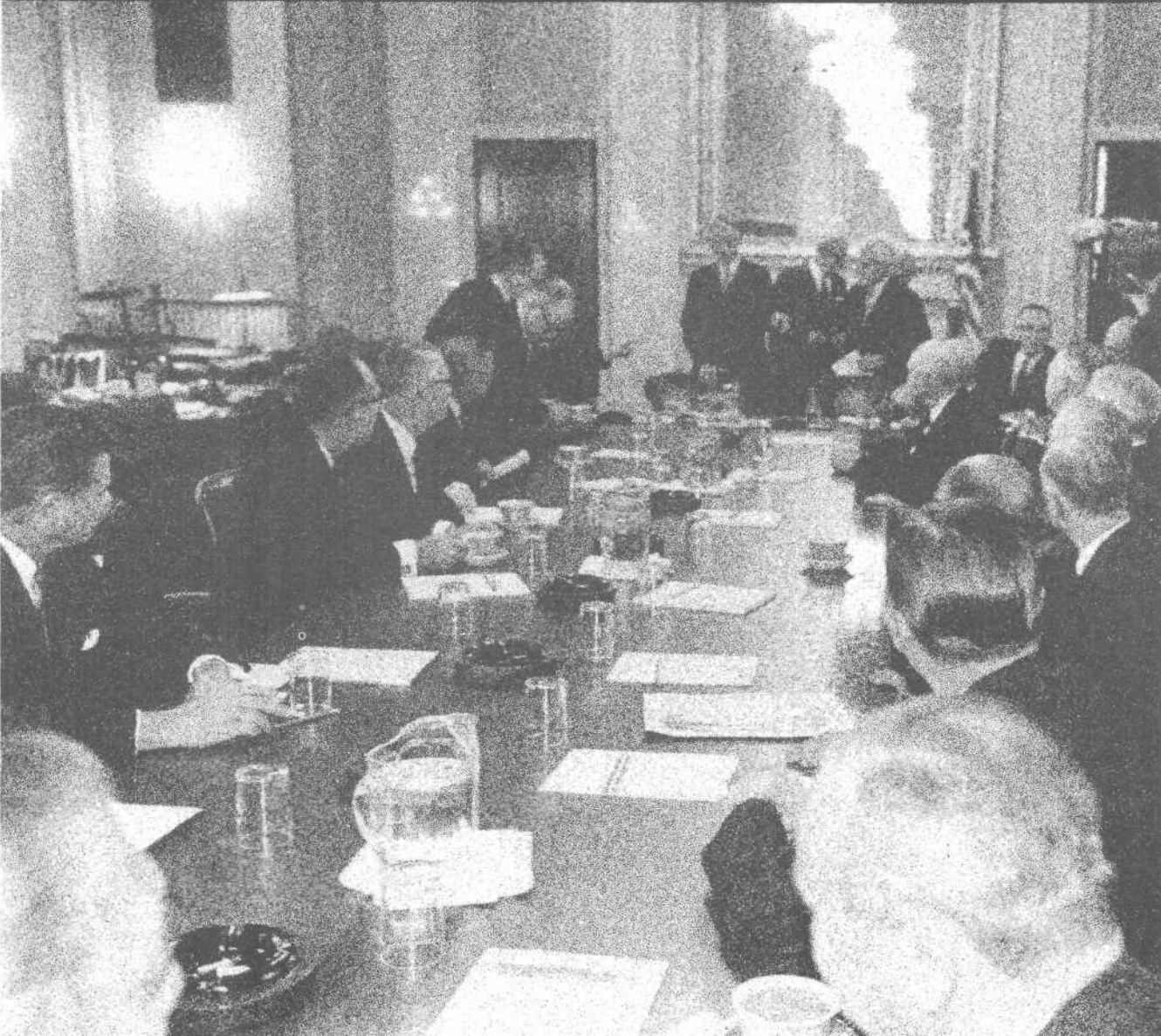




Supplemental Appropriations in the 1980s



A CBO STUDY

March 1990

**CBO STUDY ON
SUPPLEMENTAL APPROPRIATIONS IN THE 1980s**

The share of budget authority funded through supplemental appropriations declined from 4.4 percent in 1970-1980 to about 1.1 percent in 1981-1989, according to a Congressional Budget Office Study, *Supplemental Appropriations in the 1980s*. The study was requested by the minority membership of the House Budget Committee. Supplemental appropriations are used to provide funds for a fiscal year already in progress, when funding needs are deemed too urgent to wait for next year's regular appropriations. Concern has been expressed for some time about the volume of appropriations made in this way.

The CBO report describes several procedures that the Congress could use to reduce supplemental appropriations further. The most effective would be to convert mandatory appropriation accounts to permanent, indefinite status, and to anticipate the costs of civilian pay raises in regular appropriation bills.

According to the study, half of the supplementals during the 1980s were for "mandatory" accounts, which must receive annual appropriations to operate even though their spending requirements are actually determined by authorizing legislation. The largest mandatory appropriations were made for the Commodity Credit Corporation, constituting 25 percent of supplementals during the 1980s. Large supplemental appropriations were also provided to cover the costs of civilian pay raises, defense programs, and foreign aid.

Supplementals in the 1970s were often caused by natural disasters and by unfavorable economic conditions, but the 1980s saw a relatively low incidence of disasters and a sustained period of economic expansion with low inflation. Procedural provisions of the Congressional Budget Act and the Balanced Budget Act, along with an agreement between the Congress and the President to restrict supplementals to "dire emergencies," also caused the rate of supplementals to decline.

Questions regarding the study should be directed to Roy T. Meyers of CBO's Budget Analysis Division at (202) 226-2837. The Office of Intergovernmental Relations is CBO's Congressional liaison office and can be reached at 226-2600. For additional copies of the report, please call the CBO Publications Office at 226-2809.



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SUPPLEMENTAL APPROPRIATIONS IN THE 1980s

The Congress of the United States
Congressional Budget Office

NOTES

The data in this paper cover the fiscal years 1981 through 1989. This period is termed "the 1980s" in the text. The data come from four sources: the House and Senate Appropriations Committees' annual "Brown Books" (formally known as *Appropriations, Budget Estimates, Etc.*), House and Senate Appropriations Committee reports, Congressional Budget Office scorekeeping reports, and reports by the General Accounting Office and the Office of Management and Budget on rescissions and deferrals. CBO adjusted these data when necessary to ensure consistent accounting treatment of appropriations, rescissions, and deferrals throughout the period. These adjustments and other coding decisions differ somewhat from those made for the CBO Staff Working Paper, "Supplemental Appropriations in the 1970s" (July 1981). Rescissions are displayed separately in the 1980s data, and the mandatory or discretionary character of supplementals is also identified. Aside from these differences, the data in the two studies are comparable.

Details in the text and tables of this report may not add to totals because of rounding.

PREFACE

This report describes the size, content, and causes of supplemental appropriations from 1981 to 1989, and considers ways to reduce supplemental appropriations in the future. It was prepared at the request of the minority membership of the House Budget Committee. The report updates a Congressional Budget Office (CBO) Staff Working Paper, "Supplemental Appropriations in the 1970s" (July 1981), which covered the 1970 to 1980 period.

Kim Burke, David J. Horowitz, and Roy T. Meyers of CBO's Budget Analysis Division prepared the paper, under the supervision of Marvin Phaup and James L. Blum. Meyers and Horowitz wrote the paper, and Burke and Horowitz collected and processed the data, with assistance from Karla Trujillo and Betty Embrey. The database system was developed by Fritz Maier. Valuable comments were received from many other CBO analysts, especially Mark Musell. Careful reviews of a draft of the report were contributed by Richard Emery of the Office of Management and Budget, Robert Keith of the Congressional Research Service, and Frederick Mohrman of the House Appropriations Committee. Francis S. Pierce edited the manuscript, Elizabeth Grabau typed the tables, and Kathryn Quattrone prepared it for publication.

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SUMMARY

A supplemental appropriation act is a device by which the Congress provides funds for a fiscal year already in progress. It is used to supplement the amounts included in regular appropriation acts, when funding needs are deemed too urgent to wait for next year's regular appropriations. Concern has been expressed for some time about the volume of appropriations made in this way. The Congress and the President agreed in 1987, and again in 1989, to propose supplemental appropriations only for "dire emergencies."

THE DECLINING USE OF SUPPLEMENTALS

Supplemental appropriations have been a regular feature of the federal government's finances since the First Congress in 1790. In the nineteenth century, overobligation of funds by agencies often required the Congress to make supplemental appropriations to finance these deficiencies. The establishment of the apportionment process, through which the Office of Management and Budget periodically parcels out budget authority to agencies, has nearly eliminated overobligation of funds. Nowadays the need for supplementals arises from two characteristics of the appropriation process. Some programs, called "mandatory" programs, are required by their authorizing legislation to make payments despite their nominal financing through the appropriation process. When circumstances force a mandatory program to obligate funds beyond the amounts assumed in its regular appropriation, a supplemental appropriation is necessary. The other reason for supplementals lies in the tradition of limiting the freedom of agencies to obligate nonmandatory, or "discretionary," funds by specifying in legislation how the appropriated funds are to be spent. While this practice has prevented agencies from spending money for unspecified purposes, and has made them very attentive to Congressional directives, the difficulty of projecting the funding needs of many programs has routinely required the Congress to enact supplementals.

These factors led to a heavy reliance on supplementals in the 1970s, in amounts ranging from 2.8 percent to 7.8 percent of total budget authority during the period (see Summary Table 1). They reached a peak in 1977, soon after the Congressional Budget Act of 1974, which established new enforcement procedures that could have been used to limit the amount of supplemental appropriations. These procedures, and additional reforms, apparently had an impact during the 1980s when supplemental appropriations declined to a high of 2.6 percent of budget authority in 1982 and a low of 0.1

percent in 1988. The low rate of supplementals in 1988 resulted in large part from the understanding reached in the Bipartisan Budget Agreement of 1987 that supplementals would be provided only for "dire emergencies."

Although supplementals declined in amount during the 1980s, they continued to play an important legislative role. On average, the Congress enacted three supplemental bills a year, devoting 13 days or parts of days of floor consideration to them (not counting conference reports). Moreover, the content of the supplemental bills was enlarged to include many more rescissions and transfers than in the 1970s. The bills continued to be vehicles

SUMMARY TABLE 1. SUPPLEMENTAL APPROPRIATIONS, 1970-1989
(In millions of dollars)

Year	Supplemental Budget Authority Net of Rescissions			Total Budget Authority	Supplemental as a Percentage of Total Budget Authority
	Mandatory	Discretionary	Total		
1970	n.a.	n.a.	5,994	212,973	2.8
1971	n.a.	n.a.	9,871	236,406	4.2
1972	n.a.	n.a.	11,599	248,097	4.7
1973	n.a.	n.a.	11,371	276,417	4.1
1974	n.a.	n.a.	14,796	313,861	4.7
1975	n.a.	n.a.	27,588	412,099	6.7
1976	n.a.	n.a.	24,636	420,254	5.9
1977	n.a.	n.a.	36,724	472,654	7.8
1978	n.a.	n.a.	16,054	512,434	3.1
1979	n.a.	n.a.	13,845	564,634	2.5
1980	n.a.	n.a.	19,461	676,695	2.9
1981	4,224	2,699	6,923	745,887	0.9
1982	15,287	5,733	21,020	809,854	2.6
1983	15,264	5,859	21,123	888,082	2.4
1984	2,331	13,891	16,222	949,921	1.7
1985	9,180	5,624	14,804	1,074,057	1.4
1986	12,597	-10,348	2,249	1,072,773	0.2
1987	6,005	3,365	9,370	1,009,893	0.9
1988	1,207	95	1,302	1,146,472	0.1
1989	2,737	2,876	5,615	1,236,065	0.5

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

NOTE: n.a. = not available.

for controversial legislative language and for funding disputes between the Congress and the President, notably the long-running battle over funding for the contras in Nicaragua.

Because supplemental appropriation bills are typically considered late in the fiscal year, often under the threat of government shutdown, these bills have tended to include not only funding for dire emergencies but also for projects that had failed to win approval in the President's budget request or in the regular appropriation process. As noted above, however, the contribution of supplementals to spending was extremely small in the 1980s, amounting to only 0.3 percent of discretionary budget authority.

THE CONTENT OF SUPPLEMENTAL APPROPRIATIONS

Eight categories received large supplemental appropriations almost every year of the decade, accounting for 68.7 percent of supplemental appropriations and transfers during the period: the Commodity Credit Corporation (CCC), civilian pay, national defense, foreign aid, food stamps, veterans, higher education, and firefighting and disaster relief (see Summary Table 2). Supplementals for the CCC (one-quarter of the total) were made necessary by worse-than-projected conditions in the farm commodity markets. Similar differences between projected and actual conditions were also mainly responsible for the supplementals for Food Stamps and higher education.

Other supplementals were the result of discretionary actions by the government. Funding for civilian pay raises and for cost-of-living adjustments in the veterans compensation program have traditionally been provided in supplemental appropriation bills. Large supplementals were awarded to the Department of Defense in 1981, partially in response to underestimated cost increases but mainly to quicken the pace of defense procurement. Supplementals for foreign aid reflected decisions to provide Israel and Egypt with economic aid, to respond to famine in Africa, and to fulfill the U.S. subscription to the International Monetary Fund.

The rest of the supplementals went to a wide variety of other accounts, many of them salaries and expenses accounts and operations accounts that frequently received relatively small amounts. For example, the Federal Bureau of Investigation's salaries and expenses account received seven supplementals for a total of \$25.3 million, and the Federal Aviation Administration's operations account received five supplementals for a total of \$272.5 million.

The most effective procedural change would be to convert mandatory appropriation accounts to permanent, indefinite status. At present, these accounts must receive annual appropriations to operate, even though their spending requirements are actually determined by authorizing legislation. Almost half of all supplemental appropriations in the 1980s were for mandatory accounts. By granting these accounts permanent, indefinite appropriations, the need to make supplementals to keep programs operating would be eliminated. A side effect of this reform might be fewer opportunities to make discretionary supplementals, by eliminating the supplemental bills for mandatory accounts that served as vehicles for discretionary supplementals in the past. Among the accounts that could usefully be granted permanent, indefinite status would be the CCC, Food Stamps, and Stafford Loans (previously called Guaranteed Student Loans).

Another procedural change would be to decide not to provide any funding for civilian pay raises in supplemental bills, and rely on regular bills for this purpose. This was the approach with military pay raises in most years during the 1980s. In the past, pay raises were determined by a comparability process that was often delayed beyond the consideration of regular appropriation bills. But budget constraints have now led the Congress and the President to settle on a specific pay raise earlier in the process, which should allow funding in regular bills. The other rationale for providing pay raise funding in supplemental bills is the hope that requiring agencies to absorb an uncertain portion of the costs of pay raises will stimulate them to control costs. Absorption may have the opposite effect, however, because of the incentive it gives to managers to strategically time their spending.

A third procedural change would be to increase the funding flexibility of agencies. Flexibility might be increased by allowing agencies more latitude in transferring and reprogramming funds, or by permitting them to borrow against next year's budget authority. For either approach to be adopted, the Appropriations Committees would need to feel confident that the agencies would comply with informal committee directives. In the past, agency non-compliance with informal directives has caused the Congress to write more specific, formal directives into appropriation acts.

A fourth procedural change would be to establish higher barriers to the consideration of supplemental appropriation items, either by requiring sponsors of items to explain in writing why the proposed supplementals could not wait until the next regular appropriation bill, or by making it more difficult to waive the provisions of the Budget Act that prevent budget resolution ceilings from being exceeded. A complement to this latter approach would be to change budget resolution scorekeeping so as to formally anticipate discretionary supplementals. The Appropriations Committees would be required to reserve a small portion of their allocations until after a specific

date in the current fiscal year. The proper amount to reserve could be problematic, however, as the magnitude of unanticipated needs varies from year to year.

CHAPTER I

THE DEVELOPMENT OF SUPPLEMENTAL

APPROPRIATION PROCEDURES

Supplemental appropriations began with the First Congress. This chapter describes their evolution and the ways in which they are handled today.

THE EMERGENCE OF SUPPLEMENTAL APPROPRIATIONS

The first appropriation act of the U.S. government, in 1789, contained only four items and appropriated a total of \$639,000. More than a quarter of that amount went to fund debts accumulated by the "late government" under the transition from the Articles of Confederation.¹ Such "deficiency appropriations," which refinanced programs that had already obligated more funds than they possessed, quickly became routine.

In its second session (1790), the First Congress enacted a bill that was strikingly similar to a modern-day supplemental. The bill included funding for items that had been authorized after the regular appropriation, as well as funding for payment of deficiencies and claims against the government.² In succeeding years, the Congress passed supplementals in the form of "deficiency," "additional," and "further" appropriations. The first appropriation bill with "supplementary" in the title appeared in 1818. While they varied in name and format, supplemental appropriations became routine by the early 1800s.³

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1. 1 Stat. 95; this act provided for "defraying the expenses of the civil list, under the late and present government" and "for discharging the warrants issued by the late board of the treasury."
 2. 1 Stat. 185; unlike the first appropriation in 1789 and subsequent "general" appropriations, this bill contained specific names of claimants and projects without fiscal year limitation, typical of "special" appropriations that the Congress tended to pass regularly thereafter.
 3. *Consolidated Index to the United States Statutes at Large* (Government Printing Office, 1906), vol. 1, pp. 110-151.

AGENCY DEFICIENCY REQUESTS, APPORTIONMENT CONTROLS, AND PLANNED SUPPLEMENTALS

In the early nineteenth century, as the Jeffersonians came to dominate the government, narrowly drawn appropriations were used in place of the relatively "lump-sum" appropriations preferred by the Federalists.⁴ Restrictive appropriations reduced the power of agencies to "reprogram" funds within appropriation accounts by taking surplus funds from some activities to cover deficiencies in other activities. These restrictions increased the need for deficiency appropriations and other modifications in regular appropriations. Many appropriations were provided not in regular appropriation bills, but instead in deficiency appropriation bills, "special" appropriations, and other funding vehicles.

Before the close of the nineteenth century, deficiencies became so routine that two bills, the "urgent deficiency" and the "general deficiency," were considered "general" or regular appropriation bills under the jurisdiction of the House Appropriations Committee.⁵ Agencies often appeared before one subcommittee for their regular appropriations and another for their deficiencies. According to one historian, "the distribution of the bills led to continually increasing appropriations and made it more difficult to keep expenditures within the limits of receipts."⁶ Some Members believed that the guaranteed funding mechanism provided by deficiencies encouraged Congressional underestimates of needs in regular appropriation bills. House Appropriations Committee Chairman and future President James Garfield resented the common occurrence of "coercive deficiencies":

One of the vicious party devices too often resorted to for avoiding responsibility for extravagance in appropriations is to cut down the annual bills below the actual amount necessary to carry on the government, announce to the country that a great reduction has been made in the interest of economy, and after the elections are over, make up the necessary amounts by deficiency bills.⁷

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4. See Allen Schick, *Legislation, Appropriations, and Budgets: The Development of Spending Decision-Making in Congress* (Congressional Research Service, May 1984), p. 7. Schick found that in less than 10 years in the early 1800s the number of appropriation items for the "support of government" almost doubled.
 5. *Hinds' Precedents of the House of Representatives of the United States*, vol. 4, chap. XCIV, sec. 3553 (Government Printing Office, 1907), p. 351.
 6. Lucius Wilmerding, Jr., *The Spending Power* (New Haven: Yale University Press, 1943), p. 143.
 7. James A. Garfield, "National Appropriations and Misappropriations," *North American Review*, no. 271 (June 1879), p. 750, as cited in Wilmerding, *The Spending Power*, p. 141.

The Congress tried on many occasions to reduce the use of deficiency appropriations, but progress was halting. One approach was to allow some agencies more flexibility in spending, as in the mid-nineteenth century when the Congress granted some agencies transfer authority to cover deficiencies in one area with surpluses in another. In 1868, as the Congress recaptured some of its responsibilities in the aftermath of the Civil War, it repealed all acts that authorized transfers.⁸

A more promising approach, which gave the Treasury the mechanism of periodic apportionments as a means of controlling agency obligation of funds, was contained in the Antideficiency Act of 1905. This act was modified the following year to allow waivers only in the case of unanticipated "extraordinary emergencies." The legislation was only moderately effective in curtailing deficiencies, and accusations continued to be made of deliberate underfunding by the Congress and coercive deficiency requests by the agencies. This discontent contributed to the adoption of the Budget and Accounting Act of 1921, which further centralized executive budgetary powers by creating a Bureau of the Budget. The Congress also centralized jurisdiction over appropriation bills with the Appropriations Committees. Nevertheless, in 1930, deficiencies still represented almost 10 percent of appropriations.⁹ The Antideficiency Act was rewritten in 1950 to encourage agencies to set aside reserves for unanticipated expenses. It also sanctioned deficiency appropriations only for legislation enacted after the President's budget submission and for emergencies related to the preservation of human life and property.

Before the Antideficiency Act of 1950, critics of supplementals had viewed coercive deficiencies as tools to subvert or usurp Congressional control of appropriations. But as the revision of the act effectively constrained agency discretion, critics of supplementals began to focus their attention on the planned use of supplementals by the Congress. In 1966, the Joint Committee on the Organization of the Congress expressed concern over the potentially deceptive use of supplemental appropriations: "It is misleading to project an image of economy by smaller appropriations with the knowledge that a supplemental will be forthcoming."¹⁰ The report strongly cautioned against the passage of supplementals "in the absence of a com-

8. See Louis Fisher, *Presidential Spending Power* (Princeton: Princeton University Press, 1975), p. 104.

9. Arthur Eugene Buck, *The Budget in Governments of Today* (New York: MacMillan, 1934), p. 222.

10. "Organization of Congress," Final Report from the Joint Committee on the Organization of the Congress, Senate Report No. 1414 (Government Printing Office, 1966), p. 33.

elling necessity to do so," and recommended that appropriations committee reports provide more extensive justification of why supplemental requests could not have been either foreseen or postponed until the next round of regular appropriations.

The Congressional Budget Act of 1974 was intended to provide the Congress with a more comprehensive process for the consideration of budgetary matters. Concern over the the frequency, size, and impact of supplemental appropriations played a role in its adoption, as indicated in a statement of the Senate Government Operations Committee that the budget resolution would "integrate the supplementals into the overall picture."¹¹ The Budget Act required the President's budget submission to include allowances for "additional estimated expenditures" and "unanticipated uncontrollable expenditures," and its sponsors assumed that budget resolutions would also reflect these allowances.¹² However, some critics viewed the allowances function as a type of "slush fund," fearing that it might actually encourage supplemental funding.¹³

CURRENT PROCEDURES: EXECUTIVE REVIEW AND SUBMISSION OF SUPPLEMENTAL REQUESTS TO THE CONGRESS

If an agency expects to run out of funds before the end of the fiscal year, it may ask the Office of Management and Budget (OMB) to approve a supplemental request. OMB may refuse if it believes that the request is not adequately justified. Its guidelines state that agency supplemental requests must be accompanied by information "indicating why the request [was] not included in the regular estimates for the period concerned and the reasons why it is considered essential that the additional appropriation be granted during the year."¹⁴ OMB urges agencies to make every effort to wait until the succeeding fiscal year. According to OMB, supplemental requests will be considered only if:

11. Report of the Senate Government Operations Committee, *Federal Act to Control Expenditures and Establish National Priorities*, Senate Report 93-579 (Government Printing Office, November 1973), p. 23.
12. 31 USC 1105(a)(13)-(14).
13. See Louis Fisher, *Supplemental Appropriations: History, Controls, Recent Record*, Congressional Research Service, April 12, 1979, Appendix B, pp. 38-39; See also Allen Schick, *Congress and Money* (Washington, D.C.: The Urban Institute, 1980), p. 476.
14. "Preparation and Submission of Budget Estimates," OMB Circular A-11, June 1988, sec. 15.3.

- existing law requires payments within the fiscal year (e.g., pensions, entitlements, etc.);
- liability accrues under the law and it is in the government's interest to liquidate the liability as soon as possible (e.g., claims on which interest is payable);
- an emergency situation arises that requires unforeseen outlays for the preservation of life or property;
- increased workload is uncontrollable except by statutory change; or
- new legislation enacted after the submission of the annual budget will require additional funds within the fiscal year.¹⁵

Beginning in 1986, after enactment of the Balanced Budget Act, OMB added the requirement that agencies offer current-year budget cuts to offset their supplemental requests for discretionary programs. Agencies that failed to offer these cuts were to provide a "fully justified explanation" why they could not. (OMB generally has not required these offsets for "mandatory" programs that need supplemental appropriations to finance outstanding obligations.) In 1988 OMB issued stricter instructions, informing the agencies that under the Bipartisan Budget Agreement of October 1987 "no supplemental appropriations . . . [would] be requested for FY 1988 and FY 1989 except in dire emergencies."¹⁶ In practice, some Presidentially favored agencies have not been subjected to this strict prohibition.

The current restrictions represent a marked tightening in comparison with the Budget and Accounting Act of 1921, which instructed the President to submit requests for supplemental and deficiency appropriations that "the President decides are necessary because of laws enacted after submission of the budget or that are in the public interest."¹⁷ Under the 1921 legislation, the President is free to submit supplemental requests that are deemed to be in the "public interest," even if they are not urgent. Nevertheless, the law stipulates that "the President shall include the reasons for the submission of the proposed appropriation and the reasons . . . [they] were not included in the budget."

15. OMB Circular A-11. June 1988, sec. 61.1.

16. "Annual Budget Preparation," OMB allowance letter, Exhibit 496A, Examiners' Handbook, February 12, 1988.

17. 31 USC 1107.

The President makes most supplemental requests for the current year in conjunction with the budget proposal for the succeeding fiscal year. Additional supplemental requests and amendments to the original request are submitted in Presidential communications as the year progresses. Presidential submissions have regularly included not only supplementals for unforeseen needs, but also supplementals covering deficiencies and even "anticipated" supplementals. Two types of deficiencies may lead to the submission of supplemental funding requests. First, the President may request funding to cover an actual deficiency or "overobligation" of agency funds. In these cases, the Antideficiency Act's penalties may apply and a report must be submitted to the Congress and the President on the violation. More commonly, requested supplementals would obviate the need for deficiency spending or program shutdown.¹⁸ Anticipated supplementals are those items that were not expected to be funded in regular appropriations because they lacked the necessary authorization, but were thought to be of sufficient priority to be suitably funded in a supplemental.¹⁹

CURRENT PROCEDURES: CONGRESSIONAL CONSIDERATION

The Appropriations Committees usually hold hearings and consider supplemental appropriation requests in much the same way that regular appropriations are considered, although especially urgent items may receive abbreviated treatment. The approved requests and Congressionally initiated supplementals are usually consolidated into an omnibus supplemental bill. Especially urgent items may be considered in a separate bill. Along with providing additional appropriations, supplemental bills have often been vehicles for a variety of revisions in current-year spending and even for some non-spending legislation.

Guidelines for supplemental appropriations are established in the budget resolution. The resolution sets spending ceilings for the coming year, and allocates spending among the authorizing and appropriating committees. It also divides spending into functional categories, one of which is "Allowances" (function 920). This function can be used to recognize probable funding for contingencies that have not been included in the other functions and that are likely to be considered in supplemental appropriation bills. The allowances function has usually been divided into several subfunctional classifications: civilian agency pay raises, contingencies for specific requirements, relatively uncontrollable programs, and other requirements. Never-

18. "Instructions on Budget Execution," OMB Circular A-34, August 1985, sec. 43.2, pp. IV-3-4.

19. OMB Circular A-11, June 1988, sec. 61.2.

theless, the budget resolution has only infrequently included amounts for contingencies other than pay raises, although recent budget resolutions have treated expected administrative or other savings as negative allowances. Following the provision in the Bipartisan Budget Agreement of 1987 that supplementals would be requested only for dire emergencies, the 1989 and 1990 budget resolutions contained no allowances for pay.

Supplemental appropriation bills are technically subject to a point of order against their consideration, to the extent that they would breach the level stipulated in the budget resolution for budget authority and/or outlays. Most have not been actually subjected to these points of order, however. Members have refrained from raising points of order against some popular supplemental bills, such as those funding veterans' compensation benefits. Most supplemental bills have been protected by other means, either through the revision of the budget resolution to allow additional spending or because the point-of-order rule was waived.²⁰

20. Appropriations that would exceed the subdivisions made under section 302(b) of the Congressional Budget Act are subject to a point of order under section 302(f) and therefore require a waiver of this section to allow for consideration. A waiver of sec. 311(a) is required for consideration of supplemental appropriations that would exceed the annual spending ceilings set forth in the budget resolution. In the Senate, such a waiver is required if the maximum deficit target under the Balanced Budget Act would be surpassed. In the Senate, such waivers require a three-fifths vote. In the House, a waiver may not be necessary if discretionary and entitlement spending allocations to committees would not be exceeded. This exemption for the House is provided by section 311(b) and is known as the "Fazio exception."

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CHAPTER II

THE MAGNITUDE AND BUDGETARY

SIGNIFICANCE OF SUPPLEMENTAL

APPROPRIATIONS

In 1981-1989, the Congress enacted 27 bills containing supplemental appropriations, an average of three per year. Yet the share of the federal budget funded this way in the 1980s was very small--about 1.1 percent of total budget authority. During the 1970s, the share of the budget funded through supplementals had been six times larger. Supplemental bills continued to be significant in their scope, however: over 600 budget accounts received supplemental appropriations during the 1980s.

SUPPLEMENTALS, RESCISSIONS, AND TRANSFERS

Supplemental appropriation bills may both add and rescind budget authority. Table 1 shows annual totals for supplemental budget authority and rescissions in supplemental bills from 1981 to 1989. A rescission cancels budget authority that was granted to an agency in a previous appropriation bill. "Budget authority before rescissions" is the total budget authority added in supplemental bills before subtracting rescissions. "Budget authority net of rescissions" is the budget authority added in supplemental bills less the amount of budget authority rescinded.

Net budget authority enacted in supplemental appropriations totaled \$98.6 billion in the 1981-1989 period, ranging from a low of \$1.3 billion in 1988 to a high of \$21.1 billion in 1983. The uneven pattern of rescissions was a major contributor to the volatility of net supplemental budget authority over this period. Rescissions ranged from \$14.3 billion in 1981 to \$20 million in 1988.¹ A more consistent trend is visible if one excludes rescissions. Budget authority before rescissions declined from a peak of \$27.1 billion in 1982 to a low of \$1.3 billion in 1988, with an increase to \$5.7 billion in 1989. (The mandatory/discretionary distinction in Table 1 is discussed below.)

1. The CBO Staff Working Paper on supplementals in the 1970s reported only net budget authority. Most rescissions in those years were enacted in separate rescission bills, and their magnitude was smaller than in the 1980s. See Congressional Budget Office, "Supplemental Appropriations in the 1970s" (July 1981).

TABLE 1. SUPPLEMENTAL APPROPRIATIONS BEFORE AND AFTER RESCISSIONS, 1981-1989 (In millions of dollars of budget authority)

Year	Before Rescissions			Total Rescinded	After Rescissions		
	Mandatory	Discretionary	Total		Mandatory	Discretionary	Total
1981	4,224	16,993	21,217	14,294	4,224	2,699	6,923
1982	15,287	11,812	27,099	6,079	15,287	5,733	21,020
1983	15,264	7,469	22,732	1,609	15,264	5,859	21,123
1984	2,331	14,350	16,681	460	2,331	13,891	16,222
1985	9,180	6,365	15,545	741	9,180	5,624	14,804
1986	12,597	2,648	15,245	12,996	12,597	-10,348	2,249
1987	6,005	3,966	9,970	601	6,005	3,365	9,370
1988	1,207	115	1,322	20	1,207	95	1,302
1989	2,737	2,924	5,663	48	2,737	2,876	5,615
Total	68,831	66,642	135,476	36,848	68,831	29,794	98,628

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

Under a long-standing budget scorekeeping rule, rescissions are netted against budget authority to arrive at the budget totals. It can be argued, however, that budget authority before rescissions is a more meaningful measure of the effect of supplemental bills on the obligational authority provided to agencies, because over half of the rescinded funds were unlikely to have been spent if they had remained available, or were scheduled to lapse in the near future. Most of those rescissions were for low-income housing programs and energy programs.² For example, \$11.3 billion of housing budget authority was rescinded in 1986, following the forgiveness of public housing debt by the Department of Housing and Urban Development. The Senate Appropriations Committee report contained the following statement on this rescission:

The recently enacted Reconciliation Act of 1985 (Public Law 99-272) provides for the forgiveness of existing long-term debt of public housing development and improvement costs. These sums, formerly financed by tax-exempt notes and bonds, have been converted to direct federal debt due to questions over the tax status of prior issuances. Public Law 99-272 eliminated this direct federal debt since the federal government is con-

2. Rescissions in housing programs were frequently enacted in regular appropriation bills as well.

tractually obligated to pay for debt service, and in that sense continuation of such obligations constituted paper transactions with no programmatic purpose.³

Besides making supplemental appropriations and rescinding previous appropriations, supplemental bills also transfer unused budget authority from one account to another. A transfer is equivalent to a rescission from one account and a supplemental appropriation of an equal amount to another account. Transfers do not affect the budget authority total, but they affect outlay totals when the programs involved in the transfer spend out at different rates.

Over \$11 billion in transfers were enacted in supplemental bills in the 1980s. In 1981, almost as much budget authority was made available by transfer as was added in net budget authority. In the 1985-1987 period, the Congress transferred more than \$1 billion in budget authority annually, as shown below (in millions of dollars):

1981	\$6,699
1982	786
1983	152
1984	217
1985	1,023
1986	1,105
1987	1,123
1988	132
1989	<u>207</u>
Total	\$11,445

THE SIZE AND TIMING OF SUPPLEMENTAL APPROPRIATION BILLS

In the 1980s, at least one multipurpose or "omnibus" supplemental bill was passed every year. One or two single-purpose bills were enacted each year to deal with a particular disaster or perceived crisis, except in 1983. This pattern represents a departure from most of the 1970s, when more single-purpose supplemental appropriation bills were enacted. In 1977, the peak year of supplemental appropriation activity in the 1970s, the Congress enacted 11 separate supplemental appropriation measures, one of which pro-

3. Senate Report 99-301, accompanying H.R. 4515, *Urgent Supplemental Appropriations Bill*, 1986, p. 57.

vided only \$6 million.⁴ The consolidation of supplemental appropriations into larger bills in the 1980s is consistent with the overall trend toward increased use of omnibus-type legislation.⁵ Appendix A lists the supplemental bills passed in the 1980s.

The distribution of items in supplemental appropriation bills is shown in Table 2.⁶ The Congress enacted about 350 supplemental appropriation items per year during the 1980s. The number of items enacted in 1986, 1988, and 1989 was substantially lower, because funding for pay raises for federal workers was not provided in supplemental bills in those years. Pay-increase items were about 43 percent of all items enacted in supplemental appropriation bills, and other budget authority items accounted for another 34 percent. Rescission items--about 9 percent of the total--were bunched in 1981 and 1985. Transfers made up about 12 percent of the number of items enacted in supplemental appropriations.

The residual items in supplemental bills were deferral disapprovals. The Impoundment Control Act of 1974 gave the President the authority to delay the obligation of budget authority, but reserved to the Congress the right to disapprove such deferrals. Until the Supreme Court's *INS v. Chadha* decision (1983) invalidating the one-house veto, either house could veto a Presidential deferral by passing a simple resolution. In 1981 and 1982, for example, the Congress disapproved \$757 million in deferrals, and no deferrals were included in supplemental bills.⁷ In 1983, anticipating that the Supreme Court would affirm the lower court's decision in the *Chadha* case, the Congress began to use supplemental appropriation bills as the mechanism for disapproving deferrals. The Congress enacted 47 deferral disapprovals in supplemental appropriations between 1983 and 1987, freeing over \$9 billion in budget authority for agency obligation. The Congress believed that some of the deferrals were intended to override policy decisions already enacted into law, rather than to maximize efficiency in administering funds--

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4. Congressional Budget Office, "Supplemental Appropriations in the 1970s," p. 31.
 5. Allen Schick, "The Whole and the Parts: Piecemeal and Integrated Approaches to Congressional Budgeting," House Budget Committee, Serial CP-3 (February 1987), p. 44.
 6. These data exclude legislative items that do not affect budget authority, such as items that alter credit limitations and authorizing legislation or "general" provisions.
 7. Based on data included in the OMB monthly "Cumulative Report on Rescissions and Deferrals."

TABLE 2. DISTRIBUTION OF ITEMS IN SUPPLEMENTAL APPROPRIATION BILLS, 1981-1989

	Budget Authority		Rescissions	Transfers	Deferral Disapprovals	Total
	Pay	Other				
1981	231	142	137	49	0	55
1982	226	141	9	51	0	427
1983	210	173	3	36	3	425
1984	183	185	6	60	2	436
1985	160	134	100	45	18	457
1986	0	77	12	24	14	127
1987	352	120	7	79	10	568
1988	0	10	2	8	0	20
1989	<u>1</u>	<u>107</u>	<u>5</u>	<u>16</u>	<u>0</u>	<u>138</u>
Total	1,363	1,089	281	378	47	3,157

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

the traditional use for deferrals.⁸ In January 1987, the U.S. Court of Appeals declared the President's policy deferral authority invalid, eliminating the need to use supplementals for disapproval of policy deferrals.⁹

The consolidation of supplemental appropriation bills has probably streamlined Congressional consideration of supplemental requests, but may have delayed passage of the omnibus bills. In the 1980s, 52 percent of supplemental budget authority before rescissions was enacted in the last quarter of the fiscal year (see Table 3). Only two supplemental bills were enacted in the first quarter. The first of the two came to the House floor on October 5, 1983, just four days after fiscal year 1984 had begun, and was enacted at the end of November. Its early timing was explained as a response to the relatively early passage of a regular appropriation bill in July, but it also was presented as a vehicle for amendments that Senators had agreed not to offer to the short-term continuing resolution passed on September 30.¹⁰ The

8. See Senate Report 99-301, accompanying H.R. 4515, *Urgent Supplemental Appropriations Bill*, 1986, pp. 1, 58.

9. *City of New Haven, Conn. v. U.S.*, 809 F.2d 900 (D.C. Cir. 1987).

10. *Congressional Record*, October 5, 1983, H 8016.

TABLE 3. QUARTERLY TIMING OF SUPPLEMENTAL APPROPRIATIONS, BY NUMBER OF BILLS AND AMOUNTS OF BUDGET AUTHORITY (In numbers of bills and billions of dollars, before rescissions)

Year	First Quarter		Second Quarter		Third Quarter		Fourth Quarter	
	Bills	Authority	Bills	Authority	Bills	Authority	Bills	Authority
1981	0	0	0	0	1	21.2	1	a
1982	0	0	2	7.1	0	0	2	20.0
1983	0	0	1	15.6	0	0	1	7.1
1984	1	8.9	1	0.3	0	0	2	7.6
1985	0	0	0	0	1	0.8	2	14.8
1986	0	0	2	6.5	0	0	1	8.8
1987	0	0	1	0	0	0	1	10.0
1988	0	0	1	0	1	0.7	1	0.6
1989	<u>1</u>	<u>1.0</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>3.6</u>	<u>1</u>	<u>1.1</u>
Total	2	9.8	8	29.4	5	26.3	12	70.0

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

a. Less than \$50 million.

other supplemental provided funding for antidrug and related programs, and was enacted as the last title of the bill authorizing this spending.

The House and Senate spent all or part of 119 days of floor consideration on enacted supplemental bills from 1981 to 1989, not counting consideration of conference reports or time spent on bills that were not enacted or that were vetoed and not overridden. Some supplemental bills have been the subjects of numerous amendments, particularly in the Senate. For example, in 1983 Senators proposed 59 amendments to H.R. 3069 and adopted 49 of them over six days of consideration.¹¹

REQUESTED AND ENACTED SUPPLEMENTAL APPROPRIATIONS

Presidents have occasionally criticized the Congress for passing large supplemental appropriation bills, even though most of the budget authority granted as supplemental appropriations has been requested by Presidents.

11. Data compiled by CBO from Congressional Calendars and by the Congressional Research Service from Congressional Record Daily Digests. See Charles Normand, *A Summary of Congressional Action On Supplemental Appropriations in the 96th-98th Congresses*, Congressional Research Service (October 26, 1984).

TABLE 4. ENACTMENT OF ADMINISTRATION'S REQUESTS FOR SUPPLEMENTAL APPROPRIATIONS, 1981-1989 (In numbers of items and billions of dollars of budget authority, before rescissions)

	Enactments Equal to Administration's Request (Number of items)	Enactments Exceeding Administration's Request		Enactment Below Administration's Request	
		Number of Items	Difference Between Request and Enactment	Number of Items	Difference Between Request and Enactment
1981	198	48	0.7	128	2.1
1982	206	84	2.3	77	1.8
1983	159	140	5.4	86	0.3
1984	158	130	2.4	79	0.6
1985	152	97	2.1	45	0.7
1986	23	49	7.7	6	0.6
1987	247	147	1.6	83	3.0
1988	4	6	0.2	0	0
1989	16	60	2.5	6	0.1
Subtotal	1,163	761	25.0	510	8.6
Total Budget Authority Enacted	73.3		34.6		27.5

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

Furthermore, enacted amounts are the products of negotiations between the legislative and executive branches; in the 1980s, the President signed almost all of the supplemental bills that the Congress passed.¹²

In Table 4, Presidentially requested supplementals are compared with enacted amounts by item, before rescissions. Enacted amounts were equal to requested amounts for 48 percent of the items, representing 55 percent of the budget authority before rescissions. Enacted amounts were \$8.6 billion below the request level for 21 percent of the items, but \$25.0 billion above the request level for the remaining 31 percent (including those items for which the request was zero). Four bills accounted for most of the unrequested supplemental appropriations. In 1983, the Congress enacted a supplemental bill with \$6.8 billion of unrequested items, most of which were intended to in-

12. None of the enacted supplemental bills was passed over the President's veto. P.L. 97-257 became law without the President's signature.

TABLE 5. SUPPLEMENTAL RESCISSIONS REQUESTED AND ENACTED, 1981-1989 (In millions of dollars of budget authority)

Year	Requested	Enacted
1981	15,301	14,294
1982	8,037	6,079
1983	1,579	1,609
1984	380	460
1985	1,053	741
1986	1,586	12,996
1987	553	601
1988	0	20
1989	6	48
Total	28,494	36,848

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

crease employment. In 1986, the Congress appropriated almost \$6.5 billion for the Commodity Credit Corporation in two separate bills, even though formal requests had not been transmitted by the President. In 1989, the Congress anticipated an Administration request by appropriating \$1.1 billion for disaster assistance after Hurricane Hugo.

While Table 4 shows requested and enacted appropriations before rescissions, most such comparisons are made net of rescissions.¹³ Table 5 shows requested and enacted rescissions during the 1980s. In Table 6, requested and enacted supplemental budget authority are compared net of the rescissions shown in Table 5. Enacted amounts were \$1.7 billion more than the President's requests.¹⁴

13. During the 1970s, the Congress provided only 95 percent, on average, of the President's requests (net basis). See Congressional Budget Office, "Supplemental Appropriations in the 1970s," p.4.

14. The Congress regularly enacted rescissions that were not requested by the President, and also rejected billions of dollars in rescissions proposed by the President. In 1986 and 1987, nearly \$14 billion of requested rescissions did not receive active consideration in supplemental appropriation bills, primarily because the proposed rescissions were similar or identical to reductions proposed by the Administration in the regular appropriation process or to previously rejected rescissions. The Appropriations Committee data used for this study exclude rescission requests that were not actively considered by the Congress.

TABLE 6. SUPPLEMENTAL APPROPRIATIONS REQUESTED AND ENACTED, 1981-1989 (In millions of dollars of budget authority after rescissions)

Year	Requested	Enacted	Enacted- Requested
1981	8,488	6,923	-1,564
1982	19,796	21,020	1,225
1983	16,099	21,123	5,024
1984	16,276	16,222	-54
1985	13,597	14,804	1,207
1986	6,114	2,249	-3,865
1987	12,114	9,370	-2,744
1988	1,050	1,302	253
1989	<u>3,371</u>	<u>5,615</u>	<u>2,244</u>
Total	96,902	98,628	1,726

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

THE BUDGETARY SIGNIFICANCE OF SUPPLEMENTAL APPROPRIATIONS

Many observers of federal budgeting have noted that its focus has been on the preparation of budgets rather than on their execution. Supplemental bills have historically received less scrutiny than the budget for the upcoming fiscal year, raising the question whether supplementals are being used to increase spending above budget targets.

Data for the 1970s suggest that supplemental bills often caused spending to exceed targets. The 1980s data, however, show the contribution to spending from supplemental bills as extremely small. Supplemental appropriations provided only 1.1 percent of budget authority during the period, and discretionary supplementals provided a smaller 0.3 percent of budget authority. The latter figure is the more meaningful, because the appropriations process effectively controls only "discretionary" spending.

Nondiscretionary or "mandatory" programs are of two types: Some programs are required by authorizing legislation to make payments regardless of the fact that they receive financing through the annual appropriation process. Other programs receive appropriations that are considered to be mandatory

by the Congress. Both types of programs are classed as mandatory in this study; all others are classed as discretionary.¹⁵

The provisions in the Congressional Budget Act, the Balanced Budget Act, and the Balanced Budget Reaffirmation Act that were intended to limit the passage of supplementals have presumably been effective to a large degree. Nevertheless, supplementals have contributed to spending above that planned in budget resolutions. A precise estimate of the contribution of supplementals to deficits during the 1980s would be difficult to make because of the changes in scorekeeping classifications over the period. An earlier CBO analysis of the differences between budget resolution deficits and actual deficits found that discretionary appropriations caused actual deficits to exceed budget resolution assumptions by an average of \$2.3 billion in the 1981-1988 period.¹⁶ Supplementals undoubtedly contributed to the differences, but underlying most of the differences were inaccurate economic and technical assumptions about revenues and outlays.

Two procedural methods have permitted the Congress to consider supplemental bills that would, if adopted, violate the spending ceilings in the annual budget resolutions. The House permitted waivers of the Budget Act's points of order against such violations for major supplemental bills in 1981, 1982, 1983, 1985, 1986, and 1987, and the Senate also used waivers.¹⁷ Not all of these waivers caused the budget resolution targets to be exceeded, however, because floor amendments, conference compromises, and vetoes sometimes resulted in lower appropriations. The other method of providing for

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15. During most of the 1980s, the House, the Senate, and the executive branch disagreed about the proper categorization of certain programs as mandatory or discretionary. The Bipartisan Budget Agreements of October 1987 and April 1989 have produced an operating agreement on the categorization of mandatory and discretionary programs. The data in this report are consistent with the 1989 agreement. These classifications produce data that diverge somewhat from past classifications. Appropriations for the Food Stamps program and for firefighting were classified as discretionary during most of the 1980s, even though they were usually treated as if they were mandatory. These appropriations are classified as mandatory in this report, consistent with the 1989 agreement. Several other programs—Pell grants and veterans health, in particular—continue to be classified as discretionary, although arguably they have also been treated as mandatory during the 1980s.
 16. This analysis is printed in House Budget Committee, *Views and Estimates of the Committees of the House on the Congressional Budget for Fiscal Year 1990* (February 25, 1989), p. 99.
 17. Information on House Budget Act waivers may be found in the end-of-session *Survey of Activities of the House Committee on Rules* for each Congress. See also Edward M. Davis, *Waivers of the 1974 Budget Act Considered in the House During the 100th Congress*, Congressional Research Service (September 18, 1989), and Robert Keith, *Waivers of the 1974 Budget Act Considered in the Senate During the 100th Congress*, Congressional Research Service (February 3, 1989).

the consideration of supplemental bills was to raise the ceilings in the budget resolutions. Most of the increases were in the ceilings for mandatory spending, but in the 1981-1984 period increments were also added for discretionary appropriations. Since 1985, budget resolution ceilings have not been revised in this manner.

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CHAPTER III

CAUSES OF SUPPLEMENTAL

APPROPRIATIONS

Supplemental appropriations can be divided into those for mandatory programs--that is, programs required by authorizing legislation to make payments regardless of the fact that they receive financing through the annual appropriation process--and those for discretionary programs that the Congress controls through the annual appropriation process. This distinction is useful in analyzing the causes of supplementals.

To provide a full measurement, the data in this chapter are gross of transfers. Transfers in and out of accounts are functionally equivalent to appropriations and rescissions, respectively. Therefore, transfers into accounts have been added to supplemental appropriations and transfers out of accounts have been added to rescissions.¹

MANDATORY SUPPLEMENTALS

Almost half of supplemental budget authority appropriated in the 1980s was for mandatory programs. Regular appropriations often fail to provide the level of support intended for mandatory programs because of unanticipated changes in program administration, demographic conditions, and other factors. Mandatory supplemental appropriations are divided into the categories of appropriated entitlements, payments to trust funds, and other mandatory programs.

Entitlements--for example, unemployment compensation benefits--create legal rights for beneficiaries to receive payments, regardless of whether the agencies administering them have enough funds to make all the required payments. Most entitlement programs have been granted permanent appropriations. The remaining entitlement programs are called "appropriated entitlements" because they receive at least some funds from annual appropriation bills. In the event that these appropriations are insufficient, the eli-

1. The following analysis draws upon explanations provided by House and Senate Appropriations Committee reports. The committees occasionally offered multiple justifications for supplementals. These mixed explanations were counted in the category that seemed to best describe the majority of the budget authority in that item. There were few differences between the explanations of the House and Senate; when both were available, the House explanation was used because the House tended to be more informative.

gible beneficiaries can successfully sue the government for payment of their claims. The entitlement of beneficiaries to payment makes those programs mandatory even though they are funded through the annual appropriation process. Examples of appropriated entitlement programs are veterans disability compensation and Commodity Credit Corporation programs. Supplemental appropriations to the CCC accounted for over half of all mandatory supplementals in the 1980s (see Table 7).

Mandatory payments to trust funds are similar to appropriated entitlements. Trust funds receive the bulk of their income from tax payments or contributions that are dedicated by law. Trust funds also receive payments from other budget accounts that have obligations to the trust funds. For example, the Social Security trust funds receive payments for military service credits, and the Civil Service Retirement fund receives contributions from agencies for retirement benefits. Large mandatory supplemental appropriations were made to trust funds in 1982, 1983, and 1985. These were necessitated by the effects of the recession, by the extension of unemployment compensation benefits, and by the Social Security Act Amendments of 1983.

TABLE 7. MANDATORY AND DISCRETIONARY SUPPLEMENTAL APPROPRIATIONS, 1981-1989 (In millions of dollars of budget authority before rescissions)

Year	Mandatory				Discretionary	
	Appropriated Entitlements		Payments to Trust Funds	Other	Pay	Other
	CCC ^a	Other				
1981	0	1,703	522	2,016	5,987	17,688
1982	10,000	1,502	2,259	1,558	6,399	6,167
1983	5,708	538	7,422	1,615	819	6,782
1984	0	1,040	248	1,091	2,190	12,329
1985	3,936	982	3,548	720	2,330	5,052
1986	11,793	574	0	235	3	3,745
1987	5,563	207	0	288	1,721	3,315
1988	0	681	0	526	0	248
1989	16	2,355	2	364	6	3,127
Total	37,016	9,580	14,001	8,415	19,455	58,454

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

a. Payments to the Commodity Credit Corporation for farm commodity programs.

The category of other mandatory appropriations includes appropriations for a variety of programs not considered to be entitlements, but under which the government nevertheless has an obligation to make payments. For example, mandatory supplemental appropriations are made to the Guaranteed Student Loan program when it exhausts its budget authority for reimbursing lenders after student borrowers default. Certain other programs, in which the government has no legal obligation to provide funds beyond the amounts contained in regular appropriation bills, have acquired mandatory status because the government has consistently funded them to the full extent authorized by law, and is expected to continue doing so.

The mandatory nature of some appropriated programs has created an opportunity to underfund programs in regular appropriation bills. In the early 1980s, the Office of Management and Budget charged that the Congress funded mandatory appropriations below requested levels and transferred the freed balances to discretionary accounts. In return, the Congress alleged that the Administration underfunded certain programs in order to stimulate cuts in spending.

DISCRETIONARY SUPPLEMENTALS

Discretionary supplementals were made in the 1980s for a wide variety of reasons, most notably to cover some of the costs of civilian pay raises. Economic considerations and delays in authorizing legislation, which caused a significant portion of supplementals in the 1970s, were no longer as important in the 1980s.

Civilian Pay

Pay was the largest category of discretionary supplementals in the 1980s. Almost all of the supplementals in the pay category were intended to fund civilian pay raises, and the remainder went for pay-related items such as the 1987 appropriation to establish the new retirement system for federal employees. Transfers provided \$1.5 billion to meet pay costs; within the Department of Defense, more than \$900 million was transferred in 1985.

The process for setting civilian pay raises begins with studies by the Department of Labor and the Office of Personnel Management on the comparability of federal and private pay. The President then proposes a specific pay raise to the Congress, and this takes effect in January unless the Congress enacts a different pay raise. During most of the 1980s, the Congressional decision on pay was made late in the regular appropriation process; the Appropriations Committees had no way of knowing how much money would be required to fund the increase, and therefore put off that decision

until supplemental appropriations could be enacted. In contrast, the Armed Services Committees have typically given early indications of the pay raises they wanted for military employees, allowing them to be financed by regular appropriation bills.

Agencies have traditionally been told to finance a portion of their pay raises by reducing their administrative or other expenses. This type of reprogramming is known as "absorption." The budget resolution allows additional budget authority for the estimated costs of raises after absorption, but these costs are not funded until roughly a year later, when a supplemental is enacted. Supplementals for pay have often been somewhat larger or smaller than the amounts assumed in the budget resolutions. No pay raise supplemental was enacted in 1988 because the Bipartisan Budget Agreement provided that the costs of this pay raise would be fully absorbed by the agencies. No pay increase was granted to civilian workers in 1986.

Economic Considerations

Another major category of discretionary supplementals in the 1980s was those motivated by economic considerations. When adverse price changes make it more expensive to administer programs than originally projected, supplementals are often provided. In addition, the Congress has occasionally chosen to counteract an economic downturn by enacting a "stimulus" in the form of supplemental appropriation bills, which either create new programs or provide additional funding for existing programs and activities. In the 1970s, economically motivated supplementals were the largest category of supplementals; between 1975 and 1977, they accounted for an average of almost half of supplemental budget authority.²

In the 1980s, economically motivated supplementals were less frequent, and almost all of them were related to two events: the rapid inflation of the 1979-1981 period and the recession of 1982. Nearly \$4 billion of funds were provided in 1981 to cover price increases, most of which went to the Defense Department--for higher-than-anticipated fuel costs and for increases in procurement costs that were recognized belatedly by the Department of Defense. In 1982 and 1983, almost \$13 billion was appropriated in response to unemployment resulting from the recession: about 55 percent of it for the unemployment compensation fund (this was mandatory), and the rest for a wide variety of programs with the intent of stimulating employment. With relatively strong economic conditions from 1984 to 1989, no major supplemental appropriations were justified by appeals to economic conditions.

2. Congressional Budget Office, "Supplemental Appropriations in the 1970s" (Staff Working Paper, July 1981), pp. 23-26.

Authorizing Legislation

Authorizing legislation establishes government programs and activities. The authorizations of some programs expire periodically. According to House and Senate rules, if an appropriation is proposed for a program whose authorization has expired, the appropriation is subject to a point of order that may prevent its consideration.³ When delays in the passage of authorizing legislation impede funding through regular appropriations, they sometimes lead to supplementals, as may new legislation enacted after the consideration of regular appropriations.⁴ More than a third of supplemental appropriations in the 1970s resulted from new or late authorizing legislation.⁵ During the 1980s, however, the Appropriations Committees reported that authorizing legislation was responsible for only about 6 percent of supplemental appropriations, three-quarters of which were discretionary. Yet the Congress enacted a large amount of unauthorized appropriations. In 1989, for example, the Congress appropriated more than \$55 billion for programs that lacked specific authorization.⁶

The lack of authorizing legislation became a less formidable barrier to appropriations than previously, in part because of the continuing resolutions. Continuing resolutions are appropriation bills that historically were used to provide short-term funding while a policy dispute between the House and Senate, or between the President and the Congress, was resolved; more recently, they have been used to provide full-year funding. House and Senate rules against unauthorized appropriations do not apply to continuing resolutions. In addition, waivers of the House rule prohibiting unauthorized appropriations were about three times more frequent in the 99th Congress than in the 96th Congress.⁷ With certain exceptions, the authorizing

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3. Alternatively, the Congress may make appropriations contingent on subsequent authorization, or it may waive its rules.
 4. For an overview of role of authorizations in the budget process see Allen Schick, Robert Keith, and Edward Davis, *Manual on the Federal Budget Process*, Congressional Research Service, Report No. 87-286 GOV (March 31, 1987), pp. 48-58.
 5. Congressional Budget Office, "Supplemental Appropriations in the 1970s", pp. 11-17.
 6. Congressional Budget Office, "Report on Unauthorized Appropriations and Expiring Authorizations" (January 15, 1990).
 7. *Survey of Activities*, Report of the House Rules Committee, nos. 99-1042, 98-1192, 97-1007, and 96-1556. In 1984, the Rules Committee stated that its "desire to avoid reliance on continuing resolutions strongly suggest[s] that the Rules Committee should, in general, look favorably upon requests for clause 2(a), Rule XXI waivers when authorizing

(Continued)

committees often consented to the waivers rather than face the uncertainty of future funding through supplementals.⁸

When the Congress amends existing legislation or creates a new program after regular appropriations have been considered, it may choose to speed implementation by providing supplemental appropriations.⁹ In 1981, large supplemental appropriations were made for new veterans compensation and child nutrition benefits. In 1983, legislative changes required additional appropriations to the Social Security and unemployment trust funds. In 1987, legislation establishing the new retirement system for federal employees was enacted too late to be funded by a regular appropriation, and the system was funded by a supplemental. In 1989, the omnibus drug authorization was accompanied by a supplemental appropriation. Despite these examples, supplemental appropriations for new authorizations were relatively rare in the 1980s. Large federal deficits, strong Administration opposition to new spending programs, and points of order under the Budget Act all contributed to this pattern.

Other Reasons for Discretionary Supplementals

The Appropriations Committee reports often did not specify why a particular item had not been adequately foreseen and funded with regular appropriations. In some cases, the reason was so obvious that explanations were probably deemed superfluous. For example, in every year except 1986 and 1988, the Congress used the supplemental to provide payments to surviving spouses and heirs of recently deceased members of the Congress. In 1983, the \$141,000 appropriation for the "exterior renovation of the Vice-President's residence" was not explicitly justified within the report beyond a reference to the "moisture damage" sustained by the interior walls. In many other cases, the report simply did not discuss the urgency or difficulty in forecasting that had led to the supplemental.¹⁰

7. legislation has not been reported early enough in the year to facilitate timely enactment." House Rules Committee Report No. 98-1152, accompanying the Congressional Budget Act Amendments of 1984 (H.R. 5247), Part 1 (October 1984), p. 39.

8. See *Congressional Record*, June 28, 1988, H 4795.

9. For the purposes of this study, only legislation enacted after September 30, or too late to be incorporated into regular appropriations, was deemed "new legislation." During the period studied, regular appropriation bill passage occurred between mid-July and mid-October, and continuing resolutions were enacted as late as December.

10. In addition, floor amendments are not included in report language and are coded as "other."

CHAPTER IV

THE PROGRAMMATIC CONTENT

OF SUPPLEMENTALS

Seven programmatic categories of spending consistently received large supplemental appropriations and transfers during the 1980s: the Commodity Credit Corporation, foreign aid, national defense, Food Stamps, veterans, higher education, and fire fighting and other natural disasters. Table 8 shows gross supplemental appropriations for these categories and for pay by fiscal year. Alternative methods of showing the content of supplementals--by budget function and by House Appropriations subcommittee jurisdiction--are used in Appendix Tables A-2 and A-3. Table 9 shows gross supplemental rescissions by program content. Over half of rescissions in supplemental bills came from housing programs.

THE COMMODITY CREDIT CORPORATION

The Commodity Credit Corporation (CCC) received more supplemental budget authority than any other single program or category of programs in the 1980s--\$37 billion. The amount enacted for the CCC in 1986 was almost three-quarters of all supplemental budget authority provided in that year. Unlike other programs funded in supplemental appropriations, the CCC often received more than one infusion of supplemental funding in a fiscal year, with a total of nine separate supplemental appropriations over the period. The smallest granted \$1 billion in 1985, and was followed less than a month later by another for \$2.9 billion. Delayed enactment of supplemental appropriations forced the CCC to shut down its operations on eight occasions between 1985 and 1987. These shutdowns occurred despite the fact that the CCC operates entitlement programs. CCC outlays are largely determined by conditions in the commodity markets, which are very difficult to project because of the uncertain effects of the weather, farmers' responses to new programs, and interactions among different commodity markets.¹

The CCC's outlays are financed annually with two types of budgetary resources: borrowing from the Treasury to cover losses, and appropriations from the Treasury to allow the CCC to reimburse the Treasury for previous

1. See also Congressional Budget Office, *The Outlook for Farm Commodity Program Spending, Fiscal Years 1988-1993* (June 1988).

TABLE 8. MANDATORY AND DISCRETIONARY SUPPLEMENTAL APPROPRIATIONS BY MAJOR PROGRAMMATIC CATEGORY, 1981-1989 (In millions of dollars of budget authority and positive transfers)

Year	Commodity Credit Corporation		Pay		Foreign Aid		National Defense		Food Stamps	
	Mandatory	Discretionary	Mandatory	Discretionary	Mandatory	Discretionary	Mandatory	Discretionary	Mandatory	Discretionary
1981	0	0	125	5,987	2	529	6	7,209	1,741	0
1982	10,000	0	752	6,399	0	406	0	457	1,007	0
1983	5,708	0	419	819	0	787	0	668	1,190	0
1984	0	0	48	2,190	0	9,452	0	477	700	0
1985	3,936	0	92	2,330	0	3,326	0	36	319	0
1986	11,798	0	0	3	0	203	0	832	0	0
1987	5,563	0	80	1,721	0	452	0	748	0	0
1988	0	0	0	0	0	24	0	0	0	0
1989	16	0	2	6	0	113	0	0	225	0
Total	37,020	0	1,517	19,454	2	15,291	6	10,426	5,180	0
Percent of All Supplemental Appropriations	25.2	0.0	1.0	13.2	0.0	10.4	0.0	7.1	3.5	0.0

(Continued)

borrowing.² Outstanding borrowing is limited by authorizing legislation (the limit is currently set at \$30 billion). Appropriations to cover these losses are usually made in fiscal years after the losses are incurred, but in recent years anticipated losses have been so large that appropriations have been provided in the fiscal year in which they were incurred.

Appropriations for the CCC are generally provided in regular appropriation bills, but supplementals were necessary during most of the 1980s because the regular amounts proved to be insufficient. The \$37 billion enacted

2. A third method for financing the CCC--the effective sale of commodity inventories through the exchange of commodity certificates--has not been used in lieu of borrowing or appropriations. Such exchanges would typically have made market and income support policies more difficult to carry out.

TABLE 8. Continued

Year	Veterans		Higher Education		Fire and Disaster		Other	
	Mandatory	Discretionary	Mandatory	Discretionary	Mandatory	Discretionary	Mandatory	Discretionary
1981	1,461	81	0	445	160	73	746	9,351
1982	0	1	1,310	233	87	44	2,163	5,028
1983	0	341	0	115	0	25	7,967	4,848
1984	467	148	0	9	113	40	1,051	2,204
1985	175	0	720	290	323	96	3,622	1,305
1986	363	72	0	146	208	339	233	2,153
1987	180	55	0	3	24	85	212	1,972
1988	1,207	32	0	0	0	55	0	137
1989	844	373	0	0	92	1,115	1,559	1,526
Total	4,697	1,103	2,030	1,240	1,007	1,873	17,551	28,523
Percent of All Supplemental Appropriations	3.2	0.8	1.4	0.8	0.7	1.3	11.9	19.4

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

NOTE: For other accounts that frequently received supplemental appropriations, see Table 10.

in supplementals represented about a third of all CCC appropriations for the period. In the 1970s by contrast, the CCC received supplemental funding only once, since conditions in commodity markets were generally good. An alternative to providing supplemental appropriations has been to increase the CCC's borrowing authority. In 1982, 1983, and 1987, the Congress increased the borrowing authority limitation by \$5 billion in each year; the current ceiling is \$30 billion.

FOREIGN AID

Foreign aid received \$15.3 billion in supplemental appropriations in the 1980s or 10 percent of supplemental appropriations during this period. Most of these funds were provided in 1984 and 1985. In 1984, more than \$8 billion in supplemental budget authority was appropriated for an increase in the U.S. quota subscription and for an increase in loans provided through

the General Arrangements to Borrow at the International Monetary Fund (IMF). This was the largest supplemental appropriation for a single program in the 1980s, although it had no outlay effects given the budgetary accounting rules for exchanges of monetary assets. Approximately every five years, the IMF reviews the adequacy of its resources and requests an increase in quota subscriptions from its member countries. International negotiations over the subscriptions took most of the summer in 1984, and the required U.S. contribution was not known until after the regular appropriation had been enacted.

The Economic Support Fund (ESF), a program that provides economic aid for national security purposes, also received a large sum of supplemental budget authority in the 1980s. In 1985, more than \$2 billion was provided for Israel and Egypt in conjunction with negotiations between those countries on internal economic reforms. Close to \$1 billion was appropriated for African famine relief in 1985. The ESF received supplemental appropriations in smaller amounts in the other years, for a total of more than \$3 billion in the 1980s. It also received over \$300 million through transfers.

TABLE 9. RESCISSIONS AND NEGATIVE TRANSFERS IN SUPPLEMENTAL APPROPRIATIONS, 1981-1989
(In millions of dollars)

Year	Low-income Housing	Energy	National Defense	Natural Resources	Education	Other	Total Rescissions
1981	5,244	9,295	58	1,906	1,348	3,142	20,993
1982	5,678	22	219	39	48	859	6,865
1983	1,590	0	0	54	0	118	1,762
1984	354	0	137	57	8	121	677
1985	543	0	-939	61	0	222	1,764
1986	12,735	29	1,228	6	0	104	14,101
1987	532	0	0	133	287	772	1,724
1988	0	0	22	0	0	131	153
1989	0	0	15	30	6	207	257
Total	26,676	9,346	2,617	2,286	1,696	5,675	48,296
Percent of Total	55.2	19.4	5.4	4.7	3.5	11.7	100.0

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

NATIONAL DEFENSE

More than three-quarters of defense supplemental appropriations in the 1980s occurred in 1981. The \$7 billion enacted in 1981 represented a quarter of all supplemental budget authority in that year and almost 4 percent of budget authority made available for national defense. More than half of this supplemental appropriation was devoted to the procurement of military hardware. Most of the remaining funds were for operations and maintenance, particularly for fuel cost increases. Defense programs also received \$920 million by transfer (from other defense programs), mostly in 1982 and 1986. This content category excludes pay increases for the civilian employees of defense programs, which make up a significant share of supplemental money appropriated for national defense purposes.

FOOD STAMPS

Supplemental appropriations of \$5.2 billion were provided for Food Stamps over the first five years of the 1980s. Only three appropriation accounts received more money in supplementals than Food Stamps. Although it resembles many entitlement programs that provide means-tested benefits, the Food Stamps program was limited annually by appropriation legislation. In the event that projected spending exceeded the appropriation limitation, benefits were to be reduced by administrative action. The authority to reduce benefits was never used in the 1980s, however, since supplemental appropriations were always provided as necessary. Most of the underfunding in regular bills resulted from unanticipated deterioration in economic conditions and from volatile participation rates. Some underfunding also resulted from disagreements between the Administration and the Congress over the authorized level of funding. Improved economic conditions in the latter part of the 1980s were the major reason for the small amount of supplemental appropriations in that period.

VETERANS PROGRAMS

About half of the \$5.8 billion in supplemental appropriations in this category was devoted to the compensation program for veterans with service-connected disabilities. Most of these funds went for cost-of-living adjustments (COLAs). Unlike the COLAs for most other entitlement programs (including veterans' pensions), those for veterans' compensation have traditionally been funded by annual appropriation bills. Because authorizations of the COLAs have frequently been enacted after regular appropriation bills, funding often had to be provided in supplemental appropriation bills. Supplemental bills that included the COLAs have also funded expansions of benefits in the compensation program and other veterans programs. Other

major supplementals for veterans programs were caused by higher default rates in the loan guaranty revolving fund being higher than projected.

HIGHER EDUCATION

Higher education programs received \$3.3 billion of supplemental appropriations. About two-thirds went for guaranteed student loans and the bulk of the remainder for Pell grant insufficiencies. The guaranteed student loan program received mandatory supplemental appropriations because default rates and interest rates were higher than projected during the regular appropriation process. Disagreements over the authorized level of spending also led to supplementals. Projections of funding for Pell grants were made difficult by uncertainty as to the certified needs of applicants for assistance. The student financial assistance account is a discretionary one, even though Pell grants are entitlements at the student level, and supplementals were used to finance previous years' underestimates.

NATURAL DISASTERS AND FIREFIGHTING

Supplemental funding devoted to firefighting and other natural disasters ranged from \$25 million in 1983 to \$1.2 billion in 1989. In the latter year, \$1.1 billion was provided for relief costs from Hurricane Hugo. In 1985, severe weather conditions caused spending by the Federal Crop Insurance Corporation to be higher than anticipated, and the unusually large number of presidentially declared natural disasters led to provision of a large disaster relief supplemental for the Federal Emergency Management Agency in 1986. Yet average annual supplemental appropriations for natural disasters in the 1980s were only one-quarter of the average in the 1970s. The \$2 billion appropriated in response to the eruption of Mount St. Helens in 1980, and natural disaster funding in three other years, each exceeded the total appropriated in 1989.³

One-third of the funds in this category were for firefighting, the costs of which were particularly high in the 1984-1986 period. During most of the period, the President's budget did not request specific funds for the costs of fighting future forest fires. Instead, the practice was to allow agencies to transfer unobligated balances in permanently appropriated accounts and "no-year" appropriation accounts to finance obligations for firefighting, and then reimburse the source accounts from supplemental appropriations. About half of firefighting costs in the 1980s were covered from supplemental appropriations.

3. See Congressional Budget Office, "Supplemental Appropriations in the 1970s," p. 18.

TABLE 10. OTHER ACCOUNTS THAT FREQUENTLY RECEIVED
SUPPLEMENTAL APPROPRIATIONS, 1981-1989
(In millions of dollars of budget authority
and positive transfers)

Account	Amounts Added	Number of Bills
Operation of the National Park System	108.9	10
Railroad Rehabilitation and Improvement-- Financing Funds	134.9	9
National Forest System	486.1	8
Administration of Foreign Affairs--Salaries and Expenses	470.9	8
Operation of Indian Programs--Conservation and Land Management	234.5	8
Health Resources and Services	123.3	8
U.S. Fish and Wildlife Service--Resource Management	33.3	8
U.S. Senate--Salaries of Officers and Employees	3.7	8
National Park Service--Land Acquisition	238.6	7
National Oceanic and Atmospheric Administration--Operations, Research, and Facilities	203.9	7
Department of Justice--Support of U.S. Prisoners	58.0	7
Federal Bureau of Investigation--Salaries and Expenses	25.3	7
Coast Guard--Operating Expenses	207.1	6
Atomic Energy Defense Activities	190.6	6
Education for the Handicapped	121.9	6
Financial Management Service--Salaries and Expenses	102.3	6
U.S. Attorneys--Salaries and Expenses	96.8	6
Forest Service--Construction	94.8	6
Federal Prison System--Salaries and Expenses	81.1	6
U.S. Customs Service--Salaries and Expenses	79.2	6
Animal and Plant Health Inspection Service-- Salaries and Expenses	48.5	6
Department of Justice--Salaries and Expenses, General Legal Activities	25.3	6
Federal Aviation Administration--Operations	272.5	5
Panama Canal Commission--Operations and Facilities	36.4	5

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

OTHER SUPPLEMENTAL APPROPRIATIONS

Supplemental appropriations that do not fall in the eight major content categories presented above accounted for about 31.3 percent of all supplementals in the 1980s. Table 10 on page 33 lists the other accounts that recurrently received small amounts of supplemental appropriations and transfers. Most of these accounts are for salaries and expenses or operations.

CHAPTER V

CAN SUPPLEMENTAL APPROPRIATIONS

BE REDUCED?

Supplemental appropriations declined in the 1980s in comparison with the 1970s, and fewer supplemental appropriations were enacted in 1988 than in any year in recent history. This experience may indicate that the Congress has brought supplementals under control. Part of the decline, however, was the result of advantageous conditions. Years of economic expansion with low inflation reduced the economic motivation for supplementals. There were comparatively few serious natural disasters in the 1980s, although the decade ended with Hurricane Hugo and the Loma Prieta earthquake.

The sequestration process under the Balanced Budget Act may lead to more pressure for supplementals in the future. The act requires sequestration when a budget projection on October 15 indicates that the deficit in the current fiscal year will exceed a specific target established by the act. Sequestration makes across-the-board reductions in appropriations at the program, project, and activity levels, as well as reductions in other selected accounts. But some projects cannot be completed for less than their fully appropriated amounts, and other projects may have such high priorities as to make spending less than the appropriated amounts unacceptable. Supplementals could be used to repair the indiscriminate reductions made by sequestration.

The Congress showed its intent to reduce its use of supplementals still further in the Bipartisan Budget Agreements of 1987 and 1989, which stated that supplemental appropriations would only be considered for "dire emergencies." This chapter considers whether and how the dire emergency standard should be met. It begins by discussing the advantages and disadvantages of restricting supplementals to dire emergencies, and then evaluates several procedures that could help convert this pledge into a regular course of action.

THE DIRE EMERGENCY STANDARD

One of the advantages of the dire emergency standard is that it could reduce the amount of time the Congress spends enacting the budget. Supplementals have been time-consuming, particularly on the Senate floor, where many amendments have been considered even though they usually affected total funding by very small amounts. In the 1980s, the average time the House

required to enact a supplemental bill after it left the Appropriations Committee was 40 days; three supplemental bills took 85, 99, and 108 days. (The time spans become much longer if one counts the periods from Presidential requests to Committee reports.) Significant delays were caused three times by disputes over funding for the Nicaraguan contras. Other significant delays resulted from disputes over new housing spending, the targeting of economic assistance, water project funding, Presidential deferral powers, anti-drug program funding, and Rural Electrification Administration prepayment penalties. Additional delays were caused when the Congress used supplementals as vehicles for forcing the executive branch into negotiations over policy disputes, such as the arms control provisions that were considered in 1987. Delays also resulted when supplemental bills became vehicles for controversial legislative provisions, such as the repeal of withholding on dividend and interest income or the challenge to the turtle excluder device rule.¹ Some of these legislative provisions would undoubtedly have found their way onto other vehicles had supplemental bills not been available, but the contribution of supplementals to the Congressional budgetary workload is clear.

Another possible benefit of invoking the dire emergency standard would be a small reduction in spending. As shown in Chapter II, the contribution of supplementals to spending is small in relation to the total, but still significant. One way supplemental bills contribute to increased spending is by providing a legislative vehicle for nonurgent appropriations. Urgent and mandatory supplementals can provide cover for items that are not. A good example of a supplemental appropriation that was not urgent was the \$24.4 million provided in 1982 to the Corporation for Public Broadcasting. Like the Corporation's regular appropriations, this supplemental was an advance appropriation for two fiscal years later. Since the funds could not be used until 1984, the supplemental clearly was not a response to an unanticipated spending need. Rather, it was the result of a request by supporters of public broadcasting to bring appropriations up to the level of the authorization. A similar motivation was often apparent in debates over other supplemental appropriation items enacted in the eighties.²

Restricting supplemental provisions to "dire emergencies" could have some disadvantages. One is that it could lead to less give and take between the Congress and the President. Supplementals have proved useful for

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1. The turtle excluder device is designed to prevent sea turtles from drowning in shrimping nets.
 2. See Louis Fisher, *Supplemental Appropriations: History, Controls, Recent Record*, Congressional Research Service (1979), p. 13. "Thomas J. Scott, former staff director of the Senate Committee on Appropriations, recalled that 'dozens of times' he heard the remark: 'We will be back in January and can consider a supplemental'--indirectly inviting a supplemental request for the item reduced in the regular bill."

reaching accommodations between the branches, and even at times for expressing confrontations. In 1981, supplemental appropriations allowed the Congress to respond quickly to a new President's priorities.³ They were used throughout the 1980s to reach temporary compromises on providing assistance to the Nicaraguan contras and to the El Salvadoran government. From 1983 to 1986, the deferral disapprovals in supplemental bills were a means of preserving Congressional funding priorities.

Another major disadvantage in using the dire emergency standard is that it could decrease government responsiveness to unanticipated problems. One kind of responsiveness involves appropriating funds for policy problems that the government decides are more serious than originally thought--for example, the supplemental of \$355 million in 1987 for the homeless, which rapidly followed an authorization of new programs to address this problem. Another kind of responsiveness is covering unexpected cost increases in programs that already have high priority, as when \$531 million was added in 1986 to redesign the space shuttle after the Challenger explosion. Since most of the U. S. space program was dependent on the shuttle, a rapid appropriation of funds was necessary if the program was to continue.

On occasion, supplemental appropriations may promise responsiveness but not produce the desired results.⁴ Sometimes the use of urgently requested funds has not been well thought out, and the government is unable to spend the money quickly and efficiently. In that event, supplemental appropriations may end up being transferred to other purposes or even go unspent, as happened to urgent supplemental appropriations for assistance to Lebanon and the starving populations of Africa.

A further disadvantage of the pledge to restrict supplementals is that there is sure to be disagreement over what constitutes a "dire emergency." The relative urgency of proposed supplementals has often been disputed. For example, Senator Gramm complained in 1987 about a proposed supplemental of \$8 million:

Is there anyone here--and I will yield to them time to explain to me--who can state why, after millions of years of history with weeds, all of a sudden it is critically important that we waive the

3. The extensive supplemental appropriations activity in 1981 is in accord with an earlier finding that a change in partisan control of the Presidency elevates the volume of supplemental activity. Congressional Budget Office, "Supplemental Appropriations in the 1970s," pp. 26-27.

4. For an analysis of the effects of government responsiveness, see Dani Rodrick and Richard Zeckhauser, "The Dilemma of Government Responsiveness," *Journal of Policy Analysis and Management*, vol. 7 (Fall 1988), pp. 601-620.

Budget Act. . .to fund the construction of a weed, science, and technology center at North Dakota State University. . . . 5

In response, Senator Conrad argued:

The project in North Dakota. . .is for a plant biology and biochemistry technology center to explore the nonpolluting and nonchemical means of weed eradication and control. Is that an urgent matter? Absolutely. Absolutely that is an urgent matter, and the reason is very simple. If you look at what is happening to the ground water supplies of this country--the pollution of the ground water supplies--and the threat to all of our health as a result, you would conclude that we must find a nonpolluting, nonchemical means of weed control and weed eradication.⁶

Such disagreements have often hindered the Congress from acting quickly on bills that contained obviously urgent items, such as CCC financing or relief for Africa's starving population.

The Congress has not been the only source of nonurgent supplemental appropriations items. The House Appropriations Committee complained in 1982 about a request from the Department of Defense that was labeled "Appropriation Act Underfinancing." The Committee wrote:

These so-called appropriation act underfinancing items were specific reductions made by Congress during its consideration of the Defense Appropriations Act for fiscal year 1982. In most cases, the request simply calls for restoration of the entire reduction made. The Department did not take immediate steps to live with the funds appropriated for the year. With nine months in the fiscal year still remaining, it simply submitted a fiscal year 1982 supplemental request in conjunction with the fiscal year 1983 budget. To approve this request would be to condone and encourage one of the worst abuses of supplemental appropriations bills, asking a second time for the funds that had been denied only [a] few months earlier.⁷

5. *Congressional Record*, May 12, 1987, S 6283.

6. *Congressional Record*, May 12, 1987, S 6287.

7. Senate Report 97-673, accompanying H.R. 6863, *Supplemental Appropriations Bill, 1982*, p. 46.

PROCEDURES FOR REDUCING SUPPLEMENTAL APPROPRIATIONS

A number of steps could be taken to reduce supplemental appropriation activity. First, mandatory appropriations could be replaced by permanent or indefinite appropriations. Second, foreseeable appropriations could be provided in regular appropriation bills rather than in supplemental bills. Third, the authority of agencies to transfer funds could be increased. Other procedures would limit the demand for discretionary supplemental appropriations by establishing new barriers to their consideration. In addition, to reduce the possibility that supplementals would breach the limits of the budget resolution, allowances for likely discretionary supplementals could be included in the resolution.

Convert Mandatory Appropriations to Permanent or Indefinite Appropriations

A current, definite appropriation provides a specific amount for the fiscal year for which it is enacted. In contrast, a permanent appropriation automatically becomes available in a fiscal year as the result of legislation in a previous year. An indefinite appropriation permits the amount appropriated to be determined by subsequent circumstances. When agencies are granted permanent, indefinite appropriations, they need not rely on the Congress to provide funding in supplemental appropriation acts.⁸ Had permanent or indefinite appropriations been used for all the mandatory programs that received supplemental appropriations in the 1980s, the amount of supplemental appropriations could have been halved.

The practice of enacting annual appropriations for mandatory programs does not suffice to limit the obligations of these programs, which are determined instead by authorizing legislation.⁹ The differences between the appropriated amounts and the subsequent costs may be useful in highlighting

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8. For a detailed description of accounts funded with permanent appropriations or with spending authority, see General Accounting Office, "The Use of Spending Authority and Permanent Appropriations Is Widespread" (July 1987) and "Inventory of Accounts With Spending Authority and Permanent Appropriations, 1987" (July 1987).
 9. A recent example of the Congress's inability to control the obligations of mandatory programs through appropriations can be found in the funding of payments to states for foster care and adoption assistance. These payments are appropriated entitlements, for which states have two years to file claims for administrative and training costs as well as for foster care maintenance costs. The Administration requested a supplemental of \$599 million in 1989, an increase of 64 percent over the regular appropriation. This request became necessary after states took advantage of a court decision that allowed them to receive funding from the federal government for more costs than initially expected. The appropriation process could do nothing to reduce these obligations.

policy problems, but at the cost of requiring further appropriations to prevent the agencies from shutting down. The pressure created by this threat may force the executive branch to negotiate over policy issues, but it also provides opportunities to adopt supplementals of questionable urgency. In addition, annual appropriations for mandatory programs complicate program administration. For example, in 1985, the Department of Education delayed recording obligations for the Guaranteed Student Loan Program because its mandatory appropriations were deemed insufficient to finance the expected obligations.¹⁰

Conversions of mandatory appropriations to permanent or indefinite appropriations have some precedents. In 1977, the claims and judgments accounts were converted to permanent, indefinite accounts. Similar proposals in the 1970s--for example, the Carter Administration's 1979 budget suggestion that firefighting costs be funded with permanent appropriations--were rejected by the Congress. The Reagan Administration, in its 1990 budget, proposed fully funding the firefighting activities of the Forest Service and the Interior Department with two new permanent appropriation accounts. This budget also changed accounting practices for two accounts so as to move toward the permanent, indefinite appropriation approach: The budget now records permanent, indefinite contract authority for guaranteed student loans and for veterans compensation and benefits in the amounts necessary to provide entitlement benefits. Appropriations will still be required before funds can be spent, but they will not be scored as budget authority.¹¹

The Commodity Credit Corporation is the largest account that could be converted to permanent or indefinite status. Had the CCC been granted a permanent or indefinite appropriation in the 1980s, the Congress would not have had to act on a quarter of the supplemental appropriations made in that period. The Omnibus Appropriation Act of 1987 authorized a current, indefinite appropriation for the CCC beginning in 1988 but the appropriation bills for 1988, 1989, and 1990 have provided only definite appropriations.

The conversion of mandatory appropriation accounts to permanent, indefinite status would in some degree run counter to the spirit of the Congressional Budget Act. One purpose of the act was to increase flexibility in budgeting, by making it more difficult to provide budget authority without going through the annual appropriation process. An alternative would be to convert certain mandatory appropriations to discretionary status. This approach would require in most cases that authorizing legislation be amended to make

10. October 2, 1985 Decision of the Comptroller General, B-219161. See also March 2, 1988 Decision B-226801, on veterans benefits.

11. HR 1397, introduced by request by Rep. Montgomery, would go further by making the veterans compensation COLA automatic.

the appropriation process the effective point at which agencies are granted the authority to spend funds. Its likely effect on the demand for supplementals is uncertain.

Fund Spending in Regular Appropriation Bills

Another method for reducing supplemental appropriations would be to include funding that has traditionally been provided by supplemental appropriations in regular appropriations. In particular, the costs of annual pay raises for civilian employees could be funded in advance in regular appropriation bills.

One reason for delaying appropriations for the pay raise has been the slowness in determining the amount that would be comparable with private sector pay increases. In recent years, however, the goal of granting raises based on comparability has been dropped in practice. Budget constraints have forced the President and the Congress to settle on a pay raise amount much earlier in the process, regardless of the final comparability calculations. In 1990, the Congress authorized the pay increase in the Treasury Appropriations bill and funded it in the relevant appropriation bills. If continued, this practice should permit funding of pay raises in regular appropriation bills. If not, the comparability process could be shifted to earlier in the year. While this would increase the likelihood of errors, they could be corrected in succeeding years.

Another reason for delaying appropriations for pay raises has been the hope that agencies could be forced to absorb some of the costs of pay raises. The Congress can always provide supplemental appropriations if agencies are unable to absorb as much of the costs as assumed. But this approach has several disadvantages. First, it implies that agencies have been provided with overgenerous appropriations for nonpay expenses. Second, it requires the Congress to be heavily involved in monitoring budget execution. Third, and most important, it gives agency managers the wrong incentives. Managers who are uncertain about the funds that will be available to them for the year often delay obligating funds until the probability of a supplemental can be better estimated; if they know that the Congress may grant supplementals, they may obligate all of the funds at their control without allowing for the costs of the pay raise, and then plead for a supplemental to avoid drastic actions such as employee furloughs or contract terminations. The Congress may then be forced to transfer funds from agencies that have been more prudent. Moreover, prudent agencies that obligate funds in expectation of not receiving supplementals, but receive them anyway, will find that they must spend these supplemental funds or lose them. Such wasteful year-end spending is exacerbated by the late receipt of the pay supplemental. When

pay supplementals were enacted in the 1980s, an average of only two months were left in the fiscal year.

Increase Agencies' Transfer Authority

A third way to reduce the need for supplemental appropriations would be to grant agencies greater authority to shift or to borrow budget authority without formal appropriation action. Agencies are often prohibited by law from transferring funds between accounts. For example, Section 514 of the general provisions of the Foreign Operations Appropriations Act, 1989, stated: "None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated without the prior written approval of the Committees on Appropriations." The 1989 budget proposed replacing the phrase "without the prior written approval of the Committees on Appropriations" with "unless the President determines to do so and so notifies the Congress in writing." This proposed change reflected the Administration's belief that requiring the approval of the committees for such transfers is an unconstitutional legislative veto, following the *INS v. Chadha* decision of 1983. Nevertheless, the Congress passed and the President signed many bills containing similar legislative veto provisions after the *Chadha* decision.¹²

Many of these legislative veto provisions established the basis for reprogramming procedures, which is the term for the procedures used by the Administration and the Appropriations Committees in negotiating whether funds can be transferred between accounts and whether funds can be spent for different purposes and in different amounts than were recommended in the committee reports for appropriation bills. These informal procedures have been used to provide spending flexibility to agencies and to avoid supplementals.¹³ The Congress could make reprogramming procedures even more useful if it provided larger lump sums in regular appropriation bills by collapsing appropriation accounts or by writing less specific appropriation language.

Alternatively, the Congress could provide each department with appropriations for a contingency fund that it could draw on for urgent unforeseen needs. A contingency fund might be especially useful in funding salaries and expense accounts where the workload varies unpredictably--for example, in the administration of the unemployment compensation program.

12. Louis Fisher and James Saturno, *Legislative Vetoes Enacted After Chadha*, Congressional Research Service (April 28, 1987).

13. Louis Fisher, "Judicial Misjudgments About the Lawmaking Process: The Legislative Veto Case," *Public Administration Review* (November 1985), pp. 705-711.

An expanded use of advance funding could also eliminate the need for supplementals. Advance funding allows an account to borrow against its budget authority for the succeeding fiscal year. Advance funding authority is currently restricted to several labor and veterans programs, but could conceivably be granted to many more programs that have variable funding needs.

The potential disadvantage of granting agencies more flexibility in using funds is that they might ignore Congressional policy preferences in their spending. This approach would work over the long run only if the departments consulted closely with the Appropriations Committees when planning to transfer funds.

Establish Barriers to Consideration of Supplementals

The demand for supplemental appropriations could be limited by establishing new procedural barriers. One approach would be to require more information before supplementals could be considered. The President is already required, when requesting supplemental appropriations, to "include the reasons for the submission of the proposed appropriations and the reasons the proposed appropriations were not included in the budget." (31 U.S.C. 1107) Most of the supplemental requests in the annual *Budget Appendix* fail to meet the second half of this requirement, although many appropriation justification books comply with it. A similar hurdle could be established for all supplemental items reported by committees and for floor amendments to supplemental bills.¹⁴

Another rule change would be to establish a point of order against supplemental bills that provide increases in discretionary spending when these are not offset by reductions in other programs. OMB turned down many agency supplemental requests in 1988 by requiring similar offsets. Sections 310 and 311 of the Budget Act already provide a barrier to consideration of supplementals under certain circumstances, but a point of order would apply to all situations. Finally, the House could adopt the Senate's practice of requiring three-fifths of its membership to vote in favor of waiving many of the Budget Act's points of order. An argument against allowing a minority of the House to determine which supplemental appropriations were acceptable under the "dire emergency" standard is that it would run counter to the House's strong tradition of majority rule.

14. The Joint Committee on the Organization of the Congress proposed in 1966 (S. Report 89-1414) and Rep. Edwards in 1985 (H. Res. 115) that sponsors of supplementals should have to explain why they could not wait until the next regular appropriation bill.

Anticipate Likely Discretionary Supplementals

A final procedural reform would not make consideration of supplementals less likely, but would attempt to prevent them from violating budgetary limits. Under this approach, the budget resolution would formally anticipate discretionary supplementals in the allowances function. To reserve funds for them, the Budget Committees would reduce the allocations made to spending committees before regular appropriations were enacted. The authority represented in the allowances function could then be released by a specified date in the current fiscal year.¹⁵ Allowances could also be used to compensate agencies for across-the-board cuts under sequestration. A variation on the allowance approach would be to adjust budget resolution allocations if certain legislation was enacted, as was done in several budget resolutions in the 1980s.

An advantage of this procedure is that it recognizes the near-inevitability of some level of discretionary supplemental appropriations. A disadvantage is that the optimal amount for the allowances function would be difficult to determine. If the amount was set at the average level of discretionary supplementals for a previous period, but this amount proved more than enough to meet urgent needs in succeeding years, the surplus might then be spent on projects that would not have been funded in regular appropriation bills. But if the amount in the allowances function was set substantially lower than the average of preceding years, it might be insufficient in years with high amounts of urgent needs.

15. H.R. 755, introduced by Rep. Thomas (Calif.), proposes that 2 percent of the allocations of the Appropriations Committees be reserved until April 1.

APPENDIX

TABLE A-1. SUPPLEMENTAL APPROPRIATION LAWS, 1981-1989
(In millions of dollars of budget authority)

Year	Number	Number	Enacted	Net Amount	Gross Amount	Contents of Law
1981	HR-3512	97-12	06/05/81	6,906	21,200	Omnibus pay supplemental, Food Stamps.
1981	HJR-308	97-26	07/29/81	17	17	One item--Health resources and services.
1982	HJR-389	97-147	02/15/82	5,123	5,123	Two items--Commodity Credit Corporation (CCC) and low-income energy assistance.
1982	HJR-391	97-148	02/22/82	1,950	1,950	Two items--state unemployment insurance, unemployment trust fund.
1982	HR-6685	97-216	07/18/82	(230)	5,449	Omnibus--largely GSL, Food Stamps, and construction grants.
1982	HR-6863	97-257	09/10/82	14,177	14,578	Omnibus pay supplemental, CCC.
1983	HR-1718	98-8	03/24/83	15,589	15,589	Emergency Jobs Appropriations Act.
1983	HR-3069	98-63	07/30/83	5,534	7,143	Omnibus pay---with Food Stamps, Social Security Trust Fund.
1984	HR-3959	98-181	11/30/83	8,766	8,816	Omnibus--largely International Monetary Fund quota and loans.
1984	HJR-493	98-248	03/30/84	290	290	Two items--low-income energy assistance and Public Law 480.
1984	HJR-492	98-332	07/02/84	1,124	1,124	Omnibus--largely child nutrition and nutrition assistance.
1984	HR-6040	98-396	08/22/84	6,042	6,452	Omnibus pay--Food Stamps, Strategic Petroleum Reserve.
1985	HR-1239	99-10	04/04/85	784	784	Urgent Support for African Famine Relief.

(Continued)

TABLE A-1. Continued

Year	Number	Number	Enacted	Net Amount	Gross Amount	Contents of Law
1985	HJR-342	99-71	07/24/85	1,000	1,000	One item--CCC.
1985	HR-2577	99-88	08/15/85	13,020	13,761	Omnibus pay--CCC and Economic Support Fund.
1986	HJR-520	99-243	02/10/86	1,493	1,493	One item--CCC.
1986	HJR-534	99-263	03/24/86	5,000	5,000	One item--CCC.
1986	HR-4515	99-349	07/02/86	(4,244)	8,752	Omnibus--with CCC.
1987	HJR-102	100-6	02/12/87	(8)	0	Emergency supplemental for the homeless (transfers).
1987	HR-1827	100-71	07/11/87	9,377	9,970	Omnibus pay--CCC and Economic Support Fund.
1988	HR-3884	100-251	02/16/88	(8)	0	Rescission of construction for North African refugees.
1988	HJR-552	100-304	04/29/88	709	709	Emergency mandatory veterans supplemental (two items).
1988	HR-5026	100-393	08/14/88	601	613	Omnibus--with veterans' compensation.
1989	HR-5210	100-690	11/18/88	991	991	Omnibus Drug Initiative Act.
1989	HR-1750	101-14	04/18/89	(11)	0	Implementation of Bipartisan Accord on Central America (transfers).
1989	HR-2402	101-45	06/30/89	3,526	3,564	Omnibus--dire emergency and veterans.
1989	HJR-407a	101-100	09/29/89	1,108	1,108	Continuing Resolution Fiscal Year 1990, Hurricane Hugo Relief.

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

NOTE: Numbers in parentheses are negative.

a. Supplemental provision only.

TABLE A-2. SUPPLEMENTAL APPROPRIATIONS BY BUDGET FUNCTION, 1981-1989 (In millions of dollars of budget authority and positive transfers)

Year	Defense	Inter- national Affairs	Science, Space, and Tech- nology	Energy	Natural Resources and Environ- ment	Agri- culture	Commerce and Housing Credit	Transpor- tation	Com- munity and Regional Develop- ment	Educa- tion, Train- ing, and Social Services
1981	11,957	607	46	6,670	668	91	60	741	14	480
1982	5,890	547	82	19	2,790	10,016	113	768	12	2,480
1983	698	884	30	190	1,341	5,747	487	325	1,385	827
1984	2,124	9,285	2	519	502	378	27	207	52	381
1985	1,903	3,625	62	2	582	4,146	217	115	61	1,213
1986	832	930	531	0	301	11,897	4	248	290	168
1987	1,325	615	335	1	253	5,686	31	209	83	659
1988	0	24	20	0	10	45	10	12	0	0
1989	0	118	73	55	399	78	0	124	1,112	1,498
Total	24,730	16,633	1,181	7,455	6,847	38,083	951	2,748	3,009	7,706
Percent of All Supple- mental Appropri- ations	16.8	11.3	0.8	5.1	4.7	25.9	0.6	1.9	2.0	5.2

(Continued)

TABLE A-2. Continued

Year	Health	Income Security	Social Security	Veterans	Justice	General Government	General Purpose Fiscal Assistance	Interest	Total
1981	123	3,402	0	1,835	221	989	5	7	27,916
1982	612	3,354	0	189	237	777	0	0	27,886
1983	416	7,715	1,301	526	256	717	0	40	22,884
1984	65	1,889	0	775	157	483	0	53	16,898
1985	29	347	3,500	331	226	194	15	0	16,569
1986	25	33	0	437	78	576	0	0	16,351
1987	243	433	0	534	376	310	0	0	11,094
1988	6	0	0	1,239	89	0	0	0	1,455
1989	<u>293</u>	<u>381</u>	<u>0</u>	<u>1,217</u>	<u>516</u>	<u>8</u>	<u>0</u>	<u>3</u>	<u>5,871</u>
Total	1,182	17,553	4,801	7,084	2,155	4,054	20	103	146,921
Percent of All Supplemental Appropriations	1.2	11.9	3.3	4.8	1.5	2.8	0.0	0.1	

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.

TABLE A-3. SUPPLEMENTAL APPROPRIATIONS BY HOUSE
 APPROPRIATIONS SUBCOMMITTEE, 1981-1989
 (In millions of dollars of budget authority and positive transfers)

Year	Commerce, Justice	Defense	District of Columbia	Energy and Water	Foreign Opera- tions	Interior	Labor, Health
1981	344	11,660	5	221	548	7,019	597
1982	310	5,770	0	155	457	340	4,884
1983	1,007	470	0	660	797	740	8,390
1984	247	1,991	0	137	9,141	834	595
1985	685	1,902	14	126	2,719	303	4,716
1986	783	770	0	90	203	449	177
1987	542	1,318	0	18	468	195	863
1988	100	0	0	0	24	0	0
1989	<u>526</u>	<u>0</u>	<u>0</u>	<u>61</u>	<u>113</u>	<u>350</u>	<u>1,842</u>
Total	4,542	23,881	19	1,469	14,469	10,231	22,063
Percent of All Supple- mental Appropri- ations	3.1	16.3	0.0	1.0	9.8	7.0	15.0

(Continued)

TABLE A-3. Continued

Year	Legis- lative Branch	Military Construc- tion	Rural Develop- ment	Transpor- tation	Treasury	VA, HUD	Total
1981	88	245	1,996	835	954	3,401	27,916
1982	44	55	11,060	768	1,098	2,946	27,886
1983	132	180	7,645	325	607	1,933	22,884
1984	171	74	2,073	220	348	1,067	16,898
1985	51	0	5,126	114	361	452	16,569
1986	26	0	11,977	210	375	1,291	16,351
1987	85	6	5,855	211	248	1,283	11,094
1988	0	0	61	12	0	1,259	1,455
1989	0	0	318	124	29	2,507	5,871
Total	595	560	46,110	2,820	4,020	16,138	146,921
Percent of All Supple- mental Appropri- ations	0.4	0.4	31.4	1.9	2.7	11.0	

SOURCE: Congressional Budget Office based on data from the House Committee on Appropriations.