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# Congressional Rules Pertaining to Changes in Mandatory Program Spending in Appropriations Bills (CHIMPs)

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When Congress considers legislation, it takes into account the proposal's potential budgetary effects. This helps Members to weigh the legislation's merits and to consider whether it complies with the budgetary rules that Congress has created for itself. One of these rules concerns the way in which the budgetary effects of certain changes in spending associated with mandatory spending programs—programs for which spending is typically controlled through laws other than appropriations acts—will be treated for budget control purposes. In particular, when changes to mandatory spending are included in appropriations measures, they are colloquially referred to as CHIMPs, or Changes in Mandatory Programs, and their budgetary effects are attributed to the Appropriations Committee rather than the legislative committee that would otherwise have jurisdiction over that program. In many cases, this allows them to be used as an offset for discretionary spending. As such they are important for understanding how scorekeeping works in the context of congressional budget process rules.

To understand what CHIMPs are and why they exist, it is first necessary to discuss how Congress assesses the budgetary effect of legislation. While information on the potential budgetary effects of legislation may come from numerous sources, the authority to determine whether legislation complies with congressional budgetary rules is given to the House and Senate Budget Committees. In this capacity, the Budget Committees generally rely on estimates (or “scores”) that are statutorily required to be provided by the Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT).

When producing cost estimates, CBO and JCT are directed to adhere to scorekeeping guidelines—specific rules for determining or attributing certain budgetary effects of legislation—that were first agreed to in conjunction with the Budget Enforcement Act of 1990. These general guidelines are meant to ensure consistent enforcement of various procedural and statutory budgetary requirements. One of these guidelines requires that, when increases or decreases in mandatory spending are included in an appropriations measure, they are attributed to the Appropriations Committee. As a consequence, the net budgetary impact of such changes (CHIMPs) will be added to or subtracted from discretionary spending in the bill to determine compliance with any procedural and statutory limits imposed on discretionary spending.

In many cases, the projected budgetary effect of a CHIMP is a net savings, but CHIMPs may be projected to have a net cost or no impact on the budget. If the budgetary effect of a CHIMP is to reduce or otherwise restrict the projected level of spending for a mandatory program, thus producing net savings, it could be used to offset an increase in the amount of discretionary spending that could be provided elsewhere in the appropriations bill.

While congressional scorekeeping rules explicitly allow for CHIMPS, and the practice is not uncommon, Members of Congress have sometimes criticized their use for various reasons. In response to such concerns, in recent years Congress has periodically adopted rules that would restrict the inclusion of CHIMPs in appropriations legislation. The only formal restriction on CHIMPS currently, however, is a Senate prohibition against certain CHIMPS with net costs.

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## Introduction

In exercising its power of the purse, Congress has developed a budget process consisting of various types of budgetary legislation, rules, and practices. As the federal budget process has evolved, and as Congress has sought to address federal budget deficits, it has embedded into this process a complex set of restrictions governing the content of budgetary legislation. Congress relies on cost estimates to assess whether legislation complies with these budgetary restrictions.

These budgetary restrictions divide spending into two general categories: discretionary and mandatory (also known as direct) spending. *Discretionary spending* is defined as budget authority provided and controlled by appropriations acts. *Mandatory spending* is defined as budget authority provided and controlled by other laws.<sup>1</sup> As enforcement categories, these are intended to be exclusive, meaning that any spending should be in one category but not the other, and changes in spending in one category may generally not be used to offset changes in spending in the other.

As described below, however, when a provision that has an impact on mandatory spending is included in an appropriations bill, the budgetary effect of the provision is required to be attributed to the Appropriations Committee. As a consequence, such provisions are effectively treated as discretionary spending and counted against any procedural and statutory limits imposed on discretionary spending, such as the spending allocation to the Appropriations Committee under Section 302 of the Congressional Budget Act.<sup>2</sup> These provisions are colloquially referred to as CHIMPs, for Changes in Mandatory Programs.

### CHIMPs Definition

**Changes In Mandatory Programs (CHIMPs)** are provisions in appropriations bills that have an impact on mandatory spending. Normally, appropriations acts control discretionary spending, while mandatory spending is controlled in other laws. When changes in mandatory spending are included in an appropriations act, however, they are treated as discretionary spending for purposes of budget enforcement. In many cases, this allows them to be used as an offset for discretionary spending. Any change in mandatory spending can be considered a CHIMP if it is included in an appropriations act.

## Background Information on Cost Estimates

To understand how CHIMPs fit into the context of the budget process, it is first necessary to discuss how Congress assesses the budgetary effect of legislation. An assessment of a measure's budgetary impact, known as a cost estimate or "score," helps Members to weigh the legislation's merits and to consider whether it complies with the budgetary rules that Congress has created for itself.

While information on the potential budgetary effects of legislation may come from numerous sources, the formal authority to determine whether legislation complies with congressional budgetary rules is assigned to the House and Senate Budget Committees. H.Res. 5<sup>3</sup> In this

<sup>1</sup> These classifications are defined in statute (2 U.S.C. §900(c)(7)-(8)) for purposes of procedural and statutory budget enforcement rules.

<sup>2</sup> For more on spending allocations in the budget process, see CRS Report R47388, *Enforceable Spending Allocations in the Congressional Budget Process: 302(a)s and 302(b)s*, by Drew C. Aherne.

<sup>3</sup> Specifically, Section 312 of the Congressional Budget Act of 1974 (CBA; P.L. 93-344, as amended), Determinations and Points of Order, states that for the purposes of enforcing budgetary rules, levels of spending and revenues "shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable." House Rule XXIX, clause 4, clarifies that such determinations may be provided by the chair of the House Budget Committee. This provision was added to House rules by (112<sup>th</sup> Congress).

capacity, the Budget Committees generally rely on estimates provided by the Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT).<sup>4</sup>

Cost estimates provided by CBO and JCT are guided, in part, by certain requirements that have been articulated by Congress in different forms in laws, precedents, and rules.<sup>5</sup> For example, CBO is required to prepare cost estimates for all bills reported from committee “to the extent practicable.”<sup>6</sup> CBO is also required to rely on estimates provided by JCT for revenue legislation<sup>7</sup> and to include in its estimates “the costs which would be incurred” in carrying out the legislation in the fiscal year in which the legislation is to become effective, as well as the four following years, together with “the basis for such estimate.”<sup>8</sup>

When producing cost estimates, CBO and JCT measure the budgetary effect of a legislative proposal in relation to projections of revenue and spending levels that are assumed to occur under current law, typically referred to as *baseline* levels. This means that the way a policy is reflected in the baseline will affect how CBO and JCT estimate changes from the baseline for proposed legislation related to that policy.

In calculating the baseline, CBO makes its own technical and economic assumptions, but the law generally requires that CBO assume that spending and revenue policies continue or expire based on what is currently slated to occur in statute.<sup>9</sup>

Congress can direct the creation or content of cost estimates through chamber rules or provisions in budget resolutions. In addition, the Congressional Budget Act of 1974, as amended (CBA) specifies that CBO’s “primary duty and function” is to assist the Budget Committees,<sup>10</sup> and the Budget Committees have jurisdiction over CBO. Through their oversight of CBO, the Budget Committees provide guidance related to scorekeeping matters.<sup>11</sup> For the JCT, the creation and content of its estimates may be shaped by the committee itself or by guidance or assumptions

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<sup>4</sup> Such estimates include information on the legislative proposal’s projected budgetary effects, such as spending, revenue, and the deficit/surplus. CBO was established in 1974 under Title II of the CBA. JCT was established under the United States Revenue Act of 1926 and is governed by provisions in Title 26, Subtitle G, of the *U.S. Code*. Additional information on CBO can be found at <https://www.cbo.gov/about/overview>. Additional information about JCT can be found at <https://www.jct.gov/about-us/overview.html>.

<sup>5</sup> These requirements are not completely prescriptive, however, and as a result both CBO and JCT adopt practices and conventions that guide the creation of cost estimates. For example, former CBO Director Douglas Elmendorf, in a paper written shortly after his tenure at CBO, stated that the exclusion of macroeconomic effects within the cost estimates provided by CBO and JCT is “long-standing convention.” Douglas W. Elmendorf, “‘Dynamic Scoring’: Why and How to Include Macroeconomic Effects in Budget Estimates for Legislative Proposals,” Brookings Institution, Fall 2015, p. 1.

<sup>6</sup> CBA, §402. The requirement excludes bills reported from the House and Senate Committees on Appropriations.

<sup>7</sup> CBA, Section 201(f), states, “Revenue Estimates: For the purposes of revenue legislation which is income, estate and gift, excise, and payroll taxes (i.e., Social Security), considered or enacted in any session of Congress, the Congressional Budget Office shall use exclusively during that session of Congress revenue estimates provided to it by the Joint Committee on Taxation.”

<sup>8</sup> CBA, Section 402, also requires “a comparison of the estimates of costs described in the estimate with any available estimates of costs made by such committee or by any Federal agency, and a description of each method.”

<sup>9</sup> Statutory requirements related to the calculation of the baseline can be found in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, in Section 257 (2 U.S.C. §907). CBO’s baseline is called the Budget and Economic Outlook.

<sup>10</sup> CBA, §202(a).

<sup>11</sup> Scorekeeping has been described as “the process of developing and recording consistent measures of the budgetary effects—changes in federal spending, revenues, and deficits—of proposed and enacted legislation.” Congressional Budget Office, *CBO Explains Budgetary Scorekeeping Guidelines*, January 2021, p. 2, <https://www.cbo.gov/system/files/2021-01/56507-Scorekeeping.pdf>.

provided by the tax committees—the House Committee on Ways and Means and the Senate Committee on Finance.

## CHIMPs and the Congressional Budget Process

Although federal budgeting had previously distinguished between spending provided through appropriations legislation and spending provided outside of appropriations legislation,<sup>12</sup> this distinction was primarily conceptual prior to the enactment of the Budget Enforcement Act of 1990 (BEA).<sup>13</sup> The BEA supplanted the budget control mechanism of the earlier Balanced Budget and Emergency Deficit Control Act, which had focused on prescribing a maximum deficit amount.<sup>14</sup> Instead, the BEA established separate budgetary control mechanisms for discretionary and mandatory spending and, as a consequence, required that all spending be classified in one category or the other. The term *discretionary appropriations* was defined as “budgetary resources (except to fund direct-spending programs) provided in appropriation Acts,” while *mandatory spending* was referred to as “direct” spending and defined as “budget authority provided by law other than appropriation Acts” as well as entitlement authority and the food stamp program.<sup>15</sup>

The control mechanisms established under the BEA limited consideration of changes to mandatory spending and revenues through its Pay-As-You-Go (PAYGO) provisions and limited discretionary spending through statutory spending limits. Both mechanisms were enforced by sequestration, which is a procedure implemented by the Office of Management and Budget (OMB) to automatically reduce spending in the relevant category if a breach of the new restrictions were to occur.<sup>16</sup>

Although the PAYGO mechanism allowed trade-offs between changes in revenues and mandatory spending, discretionary spending was largely kept separate. This framework, which continues in place today,<sup>17</sup> generally does not allow a change in mandatory spending or revenues to be used as an offset for a change in discretionary spending (and vice versa). The scorekeeping guidelines described below, however, do permit some types of exceptions to this general framework.

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<sup>12</sup> See, for example, *Report of the President's Commission on Budget Concepts* (Washington: GPO, 1967). Mandatory spending was initially referred to as “backdoor spending,” although subsequently discretionary and mandatory spending were often discussed in terms of being generally “controllable” or “uncontrollable.” The Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA; P.L. 99-177), referred to as the Gramm-Rudman-Hollings Act, divided committee 302(a) allocations between “current level” amounts and “discretionary action” amounts. Current level was used to indicate amounts provided or required by law as a result of permanent appropriations, advance appropriations, existing entitlement authority, and outlays from prior year discretionary appropriations, while discretionary action was used to indicate amounts assumed in the budget resolution but not yet enacted into law, meaning any assumed legislative increase or decrease to existing direct spending laws and all new discretionary appropriations.

<sup>13</sup> P.L. 101-508, Title XIII.

<sup>14</sup> For background on budgetary control legislation, see CRS Report R41901, *Statutory Budget Controls in Effect Between 1985 and 2002*, by Megan S. Lynch.

<sup>15</sup> BEA, §13101. The food stamp program was renamed the Supplemental Nutrition Assistance Program in P.L. 110-246, the 2008 farm bill.

<sup>16</sup> For a discussion of sequestrations, see CRS Report R42972, *Sequestration as a Budget Enforcement Process: Frequently Asked Questions*, by Megan S. Lynch.

<sup>17</sup> For information on the current use of these mechanisms, see CRS Insight IN12168, *Discretionary Spending Caps in the Fiscal Responsibility Act of 2023*, by Grant A. Driessen and Megan S. Lynch; and CRS Report R41157, *The Statutory Pay-As-You-Go Act of 2010: Summary and Legislative History*, by Bill Heniff Jr.

## Scorekeeping Guidelines

The BEA included in the Joint Explanatory Statement of the conference report<sup>18</sup> a list of “scorekeeping guidelines” (described as “general budget scorekeeping conventions”) to consistently measure compliance with the new budgetary control mechanisms as well as other budgetary rules. Enforcement of the two new budget control mechanisms through sequestration vested substantial power in OMB to estimate the costs of legislation in order to determine compliance with the budget enforcement restrictions. The Joint Explanatory Statement, therefore, noted that OMB “must make its estimates in conformance with scorekeeping guidelines determined for consultation among the Senate and House Committees on the Budget, the Congressional Budget Office, and the Office of Management and Budget” and, further, that these guidelines should be revisited annually.<sup>19</sup>

Scorekeeping guidelines continue to be used today and have occasionally been revised and expanded after being approved by all of the scorekeepers.<sup>20</sup>

## Scorekeeping Guideline #3 and CHIMPs

One such guideline, Scorekeeping Guideline #3, “specifies when to record the budgetary effects of provisions in appropriation legislation that affect direct [mandatory] spending and revenues.”<sup>21</sup> Specifically, it states in part, “Substantive changes to or restrictions on entitlement law or other mandatory spending law in appropriations laws will be scored against the Appropriations Committee’s section 302(b) allocations in the House and the Senate.”<sup>22</sup> This scorekeeping guideline has been referred to as the “fingerprint” rule, as it attributes the budgetary effect of the provision to the Appropriations Committee—because it reported the legislation—rather than the committee that would otherwise have jurisdiction over the substance of the provision.

This means that estimates of appropriations legislation will count the effects of any provisions making substantive changes to mandatory spending—such as modifying eligibility requirements or limiting obligations—as discretionary spending. Such provisions have been colloquially referred to as CHIMPs, for Changes in Mandatory Programs.

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<sup>18</sup> U.S. House of Representatives, *Omnibus Budget Reconciliation Act of 1990*, conference report, 101<sup>st</sup> Cong., 2<sup>nd</sup> sess., October 27, 1990, H.Rept. 101-964, pp. 1151-1218.

<sup>19</sup> H.Rept. 101-964, p. 1172.

<sup>20</sup> This according to U.S. House of Representatives, Committee on the Budget, *A Compendium of Laws and Rules of the Congressional Budget Process*, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., August 2015, pp. 2, 603. See also OMB, *Circular No. A-11: Preparation, Submission, and Execution of the Budget*, Appendix A, <https://www.whitehouse.gov/wp-content/uploads/2018/06/a11.pdf>.

<sup>21</sup> CBO, *CBO Explains Budgetary Scorekeeping Guidelines*, January 2021, p. 2, <https://www.cbo.gov/system/files/2021-01/56507-Scorekeeping.pdf>.

<sup>22</sup> In its entirety, Scorekeeping Guideline #3 states, “Revenues, entitlements and other mandatory programs (including offsetting receipts) will be scored at current law levels, as defined in section 257 of GRH [Gramm-Rudman-Hollings, also known as BBEDCA], unless congressional action modifies the authorizing legislation. Substantive changes to or restrictions on entitlement law or other mandatory spending law in appropriations laws will be scored against the Appropriations Committee’s section 302(b) allocations in the House and the Senate. For the purpose of CBA scoring, direct spending savings that are included in both an appropriations bill and a reconciliation bill will be scored to the reconciliation bill and not to the appropriations bill. For scoring under sections 251 or 252 of GRH, such provisions will be scored to the first bill enacted.” See OMB, *Circular No. A-11*, Appendix A, p. A-1.

## Types of CHIMPs and Their Scoring Effects

Substantively, CHIMPs can vary in terms of their budgetary or policy effects. Previously used CHIMPs have affected a variety of programs,<sup>23</sup> including those related to transportation, agriculture, health, education, and housing.

In many cases, the projected budgetary effect of a CHIMP is a net savings, but CHIMPs may be projected to have a net cost or even no impact on the budget. If the budgetary effect of a CHIMP is to reduce or otherwise restrict the projected level of spending for a program, thus producing net savings, it could be used to offset an increase in the amount of discretionary spending that could be provided elsewhere in the appropriations bill. When CHIMPs produce multiyear or permanent changes, only the current year effects are scored as discretionary. Any future budgetary effects of the change would be reflected in new baseline projections of mandatory spending rather than being scored against future discretionary allocations or limits.

The budgetary effect of a CHIMP may be projected to affect budget authority, outlays, or both. For example, a CHIMP could shift the timing of expected outlays. By doing so, the overall level of resources available to a program (its budget authority) would remain the same, but the delay in outlays may result in projected outlay savings in the upcoming year. Similarly, a change that would reduce or rescind budget authority that was not projected to be fully spent would produce net savings in terms of budget authority but have no impact on outlays. As a consequence, the policy effects of CHIMPs can vary, because they may affect only the timing or use of resources within a mandatory program's account without significantly affecting the way the program actually functions.

Some federal programs draw upon trust or special funds to support their activities, and in some cases these funds are available for obligation without further legislative action. One common form for a CHIMP is a provision that would limit the obligation of budget authority for one year at a time. This type of CHIMP would have the effect of reducing the projected budget authority available for that year, although those funds would remain available for future fiscal years. Because budget authority in excess of the obligation limit could not be spent, however, the provision would be scored as producing a reduction (a savings) in budget authority for the budget year. These savings could then be used to offset the appropriation of additional budget authority for other programs or activities, even though there would be no reduction in the overall budget authority or resulting outlays for the program.

Some CHIMPs would amend or reauthorize mandatory spending programs that might otherwise expire. In general, the baseline for mandatory spending is required to assume that all laws providing mandatory spending will operate in the manner specified and include all payments required by those laws. In addition, mandatory spending programs that are scheduled to expire are instead assumed to continue to operate.<sup>24</sup> Because the level of mandatory spending under current law is already included in the baseline, only the increase or decrease in spending attributable to the new authorization would be scored for purposes of budget enforcement. If the reauthorization is a CHIMP included in an appropriations bill, the increase or decrease would be scored as discretionary spending and counted as part of the spending in that appropriations bill. Any future

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<sup>23</sup> See, for example, U.S. General Accounting Office, *Budget Process: Use of PAYGO and Discretionary Offsets*, B-280341, July 14, 1998, <https://www.gao.gov/assets/aimd-98-213r.pdf>. (GAO is now known as the Government Accountability Office.)

<sup>24</sup> BBEDCA, §257. This applies to any program with estimated current year outlays in excess of \$50 million.



budgetary effects of the reauthorization would be reflected in new baseline projections of mandatory spending but would not be scored against future discretionary allocations or limits.

## **Congressional Efforts to Restrict the Use of CHIMPs**

While CHIMPS have commonly been included in appropriations legislation, and the scorekeeping guidelines since the BEA explicitly account for this practice, Members of Congress have sometimes criticized their use for various reasons. Some have argued that CHIMPS reduce the available budgetary resources of the affected mandatory accounts.<sup>25</sup> Others have labeled CHIMPs as budgetary gimmicks and argued that they do not produce true net savings.<sup>26</sup> In response to such concerns, in recent years Congress has occasionally adopted rules restricting the budgetary effect of CHIMPs in appropriations legislation.<sup>27</sup>

Beginning in 2007, such restrictions have been in effect in both the House and the Senate at various points and have taken several different approaches to limiting the use of CHIMPs. Each of the rules involving CHIMPs established over this period have fallen under one of the following three general categories:

1. Rules establishing certain limitations on the net budgetary effect of individual CHIMP provisions,
2. Rules establishing certain limitations on the absolute value of all CHIMPs enacted across appropriations legislation for a given fiscal year, and
3. Rules establishing certain limitations on CHIMP provisions affecting specific budget accounts.

Of the types of CHIMP restrictions described below, one is currently in effect: the Senate point of order prohibiting certain CHIMPs with net costs.

### **Senate Limit on the Net Budgetary Effect of Individual CHIMP Provisions**

The Senate first adopted a rule establishing limitations on the net budgetary effect of individual CHIMP provisions in the budget resolution for FY2008.<sup>28</sup> This limitation was in the form of a point of order prohibiting the consideration of any appropriations legislation that included a CHIMP that would produce net costs.<sup>29</sup> This point of order was readopted in the budget resolution for FY2009 and was in effect in the Senate until it was repealed in the budget resolution for

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<sup>25</sup> For example, see *Congressional Record*, daily edition, vol. 159 (October 2, 2013), pp. S7137-S7139. For a counterargument to this criticism, see *Congressional Record*, daily edition, vol. 167 (June 23, 2021), pp. S4713-S4714.

<sup>26</sup> For example, see *Congressional Record*, daily edition, vol. 157 (October 31, 2011), pp. S6899-S6901; *Congressional Record*, daily edition, vol. 157 (November 17, 2011), p. H7778; and *Congressional Record*, daily edition, vol. 161 (December 1, 2015), p. S8229. Also see Committee for a Responsible Federal Budget, “CRFB Explainer: Gimmicks in the FY 17 Omnibus Bill,” May 3, 2017, <https://www.crfb.org/blogs/crfb-explainer-gimmicks-fy-17-omnibus-bill>.

<sup>27</sup> This report does not address points of order under House or Senate rules that might have an impact on the consideration of CHIMPs based on committee jurisdiction or legislative language in an appropriations bill.

<sup>28</sup> S.Con.Res. 21, §209 (110<sup>th</sup> Congress).

<sup>29</sup> The point of order also applied against amendments, motions, conference reports, and amendments between the chambers in relation to appropriations legislation.

FY2016.<sup>30</sup> The point of order was subsequently readopted, however, in the budget resolution for FY2018 and remains in effect.<sup>31</sup>

Under this rule, a provision or provisions is subject to a point of order if:

- it would increase budget authority in at least one of the nine fiscal years that follow the budget year and over the period of the total of the budget year and the nine subsequent fiscal years,
- it would increase net outlays over the period of the total of the nine fiscal years following the budget year, and
- the sum total of all CHIMPs in the legislation would increase net outlays as measured over the period of the total of the nine fiscal years following the budget year.<sup>32</sup>

Pursuant to this rule, a Senator can raise a point of order against a provision (or multiple provisions) contained in an appropriations bill or amendment that violates the rule. If sustained by the presiding officer, the point of order would strike the violating provision, and the measure as a whole would continue to be considered without such provision.<sup>33</sup> The point of order can be waived by an affirmative vote of three-fifths of Senators (60 votes if there is no more than one vacancy). The point of order does not apply, however, to CHIMPs that have been enacted in appropriations legislation in each of the previous three fiscal years prior to the budget year of the legislation being considered.<sup>34</sup>

## **House and Senate Limits on the Absolute Value of All CHIMPs Enacted for a Given Fiscal Year**

Another approach that Congress has previously taken to limit the use of CHIMPs is establishing nominal caps on the absolute value of all CHIMPs enacted across all appropriations legislation for a given fiscal year. Such rules have generally prohibited the consideration of appropriations measures containing CHIMPs that, if enacted, would cause the absolute value of the total budget authority of all CHIMPs enacted for that fiscal year to exceed a certain level.

This rule was first adopted for the House and Senate in the budget resolution for FY2016, which established caps on the absolute value of CHIMPs enacted across all appropriations legislation for FY2016-FY2019.<sup>35</sup> For the purpose of this rule, a CHIMP was defined as a provision that:

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<sup>30</sup> S.Con.Res. 70, §314 (110<sup>th</sup> Congress). Section 3103(e) of S.Con.Res. 11 (114<sup>th</sup> Congress) repealed this point of order.

<sup>31</sup> H.Con.Res. 71, §4102(e) (115<sup>th</sup> Congress). In addition, Section 4102(b) established a point of order against CHIMPs that would cause the absolute value of all CHIMPs to exceed specified levels for FY2018, FY2019, and FY2020.

<sup>32</sup> Section 4102(c) of H.Con.Res. 71 (115<sup>th</sup> Congress) provided that the determination of whether a provision is subject to this point of order shall be made on the basis of estimates provided by the chair of the Senate Budget Committee.

<sup>33</sup> If the point of order is sustained, the budgetary effect of the stricken provision would no longer be a part of the bill. As a consequence, if the stricken CHIMP had been scored as savings, the remaining bill might become vulnerable to other budgetary enforcement procedures.

<sup>34</sup> In addition, Section 209(g)(1) of S.Con.Res. 21 (110<sup>th</sup> Congress) provided that the point of order would not apply to legislation making supplemental appropriations for FY2007.

<sup>35</sup> S.Con.Res. 11, §3103(b) (114<sup>th</sup> Congress). The amount specified in Section 3103(b)(3) for the cap was:

(A) for FY2016, \$19.1 billion;

(B) for FY2017, \$19.1 billion;

(continued...)

- would have been estimated as affecting direct spending or revenues if it were included in legislation other than appropriations acts; and
- would have resulted in a net decrease in budget authority in the budget year but would not have resulted in a net decrease in outlays over the period of the total of the current year, the budget year, and all fiscal years covered under the most recently adopted budget resolution.<sup>36</sup>

This rule established points of order in the House and Senate prohibiting the consideration of appropriations bills or amendments to such bills containing CHIMPs that, if enacted, would cause the limits on the absolute value of all CHIMPs enacted for that fiscal year to be breached.<sup>37</sup> A point of order pursuant to this rule could be waived in the Senate by an affirmative vote of three-fifths of Senators (60 votes if there was no more than one vacancy).

This rule was readopted for both the House and Senate in the budget resolution for FY2018<sup>38</sup> and subsequently readopted for the Senate for FY2021 in the Bipartisan Budget Act of 2019.<sup>39</sup>

## **House and Senate Limits on CHIMPs Provisions Affecting Specific Budget Accounts**

In one case, Congress has also established a rule limiting the consideration of CHIMPs affecting a specific budget account. In particular, Congress has adopted rules limiting CHIMPs affecting the Crime Victims Fund (CVF).

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(C) for FY2018, \$17 billion; and  
(D) for FY2019, \$15 billion.

<sup>36</sup> S.Con.Res. 11, §3103(a) (114<sup>th</sup> Congress).

<sup>37</sup> The point of order in the House and Senate also applied to motions, conference reports, and amendments between the chambers in relation to appropriations bills. Section 3103(c) of S.Con.Res. 11 (114<sup>th</sup> Congress) established that the determination of whether a provision was subject to this point of order be made on the basis of estimates provided by the chair of the House or Senate Budget Committee.

<sup>38</sup> H.Con.Res. 71, §4102(b) (Senate) and §5103(b) (House) (115<sup>th</sup> Congress). The amount specified in Section 4102(b)(2) for the cap in the Senate was:

(A) for FY2018, \$17 billion;  
(B) for FY2019, \$15 billion; and  
(C) for FY2020, \$15 billion.

The amount specified in Section 5103(b)(3) for the cap in the House was:

(A) for FY2018, \$19.1 billion;  
(B) for FY2019, \$17 billion; and  
(C) for FY2020, \$15 billion.

<sup>39</sup> P.L. 116-37, § 207(b). The amount specified in Section 207(b)(2) for the cap in the Senate for FY2021 was \$15 billion.

In 1984, the Victims of Crime Act<sup>40</sup> established the CVF to provide funding for state victim compensation and assistance programs.<sup>41</sup> Funds are deposited in the CVF from a number of sources including criminal fines and other penalties. Funding for a current year's grants is provided by the previous year's deposits to the CVF. If the level of deposits exceeds the level of grants, the act requires that the excess must remain in the CVF for obligation in future fiscal years. In response to an unprecedented level of antitrust criminal fines collected in the previous year, Congress enacted an obligation limit on the CVF in 1999 for FY2000 in order to reduce the impact of the increased deposits and to ensure the long-term stability of funding for programs supported by the CVF.<sup>42</sup> Because the obligation limit was lower than the level of resources available in the CVF, the provision was scored as producing a savings, although resources above the obligation limit remained available for future obligations.

Similar obligation limits were enacted in subsequent years. In addition to the rule restricting the absolute value of all CHIMPs adopted in the budget resolution for FY2016, a separate rule limiting CHIMPs affecting the CVF was adopted for the House and Senate in the same budget resolution. This rule established a total limit of \$10.8 billion on the absolute value of all CHIMPs affecting the CVF in appropriations legislation for FY2016. To enforce these limits, the rule established points of order in both the House and Senate prohibiting the consideration of appropriations legislation or amendments to such legislation containing CHIMPs affecting the CVF that would cause the \$10.8 billion limit for FY2016 to be exceeded.<sup>43</sup> Points of order pursuant to this rule could be waived in the Senate by an affirmative vote of three-fifths of Senators (60 votes if there was no more than one vacancy).

This rule was readopted for the Senate in the budget resolution for FY2018, establishing a total limit of \$11.224 billion on the absolute value of all CHIMPs affecting the CVF enacted in appropriations legislation for FY2018.<sup>44</sup>

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<sup>40</sup> P.L. 98-473.

<sup>41</sup> 34 U.S.C. §20101. For more on the CVF, see CRS Report R42672, *The Crime Victims Fund: Federal Support for Victims of Crime*, by Lisa N. Sacco.

<sup>42</sup> U.S. Congress, House of Representatives, Committee on Appropriations, *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 2000*, report to accompany H.R. 2670, 106<sup>th</sup> Cong., 1<sup>st</sup> sess., August 2, 1999, H.Rept. 106-283, p. 138.

<sup>43</sup> S.Con.Res. 11, §3104(b) (Senate) and §3104(c) (House) (114<sup>th</sup> Congress). This rule used the same definition of a CHIMP as the rule established in Section 3103(a) of S.Con.Res. 11. Points of order pursuant to this rule also applied to motions, conference reports, and amendments between the chambers in relation to appropriations bills.

<sup>44</sup> H.Con.Res. 71, §4103(b) (115<sup>th</sup> Congress).

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