AUTHORIZATIONS AND APPROPRIATIONS - HOW THEY WORK

A primary avenue for exercising Congress’s power of the purse is the authorization and appropriation of federal spending to carry out government activities. While the power over appropriations is granted to Congress by the U.S. Constitution, the authorization-appropriation process is derived from House and Senate rules. The formal process consists of two sequential steps: (1) enactment of an authorization measure that may create or continue an agency or program as well as authorize the subsequent enactment of appropriations; and (2) enactment of appropriations to provide funds for the authorized agency or program.

The authorizing and appropriating duties in this two-step process are carried out by a division of labor within the committee system. Legislative committees – such as the House Committee on Armed Services and the Senate Committee on Commerce, Science, and Transportation – are responsible for authorizing legislation related to the agencies and programs under their jurisdiction; most standing committees have authorizing responsibilities. The Appropriations Committees of the House and Senate have jurisdiction over appropriations measures only. As discussed below, House and Senate rules generally prohibit the encroachment of these committee responsibilities by the authorizers and appropriators.

Agencies and programs funded through the annual appropriations process, referred to as discretionary spending, generally follow this two-step process. Not all federal agencies and programs, however, are funded through this authorization-appropriations process. Funding for some agencies and programs is provided by the authorizing legislation, bypassing this two-step process. Such spending, referred to as direct spending, currently constitutes about two-thirds of all federal spending. Some direct spending, mostly entitlement programs, is funded by permanent appropriations in the authorizing law. Other direct spending (referred to as appropriated entitlements), such as Medicaid, is funded in appropriations acts, but the amount appropriated is controlled by the authorizing legislation.

Authorizing Legislation
An authorizing measure can establish, continue, or modify an agency or program for a fixed or indefinite period of time. It also may set forth the duties
and functions of an agency or program, its organizational structure, and the responsibilities of agency or program officials.

Authorizing legislation also authorizes the enactment of appropriations for an agency or program. The amount authorized to be appropriated may be specified for each fiscal year or may be indefinite (providing “such sums as may be necessary”). The authorization of appropriations is intended to provide guidance regarding the appropriate amount of funds to carry out the authorized activities of an agency.

**Appropriations Measures**
An appropriations measure provides budget authority to an agency for specified purposes. Budget authority allows federal agencies to incur obligations and authorizes payments to be made out of the U.S. Treasury. Discretionary agencies and programs, and appropriated entitlement programs, are funded each year in appropriations acts.

The subcommittees of the Appropriations committees of the House and Senate are each responsible for one of the **regular appropriations acts**. The regular appropriations acts provide budget authority for the next fiscal year, beginning October 1. Congress usually adopts one or more **supplemental appropriations acts** to provide additional funding for unexpected needs while the fiscal year is in progress. If the regular appropriation acts are not completed by October 1, then Congress must adopt a **continuing appropriations act**, commonly referred to as a continuing resolution, providing stop-gap funding. In some years, instead of adopting the regular appropriation measures individually, Congress may include several in an omnibus appropriations measure, or a continuing appropriations bill providing funding for the full fiscal year.

**Enforcing the Authorization-Appropriations Process**
The separation between the two steps of the authorization-appropriations process is enforced through points of order provided by rules of the House and Senate. First, the rules prohibit appropriations for unauthorized agencies and programs; an appropriation in excess of an authorized amount is considered an unauthorized appropriation. Second, the rules prohibit the inclusion of legislative language in appropriations measures. Third, the House, but not the Senate, prohibits appropriations in authorizing legislation.

While the rules encourage the integrity of the process, a point of order must be raised to enforce the rules. Also, the rules may be waived by suspension of the rules, by unanimous consent, or, in the House, by a special rule. If unauthorized appropriations are enacted into law through circumvention of House and Senate rules, in most cases the agency may spend the entire amount.
Listed on the following pages are programs that are of concern to The American Legion. Each program is either a) receiving appropriations without a current authorization, or b) will have its current authorization end at some time during fiscal year (FY) 2012, which ends on September 30, 2012. Each program will be identified by: public law number; title of law; the program or actions that the appropriations were aimed at; when the program first received authorized funding and in what amount; and, amount the program is receiving in FY 2012.

**PROGRAMS FUNDED IN FY 2012 WITH EXPIRED AUTHORIZATIONS OF APPROPRIATIONS**

   
   Office of Veterans Business Development of the Small Business Administration
   
   FY 2009 Appropriations Authorized $2.3 million
   Unauthorized FY 2012 Appropriations $2.5 million

2) **P.L. 111-281** – An act to authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes
   
   Total FY 2011 Appropriations Authorized $10.205 billion
   Total Unauthorized FY 2012 Appropriations $10.070 billion
   (NOTE: FY 2012 figures for two accounts were not available.)

3) **P.L. 107-288** – Jobs for Veterans Act
   
   President’s National Hire Veterans Committee of the Department of Labor
   
   FY 2005 Appropriations Authorized $3 million
   Unauthorized FY 2012 Appropriations Not available

4) **P.L. 105-220** – Workforce Investment Act of 1998
   
   National workforce investment programs: Native American programs, migrant and seasonal farmworker programs, veterans’ workforce investment programs, technical assistance, demonstration and pilot projects, evaluations, incentive grants
   
   FY 2003 Appropriations Authorized Indefinite
   Unauthorized FY 2012 Appropriations $1.365 billion
   (NOTE: Exact amount for veterans’ workforce investment programs was not specified.)

5) **P.L. 111-275** – Veterans’ Benefits Act of 2010
   
   Major medical facility projects (construction, major projects account) in New Orleans, LA, and Long Beach, CA
   
   FY 2011 Appropriations Authorized: $1.113 billion
   Unauthorized FY 2012 Appropriations: $60 million
Major medical facility leases (medical facilities account) for a Billings, MT, community-based outpatient clinic; a Boston, MA, outpatient clinic; a San Diego, CA, community-based outpatient clinic; a San Francisco, CA, research lab; and a San Juan, PR, mental health facility

FY 2011 Appropriations Authorized: $47.338 million
Unauthorized FY 2012 Appropriations: Not Available

6) **P.L. 111-163** - Caregivers and Veterans Omnibus Health Services Act of 2010
Pilot program on counseling in retreat settings for women veterans newly separated from service in the armed forces

FY 2011 Appropriations Authorized: $2 million
Unauthorized FY 2012 Appropriations: Not Available

Pilot program on assistance for child care for certain veterans receiving health care

FY 2011 Appropriations Authorized: $1.5 million
Unauthorized FY 2012 Appropriations: Not Available

Major medical facilities projects in Livermore, CA; Louisville, KY; Dallas, TX; and St. Louis, MO

FY 2010 Appropriations Authorized: $189.410 million
Unauthorized FY 2012 Appropriations: $80 million

Major medical facility construction projects in Denver, CO and Bay Pines, FL

FY 2010 Appropriations Authorized: $994.4 million
Unauthorized FY 2012 Appropriations: $85.97 million

7) **P.L. 111-98** - An act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, WA, and for other purposes
Funding for Walla Walla project provided to the construction, major projects account

FY 2009 Appropriations Authorized: $71.4 million
Unauthorized FY 2012 Appropriations: Not Available

8) **P.L. 111-82** - An act to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes
Leases in Anderson, SC; Atlanta, GA; Bakersfield, Loma Linda, & Monterey, CA; Birmingham, Huntsville, & Montgomery AL; Butler, PA; Charlotte, Fayetteville, & Winston-Salem, NC; Kansas City, KS; McAllen, TX; and, Tallahassee, FL

FY 2010 Appropriations Authorized: $196.227 million
Unauthorized FY 2012 Appropriations: Not Available
9) **P.L. 110-387** - Veterans’ Mental Health and Other Care Improvements Act of 2008

Pilot program for Internet-based substance use disorder treatment for veterans of Operation Iraqi Freedom and Operation Enduring Freedom

- FY 2011 Appropriations Authorized: $1.5 million
- Unauthorized FY 2012 Appropriations: Not Available

Pilot program on provision of readjustment and transition assistance to veterans and their families in cooperation with Veterans’ Centers

- FY 2011 Appropriations Authorized: $1 million
- Unauthorized FY 2012 Appropriations: Not Available

Major medical facility projects (construction, major projects account) in Palo Alto, CA; San Antonio, TX; San Juan, PR; Gainesville, Lee County, & Orlando, FL; Las Vegas, NV; and Pittsburgh, PA

- FY 2009 Appropriations Authorized: $1.839 billion
- Unauthorized FY 2012 Appropriations: $176.620 million

Major medical facility leases (medical facilities account) in Brandon & Tampa, FL; Colorado Springs, CO; Eugene, OR; Green Bay, WI; Greenville, SC; Mansfield, OH; Mayaguez, PR; Mesa & Sun City, AZ; Palo Alto, CA; Savannah, GA; and Peoria, IL

- FY 2009 Appropriations Authorized: $70.019 million
- Unauthorized FY 2012 Appropriations: Not Available

Pilot program on improvement of caregiver assistance services

- FY 2009 Appropriations Authorized: $5 million
- Unauthorized FY 2012 Appropriations: Not Available


Improvement and expansion of mental health services; clinical training and protocols

- FY 2007 Appropriations Authorized: $2 million
- Unauthorized FY 2012 Appropriations: Not Available

Readjustment counseling and related mental health services through centers under section 1712A, Title 38, United States Code

| FY 2007 Appropriations Authorized: | 180,000,000 |
| Unauthorized FY 2012 Appropriations: | Not Available |

11) **P.L. 109-417** - Pandemic and All-Hazards Preparedness Act
Department of Veterans Affairs assistance in the event of a public health emergency for the readiness of medical centers, security at medical and research centers, tracking of pharmaceuticals and medical supplies, training of department professionals in public health emergencies, participation in the National Disaster Medical System, and provision of mental health counseling and assistance

FY 2011 Appropriations Authorized:  Indefinite
Unauthorized FY 2012 Appropriations:  Not Available

12) **P.L. 108-422** - Veterans Health Programs Improvement Act of 2004
Centers for research, education, and clinical activities on complex multi-trauma associated with combat injuries
FY 2008 Appropriations Authorized:  $8 million
Unauthorized FY 2012 Appropriations:  Not Available

Enhancement of medical preparedness of Department of Veterans Affairs: medical preparedness centers authorization
FY 2007 Appropriations Authorized:  $10 million
Unauthorized FY 2012 Appropriations:  Not Available

Veterans Advisory Committee on Education
FY 2009 Appropriations Authorized:  Indefinite
Unauthorized FY 2012 Appropriations:  Not Available

14) **P.L. 107-287** – Department of Veterans Affairs Emergency Preparedness Act of 2002
Department of Veterans Affairs: medical emergency preparedness centers
FY 2007 Appropriations Authorized:  $20 million
Unauthorized FY 2012 Appropriations:  Not Available

15) **P.L. 104-262** – Veterans’ Health Care Eligibility Reform Act of 1996
Veterans’ medical care: hospital care and medical services (authorizing committee states that language intended only to cap program in fiscal years 1997 and 1998)
FY 1998 Appropriations Authorized:  $17.9 billion
Unauthorized FY 2012 Appropriations:  $50.611 billion

Centers for Mental Illness Research, Education, and Clinical Activities
FY 2001 Appropriations Authorized:  $6.25 million
Unauthorized FY 2012 Appropriations:  Not Available

16) **P.L. 106-74** – Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000
Grants for conversion of elderly housing to assisted living facilities
FY 2000 Appropriations Authorized: Indefinite
Unauthorized FY 2012 Appropriations: $25 million

Enhanced voucher assistance for public housing residents upon expiration of contracts
FY 2004 Appropriations Authorized: Indefinite
Unauthorized FY 2012 Appropriations: Not Available

**AUTHORIZATIONS OF APPROPRIATIONS EXPIRING DURING FY 2012**

For defense military programs, not including military construction and housing
Expiration Date: 9/30/12
FY 2012 Appropriations Authorized $632.374 billion

18) **P.L. 112-87** – Intelligence Authorization Act for Fiscal Year 2012
For the intelligence of the United States Coast Guard and the Department of Homeland Security
Expiration Date: 9/30/12
FY 2012 Appropriations Authorized Indefinite

Military construction and family housing
Expiration Date: 9/30/12
FY 2012 Appropriations Authorized $13.425 billion

20) **P.L. 112-37** – Veterans Health Care Facilities Capital Improvement Act of 2011
Homeless veterans’ reintegration programs
Expiration Date: 9/30/12
FY 2012 Appropriations Authorized $50 million

Grants program to train and provide technical assistance to participating eligible entities in the planning, development, and provision of supportive services to very-low-income veteran families occupying permanent housing
Expiration Date: 9/30/12
FY 2012 Appropriations Authorized $1 million

21) **P.L. 111-163** – Caregivers and Veterans Omnibus Health Services Act of 2010
For the purposes of improving how the Department of Veterans Affairs measures quality in individual facilities, to develop an aggregate quality metric from...
existing sources of data, to ensure that existing measures of quality are monitored and analyzed routinely and thoroughly, and to encourage research and development in the area of quality metrics

Expiration Date: 9/30/12
FY 2012 Appropriations Authorized $25 million

22) **P.L. 110-387** - Veterans’ Mental Health and Other Care Improvements Act of 2008
Research program on comorbid post-traumatic stress disorder and substance use disorders
Expiration Date: 9/30/12
FY 2012 Appropriations Authorized $2 million

Blind rehabilitation outpatient specialists
Expiration Date: 9/30/12
FY 2012 Appropriations Authorized $3.5 million