

**UNAUTHORIZED APPROPRIATIONS
AND EXPIRING AUTHORIZATIONS**

JANUARY 15, 1994

**The Congress of the United States
Congressional Budget Office**

PREFACE

This report by the Congressional Budget Office (CBO) satisfies the requirements of section 221(b) of the Balanced Budget and Emergency Deficit Control Act of 1985. The purpose of the report is to aid the Congress in adopting authorizing legislation that must be in place before it considers the 13 regular appropriation bills.

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OVERVIEW

The Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) requires the Congressional Budget Office (CBO) to report to the Congress on unauthorized appropriations and expiring authorizations. Section 221(b) of the act added this requirement to section 202(f) of the Congressional Budget and Impoundment Control Act of 1974, as amended:

(3) On or before January 15 of each year, the Director, after consultation with the appropriate committees of the House and the Senate, shall submit to the Congress a report listing (A) all programs and activities funded during the fiscal year ending September 30 of that calendar year for which authorizations for appropriations have not been enacted for that fiscal year, and (B) all programs and activities for which no authorizations for appropriations have been enacted for the fiscal year beginning October 1 of that calendar year.

The conference report on the Balanced Budget Act states that the purpose of the requirement is "to help Congress use the early months of the year to adopt authorizing legislation that must be in place before the thirteen regular appropriation bills can be considered."

The substance of this report consists of two appendixes. Appendix A specifies programs that have received fiscal year 1994 appropriations but that lack specific authorizations of appropriations for that year. Appendix B lists programs whose specific authorizations of appropriations will expire by the end of fiscal year 1994. The list reflects all public laws enacted through the first session of the 103rd Congress. The information on authorizations is maintained in CBO's Legislative Classification System. The information on amounts appropriated for fiscal year 1994 is from CBO's estimates of the current level of federal spending.

**PROGRAMS FUNDED IN FISCAL YEAR 1994
WITHOUT SPECIFIC AUTHORIZATIONS OF APPROPRIATIONS**

The programs and activities that have received fiscal year 1994 appropriations but that lack authorizations of appropriations for that year are summarized in Appendix A. These programs at one time had explicit authorizations of appropriations from the Congress but the authorizations expired and have not been renewed. Appendix A shows the last funding level authorized for each program.

If the applicable fiscal year 1994 appropriation bills or the legislative history provided explicit funding levels for these programs, those amounts are shown. When no explicit amounts were provided (as when a small program was funded at an unidentified level in a large appropriation account), the appendix simply notes that no amounts are available.

Two characteristics of the information in Appendix A should be noted. First, even if the fiscal year 1994 appropriation for a program or activity was not authorized, the agency normally may obligate and spend the funds. Second, the appendix may not include all programs and activities funded in fiscal year 1994 that lack an authorization. CBO does not track expiring authorizations that do not explicitly authorize appropriations, such as the Department of Veterans Affairs' authority to provide respite care. CBO also does not track unauthorized earmarks, or set-asides, in appropriation acts.

Approximately \$27.2 billion of the \$57.8 billion in fiscal year 1994 appropriations listed in Appendix A is for programs whose most recent authorizations of appropriations expired at the end of fiscal year 1993. The largest are the programs of the National Aeronautics and Space Administration (\$14.6 billion). Other programs in this category include activities of the State Department (\$3.9 billion), the United States Information Agency (\$1.1 billion), the National Science Foundation (\$3.0 billion), and the National Oceanic and Atmospheric Administration (\$1.5 billion).¹

The other \$30.6 billion in unauthorized fiscal year 1994 appropriations is for programs whose authorizations expired before the beginning of the first session of the 103rd Congress. In this category, unauthorized funds for the Department of Justice totaled \$8.7 billion. The annual authorization for most of the department's programs has not been enacted since 1979. Over \$8.1 billion is for international security and development and foreign assistance

1. The programs of the State Department and U.S. Information Agency were authorized in P.L. 102-138, the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

programs. The 99th Congress authorized funding for those programs through fiscal year 1987.

Nearly \$6.9 billion of the unauthorized funds is for civilian programs of the Department of Energy. Annual authorizations for these programs are required by law, but funding for most of them was last authorized, through fiscal year 1984, by the Omnibus Budget Reconciliation Act of 1981. The Energy Policy Act of 1992 reauthorized a majority of the fossil energy and energy supply programs for fiscal years 1993 through 1997.

In addition, almost \$2.0 billion of these funds is for state grants for programs of the Environmental Protection Agency authorized in the Water Quality Act of 1987, and nearly \$1.5 billion is for activities of the United States Customs Service.

Tables 1 and 2 summarize the amounts appropriated in fiscal year 1994 for programs and activities lacking authorizations by House and Senate authorizing committees, respectively. Table 3 summarizes the funding levels for programs that once had explicit authorizations of appropriations, listing public laws by appropriation amounts.

TABLE 1. FISCAL YEAR 1994 APPROPRIATIONS THAT LACK SPECIFIC AUTHORIZATIONS OF APPROPRIATIONS, BY HOUSE AUTHORIZING COMMITTEE
(In thousands of dollars)

House Committee	Number of Laws	Appropriation Amounts ^a
Agriculture	3	19,507
Armed Services	2	214,772
Banking, Finance and Urban Affairs	4	55,261
Education and Labor	5	409,855
Energy and Commerce	33	6,276,695
Foreign Affairs	12	14,471,977
Government Operations	4	16,937
House Administration	1	23,564
Natural Resources	14	1,859,556
Judiciary	8	9,116,553
Merchant Marine and Fisheries	21	838,962
Post Office and Civil Service	2	8,492
Public Works and Transportation	9	2,959,330
Science, Space, and Technology	8	24,688,871
Veterans Affairs	4	58,964
Ways and Means	<u>5</u>	<u>1,751,739</u>
Total ^b	103	57,775,180

SOURCE: Congressional Budget Office.

a. Amounts specified in statute or legislative history only.

b. The totals are less than the sum of the entries because authorizations under the jurisdiction of more than one committee are counted only once in the total.

TABLE 2. FISCAL YEAR 1994 APPROPRIATIONS THAT LACK SPECIFIC AUTHORIZATIONS OF APPROPRIATIONS, BY SENATE AUTHORIZING COMMITTEE
(In thousands of dollars)

Senate Committee	Number of Laws	Appropriation Amounts ^a
Agriculture, Nutrition, and Forestry	2	22,505
Banking, Housing, and Urban Affairs	4	112,626
Commerce, Science, and Transportation	22	20,337,075
Energy and Natural Resources	6	7,618,086
Environment and Public Works	25	3,153,671
Finance	4	1,746,595
Foreign Relations	12	14,471,977
Governmental Affairs	5	13,742
Judiciary	7	8,728,240
Labor and Human Resources	18	1,481,919
Rules and Administration	1	23,564
Veterans Affairs	4	58,964
Select Committee on Indian Affairs	<u>5</u>	<u>6,216</u>
Total ^b	103	57,775,180

SOURCE: Congressional Budget Office.

- a. Amounts specified in statute or legislative history only.
- b. The totals are less than the sum of the entries because authorizations under the jurisdiction of more than one committee are counted only once in the total.

TABLE 3. FISCAL YEAR 1994 APPROPRIATIONS OVER \$50 MILLION FOR PROGRAMS WITH EXPIRED AUTHORIZATIONS OF APPROPRIATIONS, BY EXPIRED AUTHORIZING LAW (In thousands of dollars)

Title of Expired Authorizing Law	Public Law Number	Appropriation Amounts ^a
National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993	102-588	14,556,099
Department of Justice Appropriation Authorization Act, Fiscal Year 1980	96-132	8,661,332
International Security and Development Cooperation Act of 1985	99-83	8,160,491
Omnibus Budget Reconciliation Act of 1981 ^b	97-35	6,850,871
Foreign Relations Authorization Act, Fiscal Years 1992 and 1993	102-138	5,963,597
National Science Foundation Authorization Act of 1988	100-570	3,027,797
Water Quality Act of 1987	100-4	1,977,000
National Oceanic and Atmospheric Administration Authorization Act of 1992	102-567	1,524,129
Customs and Trade Act of 1990	101-382	1,463,771
Bureau of Land Management Quadrennial Authorization	95-352	926,782
Nuclear Regulatory Commission Reauthorization	98-553	542,900
American Technology Preeminence Act of 1991	102-245	525,910
Legal Services Corporation Act Amendments of 1977	95-222	400,000
Omnibus Budget Reconciliation Act of 1987 ^c	100-203	383,160
Arts, Humanities and Museums Amendments of 1990	101-512	376,496
Federal Maritime Commission Authorization Act	101-595	374,423
Omnibus Trade and Competitiveness Act of 1988	100-418	229,900
Peace Corps Act Amendments	102-565	219,745
Omnibus Budget Reconciliation Act of 1989	101-239	204,064
Reauthorization of Programs Under Titles X and XX of the Public Health Service Act	98-512	187,918

(Continued)

TABLE 3. CONTINUED

Title of Expired Authorizing Law	Public Law Number	Appropriation Amounts ^a
Health Professions Education Extension Amendments of 1992	102-408	115,404
Developmental Disabilities Assistance and Bill of Rights Act of 1990	101-496	115,161
Federal Communications Commission Authorization Act of 1990	101-396	99,900
Stewart B. McKinney Homeless Assistance Amendments Act of 1990	101-645	69,213
Federal Trade Commission Improvements Act of 1980	96-252	67,920
Disadvantaged Minority Health Improvement Act of 1990	101-527	61,564
Anti-Drug Abuse Act of 1988	100-690	59,132
Endangered Species Act Authorization	100-478	58,763
Securities Acts Amendments of 1990	101-550	57,856
United States Mint Reauthorization and Reform Act of 1992	102-390	54,770
Veterans' Medical Programs Amendments of 1992	102-405	53,820
Conventional Forces in Europe Treaty Implementation Act of 1991	102-228	53,300
Safe Drinking Water Act Amendments of 1986	99-339	d
Toxic Substances Control Act Reauthorization for Fiscal Years 1982 and 1983	97-129	d
Environmental Research, Development, and Demonstration Authorization Act of 1980	96-229	d

SOURCE: Congressional Budget Office.

- a. Specific amounts in statute or report language.
- b. Department of Energy's civilian energy programs (except energy conservation and fossil energy research and development), Economic Development Administration, Appalachian Regional Commission.
- c. Department of Energy's Nuclear Waste Policy Act programs.
- d. Appropriation amounts are unavailable; however, the estimated funding level exceeds \$50 million.

**AUTHORIZATIONS OF APPROPRIATIONS EXPIRING
BETWEEN JANUARY 15, 1994, AND SEPTEMBER 30, 1994**

The authorizations of appropriations that will expire between January 15 and September 30, 1994, are summarized in Appendix B. The list indicates, by public law, the amounts authorized to be appropriated for expiring programs and activities.

The law with the largest expiring authorization level appearing in Appendix B authorizes appropriations for the Department of Defense. This law requires annual review. Another large expiring annual authorization is the statute authorizing activities of the Coast Guard.

The two-year authorization for specific housing programs of the Farmers Home Administration and Department of Housing and Urban Development is the second largest statute appearing in Appendix B. Next in size is the four-year authorization for the Head Start and Community Service Block Grant programs of the Department of Health and Human Services.

Several statutes appearing in Appendix B contain authorizations that expired in fiscal year 1993. These are listed because under the provisions of the original General Education Provisions Act (P.L. 90-247), their authorization is automatically extended for one year beyond the expiration date. The largest of these is a five-year authorization for various elementary and secondary school programs.

Tables 4 through 7 provide overall information on the expiring authorizations of appropriations listed in Appendix B. Table 4 shows the number of laws that will expire before fiscal year 1995, classified by the amounts they authorize to be appropriated for that year. Tables 5 and 6 summarize the expiring laws by House and Senate authorizing committees, showing for each committee the number of expiring laws under its jurisdiction and the total authorizations for fiscal year 1994. Table 7 lists the expiring laws that authorize fiscal year 1994 appropriations greater than \$50 million.

TABLE 4. SUMMARY OF AUTHORIZATIONS OF
APPROPRIATIONS EXPIRING BEFORE
FISCAL YEAR 1995

Amounts Authorized	Number of Laws
Less than \$50 Million	33
\$50 Million to \$500 Million	19
Greater than \$500 Million	9
Indefinite	<u>24</u>
Total	85

SOURCE: Congressional Budget Office.

**TABLE 5. SUMMARY OF AUTHORIZATIONS OF
APPROPRIATIONS EXPIRING BEFORE FISCAL YEAR
1995, BY HOUSE AUTHORIZING COMMITTEE
(In thousands of dollars)**

House Committee	Number of Laws	Authorization Amounts ^a
Agriculture	3	118,000
Armed Services	3	251,212,548
Banking, Finance and Urban Affairs	4	34,571,403
District of Columbia	1	28,367
Education and Labor	22	11,129,830
Energy and Commerce	12	3,083,690
Foreign Affairs	4	248,550
Natural Resources	5	41,925
Judiciary	8	1,226,900
Merchant Marine and Fisheries	9	3,879,045
Post Office and Civil Service	4	10,062
Public Works and Transportation	7	1,257,000
Science, Space, and Technology	6	1,324,229
Select Committee on Intelligence	1	296,100
Small Business	3	127,500
Veterans' Affairs	3	207,723
Ways and Means	3	264,750
Total^b	85	306,767,247

SOURCE: Congressional Budget Office.

a. Amounts do not include indefinite authorizations.

b. The totals are less than the sum of the entries because authorizations under the jurisdiction of more than one committee are counted only once in the total.

TABLE 6. SUMMARY OF AUTHORIZATIONS OF
 APPROPRIATIONS EXPIRING BEFORE FISCAL YEAR
 1995, BY SENATE AUTHORIZING COMMITTEE
 (In thousands of dollars)

Senate Committee	Number of Laws	Authorization Amounts ^a
Agriculture, Nutrition, and Forestry	5	151,000
Armed Services	2	250,916,448
Banking, Housing, and Urban Affairs	4	34,571,403
Commerce, Science, and Transportation	10	5,105,014
Energy and Natural Resources	6	1,367,425
Environment and Public Works	11	880,250
Finance	2	264,500
Foreign Relations	4	248,500
Governmental Affairs	3	28,367
Judiciary	8	1,226,962
Labor and Human Resources	26	11,578,030
Select Committee on Indian Affairs	1	2,000
Select Committee on Intelligence	1	296,100
Small Business	3	127,500
Veterans' Affairs	4	217,723
Total ^b	85	306,767,247

SOURCE: Congressional Budget Office.

a. Amounts do not include indefinite authorizations.

b. The totals are less than the sum of the entries because authorizations under the jurisdiction of more than one committee are counted only once in the total.

TABLE 7. EXPIRING AUTHORIZATIONS OF APPROPRIATIONS
FOR FISCAL YEAR 1994 THAT EXCEED \$50 MILLION,
BY MOST RECENT AUTHORIZING LAW
(In thousands of dollars)

Title of Most Recent Authorizing Law	Public Law Number	Appropriation Amounts ^a
National Defense Authorization Act for Fiscal Year 1994	103-160	250,916,448
Housing and Community Development Act of 1992	102-550	34,040,903
Augustus F. Hawkins Human Services Reauthorization Act of 1990	101-501	8,285,200
Coast Guard Authorization Act of 1993	103-206	3,641,920
Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Act Amendments of 1988	100-297	2,310,000
Energy Policy Act of 1992	102-486	1,317,500
Reauthorization of Omnibus Crime Control and Safe Streets Act Program	102-534	1,119,000
Amtrak Authorization and Development Act	102-533	890,500
Water Quality Act of 1987	100-004	600,000
Education of the Handicapped Act Amendments of 1990	101-476	411,480
Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992	102-581	397,000
HUD Demonstration Act of 1993	103-120	325,000
Intelligence Authorization Act for Fiscal Year 1994	103-178	296,100
Omnibus Budget Reconciliation Act of 1990	101-508	263,500
Authorization of Department of Veterans Affairs Construction Projects	103-079	207,723
Export Enhancement Act of 1992	102-429	205,500
Omnibus Budget Reconciliation Act of 1989 ^b	101-239	187,000
International Narcotics Control Act of 1992	102-583	171,500
ADAMHA Reorganization Act	102-321	125,000
Patent and Trademark Office Authorization Act of 1993	103-179	103,000
Rail Safety Enforcement and Review Act	102-365	101,690
Small Business Credit and Business Opportunity Enhancement Act of 1992	102-366	95,000

(Continued)

TABLE 7. CONTINUED

Title of Most Recent Authorizing Law	Public Law Number	Appropriation Amounts ^a
Health Professions Education Extension Amendments of 1992	102-408	78,500
Jobs Through Exports Act of 1992	102-549	76,500
Stewart B. McKinney Homeless Assistance Amendments Act of 1990	101-645	75,000
Futures Trading Practices Act of 1992	102-546	60,000
Food, Agriculture, Conservation and Trade Act of 1990	101-624	50,000
Crime Control Act of 1990	101-647	50,000

SOURCE: Congressional Budget Office.

NOTE: HUD = Department of Housing and Urban Development; ADAMHA = Alcohol, Drug Abuse and Mental Health Administration.

a. Amounts do not include indefinite authorizations.

b. Department of Health and Human Services' National Vaccine Injury Compensation program.

