

Expired and Expiring Authorizations of Appropriations: Fiscal Year 2020

Authorizations of appropriations are provisions of law that authorize funds to be provided through a future appropriation act to carry out a program or function. They are different from *appropriations*, which provide funding. Each year, the Congressional Budget Office reports to the Congress on the following:

- Programs and activities for which the authorizations of appropriations have expired before the current fiscal year, and
- Programs and activities for which the authorizations of appropriations will expire during the current fiscal year.

The requirement for this CBO report is specified in section 202(e)(3) of the Congressional Budget Act of 1974.¹ Ordinarily, CBO would have published this report by January 15, 2020. However, because the 12 regular full-year appropriation bills were not enacted until December 20, 2019, CBO did not have sufficient time to complete the required analysis before the statutory

1. See House Report 99-433 (December 10, 1985), p. 114, the conference report accompanying the Balanced Budget and Emergency Deficit Control Act of 1985, which amended the Congressional Budget Act of 1974 to include the requirement for this report. The stated purpose is “to help Congress use the early months of the year to adopt authorizing legislation which must be in place before the thirteen regular appropriation bills can be considered.” (Currently, there are 12 regular appropriation bills.)

deadline. With the agreement of the House and Senate Budget Committees, CBO delayed publication until the agency could fully analyze the funding provided in the appropriation bills for fiscal year 2020.

This edition of the report reflects legislation passed by the Congress during the first session of the 116th Congress, which ended on January 3, 2020.² Some of that legislation became law after that date. The latest public law analyzed for this report was the Securing American Nonprofit Organizations Against Terrorism Act of 2019 (Public Law 116-108), which was signed into law by the President on January 24, 2020.

CBO estimates that 1,046 authorizations stemming from 272 laws expired before the beginning of fiscal year 2020. In particular:

- About 70 percent of those authorizations specified amounts of annual funding—totaling \$169 billion

2. The information summarized in this report is drawn from CBO’s Legislative Classification System (LCS), a database of nonpermanent and explicit authorizations of appropriations. The underlying data are posted with the report on CBO’s website. That supplemental data file consists of instructions for sorting the data, a spreadsheet, and a glossary of relevant terms. The spreadsheet catalogs every authorization of appropriations contained in CBO’s LCS. The file also lists funding amounts provided for fiscal year 2020 for authorizations of appropriations that expired on or before September 30, 2019.

when the authorizations were last in effect; the others authorized indefinite appropriations of amounts needed to carry out particular programs or functions.

- CBO has identified \$332 billion in appropriations contained in 2020 appropriation legislation that can be attributed to those expired authorizations—\$233 billion for those authorizations with specified amounts and \$99 billion for indefinite authorizations.³

As of January 3, 2020, 143 authorizations of appropriations included in 30 laws were set to expire by the end of the fiscal year.

The Role of Authorizations

The term *authorization* is used to describe two types of laws. The first are *enabling* statutes (sometimes called organic statutes), which create a federal agency, establish a federal program, prescribe a federal function, or provide for a particular federal obligation or expenditure within a program. Such an authorization may allow a federal agency, program, or function to continue either indefinitely or for a specific period. It may authorize an agency to obligate and spend federal funds without further legislation, or it may simply specify a purpose for which a subsequent appropriation may be provided in a future law (usually, an annual appropriation act).

This report focuses on the second type of authorization: *authorizations of appropriations*, which authorize an agency to carry out a program or function established in an enabling statute, subject to the appropriation of funds in subsequent legislation. An authorization of appropriations constitutes guidance to the Congress about the funding that may be necessary to implement an enabling statute; it may be contained in that enabling statute or enacted separately. Such laws may authorize appropriations for one year, multiple years, or in perpetuity.

3. CBO identified the appropriations by reviewing the text and corresponding legislative history of the 2020 appropriation acts. The Consolidated Appropriations Act, 2020 (P.L. 116-93), contained 4 of the 12 regular appropriation acts. Divisions A through H of the Further Consolidated Appropriations Act, 2020 (P.L. 116-94), contained the remaining 8 regular appropriation acts for fiscal year 2020. The legislative history reviewed for this report is predominantly from the joint explanatory statements in the conference reports that accompany the annual appropriation acts. Such statements typically are published in the *Congressional Record* when the appropriation acts are considered by the Congress.

Amounts authorized may be definite or indefinite: Some laws specify the amount of funding that may be provided; others authorize “such sums as may be necessary.” In either case, CBO refers to those laws as *explicit* authorizations.

House and Senate rules dating from the 19th century restrict the consideration of an appropriation if it lacks an authorization of appropriations.⁴ Whether an appropriation lacks authorization and whether it is in violation of a House or Senate rule are determined by the Speaker of the House or the Presiding Officer of the Senate on the basis of advice from the relevant chamber’s Office of the Parliamentarian. Although this report is intended to aid the Congress by identifying explicit authorizations of appropriations that have already expired or will expire this year, it is not and should not be considered definitive with respect to the application of House or Senate rules.

The Scope and Limitations of This Report

As specified by law, this report covers programs or functions that satisfy two conditions:

- At one time, the program or function had an explicit authorization of appropriations, and
- That authorization of appropriations has expired or will expire during fiscal year 2020.

Some activities are governed by a combination of explicit authorizations of appropriations and enabling laws, both of which may have a specified expiration date. This report accounts only for explicit authorizations of appropriations.

The estimates of funding for expired authorizations presented in this report include only appropriations that CBO can readily identify in legislative text or legislative history. It is possible that additional amounts of 2020 funding are available for activities or programs with expired authorizations of appropriations. For example, the legislative text of some appropriations may be sufficiently broad to support a range of activities that might

4. See clause 2(a)(1) of Rule XXI of the Rules of the House of Representatives, H.R. Doc. 114-192 (2016), p. 868; and clause 1 of Rule XVI of the Standing Rules of the Senate, S. Doc. 113-18 (2013), p. 11.

Table 1.

Summary of 2020 Appropriations With Expired Authorizations, by House Authorizing Committee

House Authorizing Committee	Number of Laws ^a	Expired Authorizations of Appropriations ^b	Identifiable Appropriations (Millions of dollars) ^c
Agriculture	3	3	321
Education and Labor	18	110	44,471
Energy and Commerce	52	282	13,661
Financial Services	22	46	44,153
Foreign Affairs	29	99	38,986
Homeland Security	7	19	5,122
House Administration	3	4	97
Natural Resources	60	160	4,393
Oversight and Reform	8	14	122
Science, Space, and Technology	17	58	42,666
Small Business	3	8	683
The Judiciary	37	141	38,259
Transportation and Infrastructure	29	78	16,235
Veterans' Affairs	13	18	83,074
Ways and Means	4	6	208
Total	272	1,046	332,450

Source: Congressional Budget Office.

This table shows only the committees that have jurisdiction over expired authorizations of appropriations in CBO's Legislative Classification System; therefore, not all House committees are included.

a. Includes laws containing expired authorizations of appropriations for definite or indefinite amounts. The total is less than the sum of the entries because public laws containing authorizations of appropriations that are under the jurisdiction of more than one House authorizing committee are counted only once.

b. Number of explicit authorizations of appropriations within the jurisdiction of each House authorizing committee that expired on or before September 30, 2019.

c. Identifiable amounts specified in statute or legislative history; those amounts are related to 407 expired authorizations in 160 laws.

include those governed by explicit authorizations that have expired.

More broadly, the total number of expired and expiring authorizations presented in this report, as well as aggregate estimates of authorized and appropriated funding, are subject to considerable uncertainty. A federal agency's activities may be governed by several authorizations of appropriations that may interact or overlap. For example, some authorizations may specify funding for narrow and specific activities that might also be permitted under a broader authorization of appropriations. In some cases, the narrow authorization might effectively be a portion of a broader authorization; in others, it might be additive. CBO has attempted to provide the most detail by separately tracking each authorization of appropriations and the full amount of appropriations attributable to

it, which may result in some double counting of the amounts authorized or appropriated.

Expired Authorizations of Appropriations

Table 1, Table 2, and Table 3 summarize information about the number of expired authorizations identified in this report, and the amount of appropriations for 2020 that CBO was able to associate with them, by the House or Senate authorizing committee and by the appropriations subcommittee.

Number of Expired Authorizations

CBO identified 1,046 authorizations of appropriations—stemming from 272 laws—that expired before the beginning of fiscal year 2020 and had not been reauthorized as of January 3, 2020. Combined, 727 contained specified authorizations of annual funding that

Table 2.

Summary of 2020 Appropriations With Expired Authorizations, by Senate Authorizing Committee

Senate Authorizing Committee	Number of Laws ^a	Expired Authorizations of Appropriations ^b	Identifiable Appropriations (Millions of dollars) ^c
Agriculture, Nutrition, and Forestry	6	17	363
Banking, Housing, and Urban Affairs	20	41	43,265
Commerce, Science, and Transportation	42	145	49,464
Energy and Natural Resources	23	182	16,259
Environment and Public Works	42	75	4,006
Finance	5	7	220
Foreign Relations	28	98	38,986
Health, Education, Labor, and Pensions	42	234	50,181
Homeland Security and Governmental Affairs	17	35	6,677
Indian Affairs	15	41	942
Senate Rules and Administration	3	4	97
Small Business and Entrepreneurship	4	10	683
The Judiciary	38	139	38,233
Veterans' Affairs	13	18	83,074
Total	272	1,046	332,450

Source: Congressional Budget Office.

This table shows only the committees that have jurisdiction over expired authorizations of appropriations in CBO's Legislative Classification System; therefore, not all Senate committees are included.

- a. Includes laws containing expired authorizations of appropriations for definite or indefinite amounts. The total is less than the sum of the entries because public laws containing authorizations of appropriations that are under the jurisdiction of more than one Senate authorizing committee are counted only once.
- b. Number of explicit authorizations of appropriations within the jurisdiction of each Senate authorizing committee that expired on or before September 30, 2019.
- c. Identifiable amounts specified in statute or legislative history; those amounts are related to 407 expired authorizations in 160 laws.

totaled \$169 billion when they were last in effect; the other 319 authorized indefinite amounts.⁵

Expired Authorizations With Identifiable Appropriations

For fiscal year 2020, CBO estimates that \$332 billion in appropriations can be associated with 407 expired authorizations—\$233 billion for specified authorizations and \$99 billion for indefinite authorizations. Those appropriations were identified by comparing the expired authorizations in this year's report with the relevant statutory text and associated legislative history accompanying the 12 annual appropriation bills. The \$233 billion in 2020 appropriations for specified authorizations was for 264 programs; when most recently in effect, those

laws authorized annual appropriations totaling \$146 billion. CBO associated the remaining \$99 billion in 2020 appropriations with 143 indefinite authorizations.

Expired Authorizations With No Identifiable Appropriations

CBO cannot identify appropriations in either the statutory text of fiscal year 2020 appropriation acts or in the accompanying legislative history for 639 other expired authorizations. Among them, 463 authorizations stem from laws that, when most recently in effect, contained specified authorizations of appropriations totaling \$22 billion. The other 176 authorizations did not specify an amount of authorized annual appropriations.

5. In the LCS database, and in totals presented in this report, the amount of funding authorized by such indefinite authorizations of appropriations is recorded as zero.

Table 3.

Summary of 2020 Appropriations With Expired Authorizations, by Appropriations Subcommittee

Appropriations Subcommittee	Number of Laws ^a	Expired Authorizations of Appropriations ^b	Identifiable Appropriations (Millions of dollars) ^c
Agriculture, Rural Development, FDA, and Related Agencies	6	17	360
Commerce, Justice, Science, and Related Agencies	65	213	69,112
Defense	1	1	n.a.
Energy and Water Development and Related Agencies	17	164	11,037
Financial Services and General Government	25	40	3,742
Homeland Security	18	48	19,270
Interior, Environment, and Related Agencies	69	130	6,026
Labor, HHS, Education, and Related Agencies	52	243	58,869
Legislative Branch	1	1	1
Military Construction, Veterans Affairs, and Related Agencies	13	18	83,074
State, Foreign Operations, and Related Programs	30	98	38,970
Transportation, HUD, and Related Agencies	28	73	41,988
Total	272	1,046	332,450

Source: Congressional Budget Office.

FDA = Food and Drug Administration; HHS = Department of Health and Human Services; HUD = Department of Housing and Urban Development; n.a. = not applicable.

- a. Includes laws containing expired authorizations of appropriations for definite or indefinite amounts. The total is less than the sum of the entries because public laws containing authorizations of appropriations for programs that are under the jurisdiction of more than one appropriations subcommittee are counted only once.
- b. Number of explicit authorizations of appropriations for programs within the jurisdiction of each appropriations subcommittee that expired on or before September 30, 2019.
- c. Identifiable amounts specified in statute or legislative history; those amounts are related to 407 expired authorizations in 160 laws.

Comparison With Last Year's Report

A comparison of CBO's March 2019 report and the February 2020 analysis leads to the following conclusions:⁶

- CBO estimates that 87 percent of the \$332 billion in appropriations identified for the current report is associated with expired authorizations attributable to 15 laws (see Table 4). Most of those authorizations

expired before 2019 and were also identified in last year's report as the major sources of expired authorizations with identified appropriations.

6. The 2019 amounts discussed here include appropriations provided in two supplemental appropriation acts that were enacted in June 2019 and July 2019, after CBO had released the March 2019 edition of this report. See Congressional Budget Office, *Expired and Expiring Authorizations of Appropriations: Fiscal Year 2019* (March 2019), www.cbo.gov/publication/55015. Specifically, the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (P.L. 116-20), and the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019 (P.L. 116-26), provided \$1.5 billion in identifiable appropriations for programs with authorizations of appropriations that expired before fiscal year 2019.

- The amount of identifiable funding for programs with expired authorizations of appropriations increased by \$24 billion (or 8 percent)—from \$308 billion in 2019 to \$332 billion in 2020. CBO attributes \$13 billion of that difference to authorizations that expired during 2019, most of which were contained in the Frank LoBiondo Coast Guard Authorization Act of 2018 (P.L. 115-282). The remaining \$11 billion increase in 2020 appropriations was for authorizations that had expired before 2019. Most of that amount reflects an increase in appropriations that were previously authorized by the Veterans' Health Care Eligibility Reform Act of 1996 (P.L. 104-262).
- The amount of identified appropriations provided for programs and functions with expired definite authorizations of appropriations continues to exceed

Table 4.

Major Sources of Expired Authorizations of Appropriations With Identifiable Appropriations in Fiscal Years 2019 and 2020, by Public Law

Millions of Dollars

Public Law	Title	Identifiable Appropriations	
		2019 ^a	2020
104-262	Veterans' Health Care Eligibility Reform Act of 1996	73,339	82,586
105-276	Quality Housing and Work Responsibility Act of 1998	30,026	31,293
109-162	Violence Against Women and Department of Justice Reauthorization Act of 2005 ^a	29,452	31,245
107-228	Foreign Relations Authorization Act, Fiscal Year 2003	26,613	26,451
115-10	National Aeronautics and Space Administration Transition Authorization Act of 2017	21,390	22,629
111-152	Health Care and Education Reconciliation Act of 2010	22,475	22,475
111-358	America COMPETES Reauthorization Act of 2010	16,016	16,737
110-134	An act to reauthorize Head Start, to improve program quality, to expand access, and for other purposes	11,063	10,613
115-282	Frank LoBiondo Coast Guard Authorization Act of 2018 ^b	n.a.	10,485
99-83	International Security and Development Cooperation Act of 1985	7,275	6,887
109-58	Energy Policy Act of 2005	5,791	6,019
110-315	Higher Education Opportunity Act	5,553	5,672
102-550	Housing and Community Development Act of 1992	7,033	5,548
110-53	Implementing Recommendations of the 9/11 Commission Act of 2007	5,017	5,128
106-104	Amendments to the Immigration and Nationality Act, 1999	1,905	4,730
Subtotal (Amount)		262,949	288,499
Subtotal (Percent)		85	87
All Other Laws With Identifiable Appropriations ^a		45,269	43,951
Total		308,218	332,450

Source: Congressional Budget Office.

This table shows major statutory sources of expired authorizations of appropriations for which CBO could identify appropriations in 2019 and 2020.

n.a. = not applicable.

a. Includes the amounts in two supplemental appropriation acts enacted after the 2019 version of this report was released.

b. The Frank LoBiondo Coast Guard Authorization Act of 2018 contained authorizations of appropriations that expired before 2020 for which CBO identified nearly \$10.5 billion in appropriations in fiscal year 2020. Those authorizations of appropriations had not expired in fiscal year 2019.

previously authorized amounts. The \$233 billion appropriated in 2020 for those programs and functions is \$87 billion more than the specified authorization amounts most recently in effect for those activities. In 2019, that difference was \$78 billion.

Authorizations of Appropriations That Are Set to Expire By the End of the Fiscal Year 2020

As of January 3, 2020, 143 authorizations of appropriations from 30 laws were scheduled to expire on or before September 30, 2020: 126 are for specific amounts that total \$880 billion in 2020; the other 17 (from 7 laws) authorize indefinite amounts. Table 5, Table 6, and Table 7 summarize that

information by the House or Senate authorizing committee and by the appropriations subcommittee.

Most of that authorized funding—\$736 billion (or 84 percent)—is from authorizations contained in the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92).⁷ Typically, authorizations for defense funding are renewed annually. In dollar terms, the

7. The National Defense Authorization Act typically incorporates, by reference, tables including authorizations of appropriations for projects, programs, and activities to be funded from within broader categories of Department of Defense (DoD) spending. This report lists the authorizations of appropriations by major category of DoD spending, fewer than 10 in all, instead of the individual projects, programs, and activities, which number in the thousands.

Table 5.

Summary of Authorizations of Appropriations Expiring On or Before September 30, 2020, by House Authorizing Committee

House Committee	Number of Laws ^a	Authorizations of Appropriations ^b	Appropriations Authorized (Millions of dollars) ^c
Agriculture	1	1	n.a.
Armed Services	2	5	711,569
Education and Labor	3	51	38,859
Energy and Commerce	12	23	62,652
Foreign Affairs	2	6	540
Natural Resources	5	6	177
Oversight and Reform	1	1	15
Permanent Select Committee on Intelligence	1	8	1,080
Science, Space, and Technology	1	1	5
The Judiciary	4	6	156
Transportation and Infrastructure	6	26	64,580
Veterans' Affairs	1	8	69
Ways and Means	1	1	30
Total	30	143	879,730

Source: Congressional Budget Office.

This table shows only the committees that have jurisdiction over authorizations of appropriations expiring in 2020; therefore, not all House committees are included.

n.a. = not applicable.

a. Includes laws with expiring authorizations of appropriations for definite or indefinite amounts. The total is less than the sum of the entries because public laws containing authorizations of appropriations that are under the jurisdiction of more than one House authorizing committee are counted only once.

b. Number of explicit authorizations of appropriations within the jurisdiction of each House authorizing committee that expire on or before September 30, 2020.

c. Amounts specified in statute or legislative history; excludes authorizations of appropriations that do not specify an amount.

second-largest source of expiring authorizations of appropriations is the Fixing America’s Surface Transportation Act (P.L. 114-94), with 21 authorizations totaling \$64 billion.

The largest number of individual authorizations of appropriations expiring by the end of fiscal year 2020 is in the Every Student Succeeds Act (P.L. 114-95)—the reauthorization of the Elementary and Secondary

Education Act of 1965—which contains 27 authorizations of appropriations totaling \$26 billion. The Workforce Innovation and Opportunity Act (P.L. 113-128), with 24 authorizations of appropriations totaling more than \$10 billion, is the next-largest source of individual authorizations of appropriations set to expire by the end of 2020.

Table 6.

Summary of Authorizations of Appropriations Expiring On or Before September 30, 2020, by Senate Authorizing Committee

Senate Authorizing Committee	Number of Laws ^a	Authorizations of Appropriations ^b	Appropriations Authorized (Millions of dollars) ^c
Agriculture, Nutrition, and Forestry	1	1	n.a.
Armed Services	2	5	711,569
Banking, Housing, and Urban Affairs	1	5	12,592
Commerce, Science, and Transportation	5	19	51,813
Energy and Natural Resources	8	15	25,697
Environment and Public Works	4	7	374
Finance	1	1	30
Foreign Relations	2	6	540
Health, Education, Labor, and Pensions	8	61	75,797
Homeland Security and Governmental Affairs	1	1	1
Select Committee on Intelligence	1	8	1,080
The Judiciary	4	6	170
Veterans' Affairs	1	8	69
Total	30	143	879,730

Source: Congressional Budget Office.

This table shows only the committees that have jurisdiction over authorizations of appropriations expiring in 2020; therefore, not all Senate committees are included.

n.a. = not applicable.

a. Includes laws with expiring authorizations of appropriations for definite or indefinite amounts. The total is less than the sum of the entries because public laws containing authorizations of appropriations that are under the jurisdiction of more than one Senate authorizing committee are counted only once.

b. Number of explicit authorizations of appropriations within the jurisdiction of each Senate authorizing committee that expire on or before September 30, 2020.

c. Amounts specified in statute or legislative history; excludes authorizations of appropriations that do not specify an amount.

Table 7.

Summary of Authorizations of Appropriations Expiring On or Before September 30, 2020, by Appropriations Subcommittee

Appropriations Subcommittee	Number of Laws ^a	Authorizations of Appropriations ^b	Appropriations Authorized (Millions of dollars) ^c
Agriculture, Rural Development, FDA, and Related Agencies	1	1	n.a.
Commerce, Justice, Science, and Related Agencies	7	9	190
Defense	2	5	695,203
Energy and Water Development and Related Agencies	7	14	25,782
Financial Services and General Government	4	4	359
Homeland Security	2	2	1
Interior, Environment, and Related Agencies	4	7	295
Labor, HHS, Education, and Related Agencies	9	62	75,847
Military Construction, Veterans Affairs, and Related Agencies	2	9	16,115
State, Foreign Operations, and Related Programs	3	6	520
Transportation, HUD, and Related Agencies	5	24	65,418
Total	30	143	879,730

Source: Congressional Budget Office.

This table shows only the subcommittees that have jurisdiction over authorizations of appropriations expiring in 2020; therefore, not all appropriations subcommittees are included.

FDA = Food and Drug Administration; HHS = Department of Health and Human Services; HUD = Department of Housing and Urban Development; n.a. = not applicable.

- a. Includes laws with expiring authorizations of appropriations for definite or indefinite amounts. The total is less than the sum of the entries because public laws containing authorizations of appropriations for programs that are under the jurisdiction of more than one appropriations subcommittee are counted only once.
- b. Number of explicit authorizations of appropriations for programs within the jurisdiction of each appropriations subcommittee that expire on or before September 30, 2020.
- c. Amounts specified in statute or legislative history; excludes authorizations of appropriations that do not specify an amount.

This annual report of the Congressional Budget Office satisfies the requirements of section 202(e)(3) of the Congressional Budget Act of 1974, as amended. The report is intended to assist the Congress by identifying authorizations of appropriations that have expired or will expire in the current fiscal year. Previous editions, until 2016 titled *Unauthorized Appropriations and Expiring Authorizations*, are available on CBO's website under "Major Recurring Reports," <https://go.usa.gov/xnp7r>.

The information presented in this report was prepared by Joanna Capps, George McArdle, Justin Riordan, Mark Sanford, Esther Steinbock, and J'neil Blanco Suchy. Justin Riordan wrote the report with guidance from Megan Carroll. Shane Beaulieu, Tia Caldwell, Madeleine Fox, Sofia Guo, Arin Kerstein, and Patt Watson of CBO and many staff members of Congressional committees provided assistance.

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This report is available on CBO's website (www.cbo.gov/publication/56082).

CBO seeks feedback to make its work as useful as possible. Please send comments to communications@cbo.gov.



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Director

