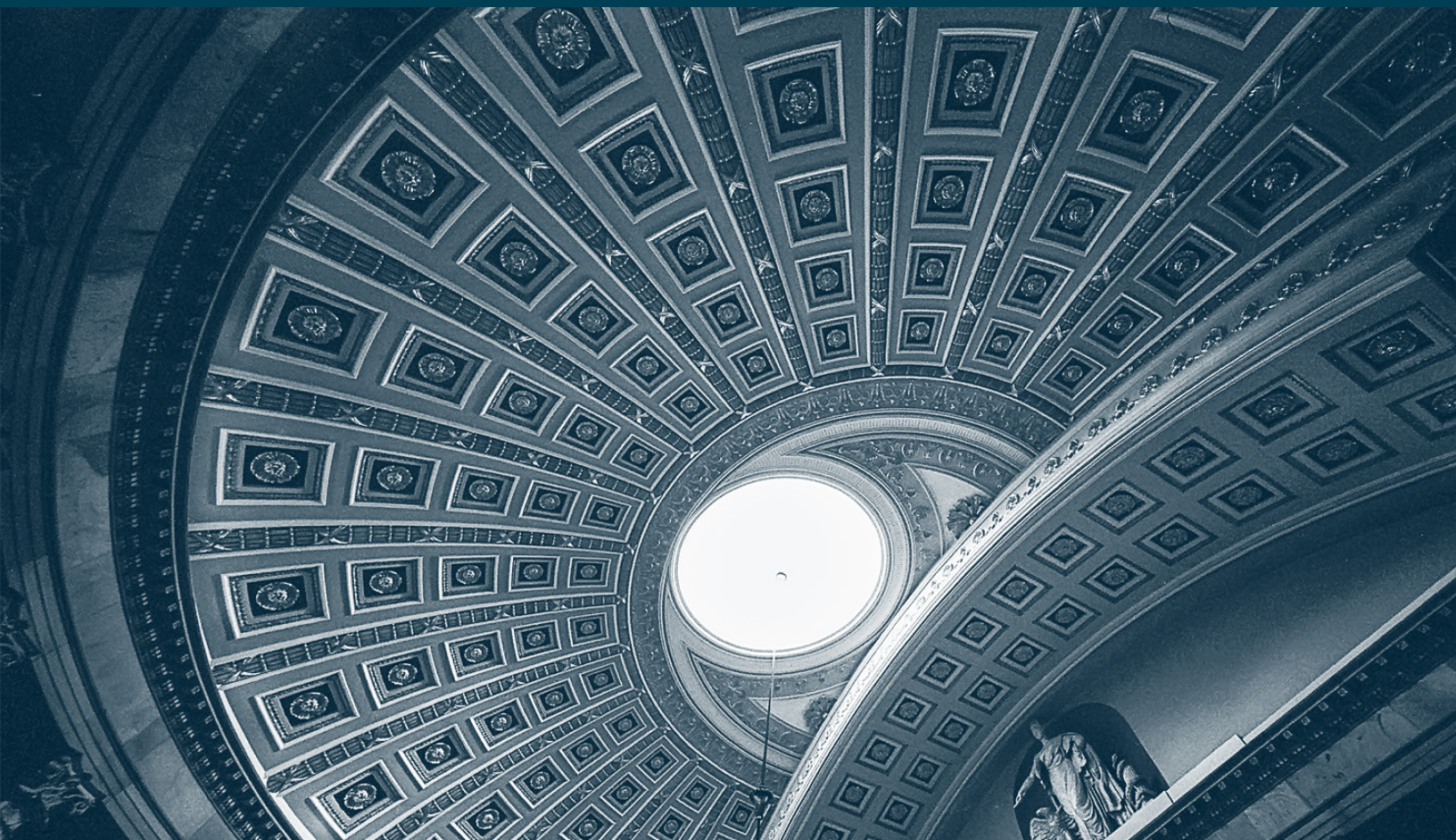




Expired and Expiring Authorizations of Appropriations: Fiscal Year 2021



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At a Glance

Some provisions of law authorize the Congress to provide funds through a future appropriation act to carry out a program or function. Such authorizations of appropriations may be set for one year, for more than one year, or in perpetuity. The Congressional Budget Office tracks authorizations of appropriations that have specified expirations and identifies, annually, appropriations that are provided for expired authorizations.

For this report, which is required by law, CBO identified 1,068 authorizations of appropriations that expired before the beginning of fiscal year 2021 and 119 authorizations that were set to expire before the end of the year. CBO also identified \$432 billion in appropriations for 2021 that could be associated with 402 expired authorizations of appropriations.

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Notes

All years referred to in this report are federal fiscal years, which run from October 1 to September 30 and are designated by the calendar year in which they end. All amounts reported are nominal (not adjusted for inflation). Numbers in the text and tables may not add up to totals because of rounding. The term *authorization* refers specifically to an authorization of appropriations.

Expired and Expiring Authorizations of Appropriations: Fiscal Year 2021

Overview

Some provisions of law authorize the Congress to provide funds through a future appropriation act to carry out a program or function. Such *authorizations of appropriations*, which are the subject of this report, differ from other authorizations (sometimes called enabling or organic statutes) that create a federal agency, establish a federal program, prescribe a federal function, or provide for a particular federal obligation or expenditure within a program. *Appropriations* provide funding to agencies to carry out programs and functions.

An authorization of appropriations constitutes guidance to a future Congress about funding that may be necessary to implement an enabling statute, and it may be contained in that enabling statute or enacted separately. Such laws may authorize appropriations for one year, for more than one year, or in perpetuity, and the 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, the Congressional Budget Office refers to those laws as *explicit* authorizations.

Section 202(e)(3) of the Congressional Budget Act of 1974 requires CBO to report annually to the Congress on the following:

- All programs and activities funded for the current fiscal year for which the authorizations of appropriations have expired, and
- All programs and activities for which the authorizations of appropriations expire during the current fiscal year.

This document fulfills CBO’s requirement to report on authorizations of appropriations for 2021. The information summarized here is drawn from the agency’s Legislative Classification System, a database of nonpermanent and explicit authorizations of

appropriations, available on CBO’s website (www.cbo.gov/publication/57023#data).¹ The appendix describes CBO’s methods and discusses uncertainty in the summary information.

House and Senate rules dating from the 19th century restrict the consideration of an appropriation if it lacks a current authorization.² The determination of whether that is the case and whether an appropriation is in violation of a House or Senate rule is made 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 fiscal year, it is not and should not be considered definitive with respect to the application of House or Senate rules.³

For this report, funding for expired authorizations includes only those appropriations that could be identified in legislative text or legislative history; it is possible that additional amounts of funding are available for activities or programs with expired authorizations of appropriations.

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1. This report—and the supplemental data posted with it—supersedes a preliminary version. See Congressional Budget Office, *Expired and Expiring Authorizations of Appropriations for Fiscal Year 2021—Information for Legislation Enacted Through December 23, 2020* (January 2021), www.cbo.gov/publication/56959.
 2. See clause 2(a)(1) of rule XXI, “General Appropriation Bills and Amendments,” of the Rules of the House of Representatives, H.R. Doc. 115-177 (2019), p. 871, <https://go.usa.gov/xHQGA> (PDF, 5 MB); and clause 1 of rule XVI, “Appropriations and Amendments to General Appropriations Bills,” of the Standing Rules of the Senate, S. Doc. 113-18 (January 2013), p. 11, <https://go.usa.gov/xHgBH> (PDF, 362 KB).
 3. CBO consults with Congressional committees when preparing this report, as required by statute.

Authorizations and Appropriations Identified for This Report

CBO identified more than a thousand authorizations of appropriations that expired before the beginning of fiscal year 2021. The last piece of legislation analyzed for this report was Public Law 116-344, an act to authorize the Sergeant at Arms and Doorkeeper of the Senate to delegate authority to approve payroll and personnel actions, enacted on January 13, 2021.⁴ As of that date, 119 authorizations of appropriations were set to expire by the end of fiscal year 2021.

Three general observations apply for this report:

- More than 70 percent of the expired authorizations specified amounts of annual funding that, when combined, totaled \$242 billion for the year when they were last in effect. The remainder authorized indefinite appropriations of amounts needed to carry out particular programs or functions.
- In all, CBO identified \$432 billion in funding contained in appropriation legislation for fiscal year 2021 for which authorizations had expired. That funding can be attributed to 402 expired authorizations contained in 147 laws: \$336 billion is associated with specified authorizations and \$96 billion with indefinite authorizations.
- More than two-thirds of authorizations set to expire during 2021 specify funding amounts that total \$816 billion this year. Most of that funding is for defense activities, which are authorized annually.

Expired Authorizations of Appropriations

CBO identified 1,068 authorizations of appropriations—stemming from 274 laws—that expired before the beginning of fiscal year 2021 and were not reauthorized as of January 13, 2021. (For a summary of authorizations organized by House and Senate authorizing committee, see Table 1; for a summary organized by appropriations subcommittee, see Table 2.) According to CBO's records, roughly 40 percent of those authorizations expired at least a decade ago; the oldest expired in 1980. In all, 761 contained specified authorizations of annual funding that totaled \$242 billion when they were last in effect; the other 307 authorized indefinite amounts.⁵

4. CBO analyzed all legislation that was passed by January 3, 2021, the final day the second session of the 116th Congress. P.L. 116-344 was passed by that Congress but did not become law until the President signed it on January 13, 2021.

5. In this report, the amount of funding authorized by indefinite authorizations of appropriations is recorded as zero.

Expired Authorizations With Identifiable Appropriations

For 2021, CBO identified \$432 billion in appropriations associated with 402 expired authorizations. That amount includes \$336 billion for 274 specified authorizations; when most recently in effect, those authorizations specified annual funding of \$215 billion. CBO associates the remaining \$97 billion in fiscal year 2021 appropriations with 128 indefinite authorizations.

Of the total amount of funding that CBO identified for this report, more than half (\$223 billion) was for 182 authorizations that expired more than a decade ago. That amount includes \$179 billion in appropriations for 133 authorizations that specified \$79 billion when they were most recently in effect.

Expired Authorizations With No Identifiable Appropriations

CBO cannot identify appropriations for fiscal year 2021 for 666 other expired authorizations—that is, clear connections cannot be made between the language of those authorizations and the statutory text and corresponding legislative history of appropriation legislation for 2021.⁶ Of those authorizations, 487 stem from laws that, when most recently in effect, contained specified authorizations of annual appropriations totaling \$27 billion. The other 179 did not specify an amount of authorized annual appropriations. Of the authorizations for which CBO could not identify appropriations, more than one-third (257) expired more than a decade ago; 179 of them specified a total of \$10 billion in authorized appropriations when most recently in effect.

Comparison With Last Year's Report

A comparison of this report with CBO's February 2020 analysis yields several observations.⁷

6. Regardless of whether CBO can identify appropriations for this report, it is possible for a federal agency to determine that funding for 2021 is available for purposes covered by an expired authorization.
7. The amounts from the February 2020 report discussed here reflect updated information stemming from CBO's review of five supplemental appropriation acts that were enacted after the agency finalized the data for that edition of this report. All told, those five acts contained \$78 billion in appropriations that CBO associated with authorizations of appropriations that expired before fiscal year 2020. Additionally, CBO corrected database errors that overstated, by \$2.7 billion, the amount of 2020 appropriations associated with expired authorizations in the 2020 version of this report. See Congressional Budget Office, *Expired and Expiring Authorizations of Appropriations: Fiscal Year 2020* (February 2020), www.cbo.gov/publication/56082.

Table 1.

Summary of 2021 Appropriations With Expired Authorizations, by House and Senate Authorizing Committee

	Expired Authorizations of Appropriations		Expired Authorizations of Appropriations With Identifiable Appropriations	
	Number of Laws	Number of Authorizations	Number of Authorizations	Amount of Appropriation (Millions of dollars)
House Authorizing Committee				
Agriculture	3	3	2	311
Armed Services	1	1	n.a.	n.a.
Education and Labor	22	148	101	95,163
Energy and Commerce	50	265	65	53,840
Financial Services	22	46	23	44,345
Foreign Affairs	30	99	51	39,281
Homeland Security	7	19	6	4,416
House Administration	3	4	4	100
Judiciary	37	142	53	36,564
Natural Resources	60	154	35	3,924
Oversight and Reform	9	15	4	112
Science, Space, and Technology	18	65	23	44,119
Small Business	3	8	5	589
Transportation and Infrastructure	30	74	23	16,929
Veterans' Affairs	13	18	3	92,123
Ways and Means	4	7	4	203
Senate Authorizing Committee				
Agriculture, Nutrition, and Forestry	6	17	5	356
Armed Services	1	1	n.a.	n.a.
Banking, Housing, and Urban Affairs	20	41	19	43,463
Commerce, Science, and Transportation	43	149	52	51,355
Energy and Natural Resources	26	178	18	15,814
Environment and Public Works	40	71	24	3,814
Finance	5	8	5	215
Foreign Relations	29	98	51	39,281
Health, Education, Labor, and Pensions	41	254	138	141,356
Homeland Security and Governmental Affairs	17	35	14	5,988
Indian Affairs	14	39	10	884
Judiciary	41	145	54	36,680
Rules and Administration	3	4	4	100
Small Business and Entrepreneurship	4	10	5	589
Veterans' Affairs	13	18	3	92,123
Total	274^a	1,068	402	432,019

Data source: Congressional Budget Office. See www.cbo.gov/publication/57023#data.

Amounts reflect information related to explicit authorizations of appropriations, for definite or indefinite amounts, that expired on or before September 30, 2020. This table shows only the committees that have jurisdiction over expired authorizations of appropriations in CBO's Legislative Classification System; therefore, not all committees are included.

n.a. = not applicable.

a. 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 committee are counted only once.

Table 2.

Summary of 2021 Appropriations With Expired Authorizations, by Appropriations Subcommittee

Appropriations Subcommittee	Expired Authorizations of Appropriations		Expired Authorizations of Appropriations With Identifiable Appropriations	
	Number of Laws	Number of Authorizations	Number of Authorizations	Amount of Appropriation (Millions of dollars)
Agriculture, Rural Development, FDA, and Related Agencies	6	17	4	353
Commerce, Justice, Science, and Related Agencies	69	226	90	71,948
Defense	2	2	n.a.	n.a.
Energy and Water Development and Related Agencies	19	156	11	10,606
Financial Services and General Government	27	43	18	3,779
Homeland Security	18	48	19	19,407
Interior, Environment, and Related Agencies	65	127	34	5,372
Labor, HHS, Education, and Related Agencies	50	261	148	147,219
Legislative Branch	1	1	n.a.	n.a.
Military Construction, Veterans Affairs, and Related Agencies	13	18	3	92,123
State, Foreign Operations, and Related Programs	31	97	50	39,264
Transportation, HUD, and Related Agencies	29	72	25	41,948
Total	274^a	1,068	402	432,019

Data source: Congressional Budget Office. See www.cbo.gov/publication/57023#data.

Amounts reflect information related to explicit authorizations of appropriations, for definite or indefinite amounts, that expired on or before September 30, 2020. This table shows only the appropriations subcommittees that have jurisdiction over expired authorizations of appropriations in CBO's Legislative Classification System; therefore, not all subcommittees are included.

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

a. 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 subcommittee are counted only once.

Twenty laws were identified as major sources of appropriations for expired authorizations in 2020 or 2021 (see Table 3); 15 of them received appropriations in both years.⁸ Four of those laws, with newly expired authorizations, were identified as major sources of expired authorizations with identifiable appropriations only in 2021. One law was identified as a major source of 2020 appropriations for expired authorizations, but the authorizations contained in that law were reauthorized after the 2020 report and did not contribute to the amounts of 2021 funding identified for this report.

In 2021, funding for expired authorizations continues to be mostly attributable to a small group of expired authorizations. Fewer than half of the expired authorizations were associated with 90 percent of the \$432 billion in fiscal year 2021 appropriations identified for this

report. Similarly, in 2020, 89 percent of the funding for expired authorizations was attributed to 36 percent of the expired authorizations that received funding.

Overall, CBO identified an increase of \$25 billion (or 6 percent) in funding for expired authorizations this year; that funding rose from \$407 billion in 2020 to \$432 billion in 2021. CBO attributes an increase of \$93 billion to authorizations that were newly expired, almost all of them contained in four laws.⁹ That increase is partially offset by a \$68 billion reduction in identified appropriations for authorizations that expired before 2020 and that remain expired for this report. More than three-quarters of that decrease is attributable to the change in funding for administrative activities and disaster loans previously authorized by the

8. For this edition, major sources of appropriations for expired authorizations include laws with more than \$3 billion in identified appropriations in 2020 or 2021.

9. Those laws were the 21st Century Cures Act (P.L. 114-255), the Every Student Succeeds Act (P.L. 114-95), the Child Care and Development Block Grant Act of 2014 (P.L. 113-186), and the Workforce Innovation and Opportunity Act (P.L. 113-128).

Table 3.

Public Laws That Are Major Sources of Expired Authorizations of Appropriations With Identifiable Appropriations in 2020 and 2021

Public Law	Title	2020		2021	
		Number of Authorizations	Amount of Appropriation (Millions of dollars)	Number of Authorizations	Amount of Appropriation (Millions of dollars)
104-262	Veterans' Health Care Eligibility Reform Act of 1996 ^a	1	99,178	1	90,780
114-255	21st Century Cures Act ^b	n.a.	n.a.	1	41,437
109-162	Violence Against Women and Department of Justice Reauthorization Act of 2005 ^a	22	31,402	22	32,506
105-276	Quality Housing and Work Responsibility Act of 1998 ^a	2	31,978	2	30,886
107-228	Foreign Relations Authorization Act, Fiscal Year 2003 ^a	26	26,901	26	26,590
114-95	Every Student Succeeds Act ^b	n.a.	n.a.	26	26,440
115-10	National Aeronautics and Space Administration Transition Authorization Act of 2017 ^a	9	22,689	9	23,271
111-152	Health Care and Education Reconciliation Act of 2010	1	22,475	1	22,475
111-358	America COMPETES Reauthorization Act of 2010 ^a	6	16,879	5	16,547
113-186	Child Care and Development Block Grant Act of 2014 ^b	n.a.	n.a.	1	15,911
115-282	Frank LoBiondo Coast Guard Authorization Act of 2018 ^a	8	10,626	8	11,302
110-134	Improving Head Start for School Readiness Act of 2007 ^a	1	11,363	1	10,748
113-128	Workforce Innovation and Opportunity Act ^b	n.a.	n.a.	15	8,761
99-83	International Security and Development Cooperation Act of 1985 ^a	6	7,137	6	6,864
110-315	Higher Education Opportunity Act ^a	30	6,939	30	6,840
109-58	Energy Policy Act of 2005 ^a	6	6,919	6	6,215
102-550	Housing and Community Development Act of 1992 ^a	6	5,684	6	5,766
110-53	Implementing Recommendations of the 9/11 Commission Act of 2007	6	5,128	6	4,423
112-17	Small Business Additional Temporary Extension Act of 2011 ^a	4	52,822	4	575
114-144	Older Americans Act Reauthorization Act of 2016 ^{a, b}	14	3,042	n.a.	n.a.
Subtotal		148	361,164	176	388,338
Subtotal (Percent)		36	89	44	90
All Other Laws With Identifiable Appropriations		268	46,333	226	43,681
Total		415	407,458	402	432,019

Data source: Congressional Budget Office. See www.cbo.gov/publication/57023#data.

Public laws that are listed are the major statutory sources of expired authorizations of appropriations for which CBO was able to identify appropriations in 2020 and 2021. Major sources are laws with more than \$3 billion in identified appropriations for expired authorizations in either 2020 or 2021.

n.a. = not applicable.

a. Includes updates to the data presented in CBO's 2020 report to account for appropriations provided in five supplemental appropriation acts enacted after the release of that report and to correct database errors that CBO identified while preparing this edition of the report.

b. Laws that were not expired during both the 2020 and 2021 editions of this report but that were identified as major sources of appropriations for expired authorizations for either 2020 or 2021.

Small Business Additional Temporary Extension Act of 2011 (P.L. 112-17). That unusually large amount of funding was made in 2020 in response to the coronavirus pandemic.¹⁰

Authorizations that expired more than a decade before the report year continue to account for the vast majority of funding that exceeds previously authorized amounts. For 2021, CBO identified \$336 billion in appropriations for expired authorizations that specified annual funding; those appropriations exceeded the amounts specifically authorized by \$121 billion. Only \$20 billion of that difference is associated with authorizations that expired between 2011 and 2020; the rest is associated with authorizations that expired before 2011. In the 2020 report, CBO identified appropriations that exceeded expired specified authorizations by \$109 billion. For the authorizations that expired between 2010 and 2019, CBO identified appropriations roughly equal to the total authorized amount.¹¹

Authorizations of Appropriations That Are Set to Expire By the End of Fiscal Year 2021

As of January 13, 2021, 119 authorizations of appropriations (from 26 laws) were scheduled to expire during

2021: Ninety-seven (from 23 laws) are for specific amounts that total \$816 billion in 2021; 22 (from 10 laws) authorize indefinite amounts (see Table 4).

Most of the amounts specified in authorizations that are scheduled to expire during 2021 are contained in the National Defense Authorization Act for Fiscal Year 2021 (P.L. 116-283), which authorizes \$742 in funding.¹² The second-largest source is the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), which includes eight authorizations totaling \$58 billion—mostly for surface transportation programs.

The law containing the largest number of individual authorizations of appropriations scheduled to expire by the end of fiscal year 2021 is the Water Infrastructure Improvements for the Nation Act (P.L. 114-322), which contains 24 authorizations of appropriations. The Consolidated Appropriations Act, 2021 (P.L. 116-260), with 15 authorizations of appropriations, is the next-largest source of individual authorizations of appropriations set to expire by the end of 2021.

10. A single \$50 billion appropriation in Additional Emergency Appropriations for Coronavirus Response (division B of P.L. 116-139) accounted for more than 96 percent of the funding for such activities in 2020.

11. Most of the \$20 billion difference between the 2020 report and this report occurs because newly expired authorizations identified in the 2021 report accounted for \$18 billion in appropriations in excess of specified authorized amounts.

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

Table 4.

Summary of Authorizations of Appropriations Expiring in 2021, by House and Senate Authorizing Committee and Appropriations Subcommittee

	All Expiring Authorizations of Appropriations		Expiring Authorizations With Definite Amount Authorized in 2021	
	Number of Laws	Number of Authorizations	Number of Authorizations	Authorized Amount (Millions of dollars)
House Authorizing Committee				
Agriculture	3	4	4	127
Armed Services	1	5	5	703,383
Education and Labor	2	5	2	25
Energy and Commerce	9	23	21	29,569
Financial Services	1	1	1	*
Foreign Affairs	4	8	7	122
Homeland Security	2	7	5	19,997
Permanent Select Committee on Intelligence	1	8	2	1,273
Judiciary	7	14	13	223
Natural Resources	7	13	11	307
Oversight and Reform	1	1	1	4
Transportation and Infrastructure	5	22	18	57,859
Veterans' Affairs	2	2	2	407
Ways and Means	3	6	5	2,233
Senate Authorizing Committee				
Agriculture, Nutrition, and Forestry	2	3	3	124
Armed Services	1	14	14	742,158
Commerce, Science, and Transportation	3	9	6	57,600
Energy and Natural Resources	4	7	6	158
Environment and Public Works	4	29	26	2,587
Finance	2	5	4	913
Foreign Relations	3	7	6	120
Health, Education, Labor, and Pensions	7	14	10	1,895
Homeland Security and Governmental Affairs	4	9	7	8,079
Select Committee on Intelligence	1	8	2	1,273
Judiciary	6	12	11	212
Veterans' Affairs	2	2	2	407
Appropriations Subcommittee				
Agriculture, Rural Development, FDA, and Related Agencies	4	5	5	130
Commerce, Justice, Science, and Related Agencies	10	22	20	1,128
Defense	2	4	3	695,650
Energy and Water Development and Related Agencies	5	13	10	27,238
Financial Services and General Government	2	3	2	4
Homeland Security	6	11	8	20,014
Interior, Environment, and Related Agencies	4	23	21	2,439
Labor, HHS, Education, and Related Agencies	9	17	13	2,800
Military Construction, Veterans Affairs, and Related Agencies	3	4	4	8,541
State, Foreign Operations, and Related Programs	5	10	7	120
Transportation, HUD, and Related Agencies	2	7	4	57,465
Total	26^a	119	97	815,527

Data source: Congressional Budget Office. See www.cbo.gov/publication/57023#data.

Amounts reflect information related to explicit authorizations of appropriations that expire in fiscal year 2021. This table shows only the committees and subcommittees that have jurisdiction over expired authorizations of appropriations in CBO's Legislative Classification System; therefore, not all are included.

FDA = Food and Drug Administration; HHS = Health and Human Services; HUD = Department of Housing and Urban Development; * = between zero and \$500,000.

a. 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 committee or subcommittee are counted only once.

Appendix: Methods Used for CBO’s Annual Report on Expired and Expiring Authorizations of Appropriations

The Congressional Budget Office assembles information for its annual report on expired and expiring authorizations of appropriations in three phases: First is a review of newly enacted laws to identify provisions that establish or modify explicit, time-limited authorizations of appropriations. Next comes cataloging of information about those authorizations in the Legislative Classification System (LCS)—the database that underlies the report. Finally, CBO reviews appropriations enacted for the current fiscal year to assess whether they provide funding for expired authorizations.¹

The process prioritizes lawmakers’ need for detailed information about individual explicit authorizations of appropriations but results in some uncertainty in the aggregated information presented in the report.²

Phase 1: Review Authorizations

CBO reviews the text of newly enacted legislation to identify provisions that create new authorizations of appropriations or that amend, extend, or repeal existing ones. To be included, each authorization must meet three criteria:

- *It Authorizes an Appropriation Explicitly.* Many activities of the government are governed by an enabling authorization (such as an organic statute that outlines an agency’s mission and authorities) and by an explicit authorization of appropriation; others might not have an authorization of appropriation. This report considers explicit authorizations only. A key determinant for inclusion is the text of the law,

1. As it does for other legislation, CBO reviews appropriation acts for explicit authorizations of appropriations and updates the LCS accordingly.

2. CBO’s catalog of authorizations as compiled from the LCS is published with each edition of the report. See Congressional Budget Office, “Expired and Expiring Authorizations of Appropriations,” <https://go.usa.gov/xnp7r>.

which often includes the words “authorization of appropriation.”

- *An Appropriation Act Would Provide Funding.* This report focuses on authorizations for funding that CBO expects would be provided in legislation under the jurisdiction of the House or Senate Committee on Appropriations.
- *An Expiration Date Is Specified.* Authorizations of appropriations do not fit within the scope of this report if they are permanent or lack an end date.³ Because the report excludes explicit authorizations that do not expire, it cannot be considered an exhaustive list of enacted authorizations of appropriations.

Phase 2: Catalog Authorizations

Next, CBO updates the LCS—the database of non-permanent and explicit authorizations of appropriations—recording new authorizations as well as repeals, modifications, and extensions. The LCS contains information about each authorization: the committees of jurisdiction, references to a public law or section of the U.S. Code that contains the authorization, the expiration date, and the amount authorized to be appropriated in the authorization’s final year. If the authorized amount is indefinite, the LCS shows a zero.

To ensure the reliability of data cataloged during the second phase, CBO is required by statute to consult with key staff of Congressional committees. CBO shares a preliminary version of the data for the upcoming report and asks staff members to review items within each committee’s jurisdiction. That process helps CBO to identify and correct errors in the LCS, particularly related to committee jurisdiction and the status of authorizations.

3. If an authorization does not specify a particular expiration date, but includes the entire fiscal year, September 30—the last day of the fiscal year—is used as the expiration date.

The goal of phase 2 is to ensure that the data related to authorizations are entered into the LCS in a way that helps analysts identify subsequent appropriations for those authorizations. In some cases, authorizations are combined to facilitate the identification of appropriations for the program or activity. For example, large authorization bills—such as the annual National Defense Authorization Act and the biennial Water Resources Development Act—can contain hundreds of discrete authorizations of appropriations for a broad range of activities of a federal department or agency. CBO consolidates many of those authorizations within the LCS to be consistent with the way such appropriations typically are provided. As a result, the number of expired or expiring authorizations carried in the LCS can be smaller than the actual number of discrete authorizations contained in those laws.

By contrast, if there is ambiguity about the ways two authorizations of appropriations may interact or overlap, both are carried in the LCS. That provides the most useful information to the Congress because each explicit authorization is cataloged as closely as possible to the way it appears in the law. However, the result may be double counting of amounts authorized to be appropriated. If an explicit authorization of appropriations for a series of grant programs is in place and a new law establishes an explicit authorization for a specific type of grant, for example, it may be unclear whether the new authorization is meant to be additional to or derived from the existing authorization. In that case, CBO catalogs both the new authorization and the existing one in the LCS.

Phase 3: Identify Appropriations for Expired Authorizations

CBO begins the third phase by assessing the list of authorizations that were expired at the start of the fiscal year. Then, CBO reviews appropriation legislation that provides funding for that year. Specifically, the 12 annual appropriation bills are reviewed, as are any supplemental appropriations enacted for the year and any advance appropriations already in place.⁴ CBO

4. When a supplemental appropriation is enacted after CBO publishes the report for a fiscal year, CBO updates the LCS to reflect changes to funding for expired authorizations. CBO does not revise the report, but it provides details in the next report on the amount of supplemental appropriations that were identified and associated with authorizations that were expired at the time of the previous report.

also consults detailed tables provided by the House and Senate Committees on Appropriations and the Joint Explanatory Statement of Conferees.

The goal of phase 3 is to connect appropriations with expired authorizations on the basis of the appropriation acts' text and the corresponding legislative history. The ability to make such connections is limited by the amount of detail provided in those laws and in related materials. Without a clear link, CBO is not always able to associate an expired authorization with an appropriation—even if a federal agency could determine subsequently that appropriations are available for purposes covered by an expired authorization. In such cases, CBO might not identify those amounts in the LCS if the language of the authorization and the appropriation do not align. If authorizations overlap or interact, CBO tries to identify an appropriation for each authorization.

CBO's goal is to ensure consistency in the LCS's records of appropriations for expired authorizations. When more than one appropriation is identified for a single expired authorization, the amounts are consolidated and attributed to that authorization for that year. If an appropriation can be associated with more than one authorization in the LCS, CBO associates that appropriation with just one authorization—usually, the one most recently in effect.

Uncertainty in Summary Information

Because cataloging authorizations and identifying appropriations involves judgment, the report's summary statistics are subject to uncertainty. Under- or overstating the number of authorizations can result in underestimating or double counting both the number of expired authorizations with identified funding and the dollar amounts of appropriations provided for expired authorizations shown in the tables and totals presented in this report. Thus, the report should not be construed as providing precise information about the current state of explicit authorizations and related appropriations. Rather, the report's supplemental data file provides detailed information about the status of individual explicit authorizations of appropriation, and comparisons of data between one report and another may indicate overall trends.

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About This Document

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 from CBO's web page for major recurring reports, "Expired and Expiring Authorizations of Appropriations," <https://go.usa.gov/xnp7r>.

The information presented in this report was prepared by Joanna Capps, Fiona Forrester, Madeleine Fox, Sofia Guo, Arin Kerstein, Rachel Matthews, George McArdle, Justin Riordan, Mark Sanford, Esther Steinbock, J'nell Blanco Suchy, and Olivia Yang. Justin Riordan wrote the report with guidance from Megan Carroll, Theresa Gullo, and Esther Steinbock. Olivia Yang fact-checked it. Shane Beaulieu and Patt Watson of CBO and many staff members of Congressional committees provided assistance.

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



Phillip L. Swagel
Director
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