

The Legislative Process: Authorizing vs. Appropriating

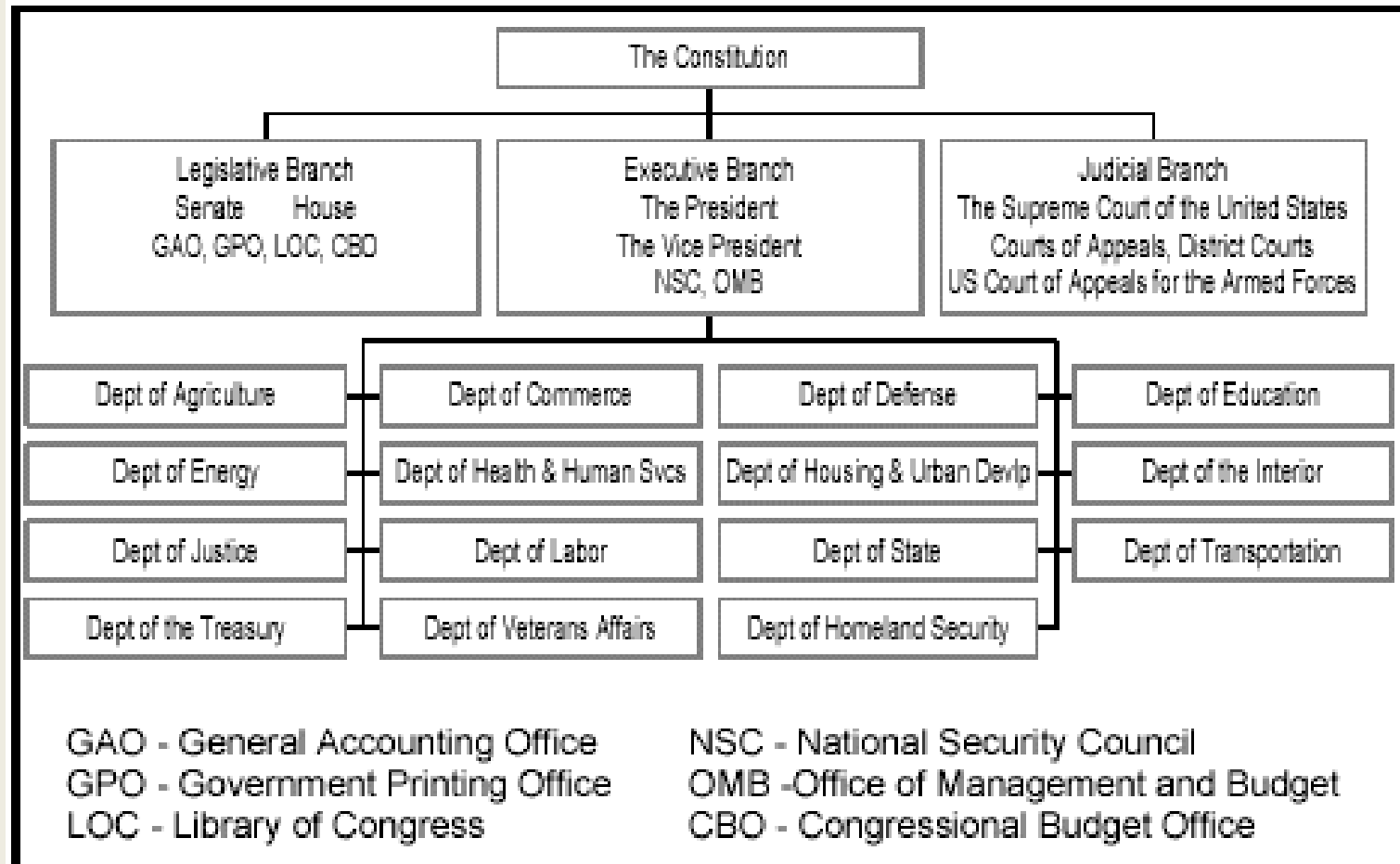


***PRESENTATION BY
SUSAN SWEAT
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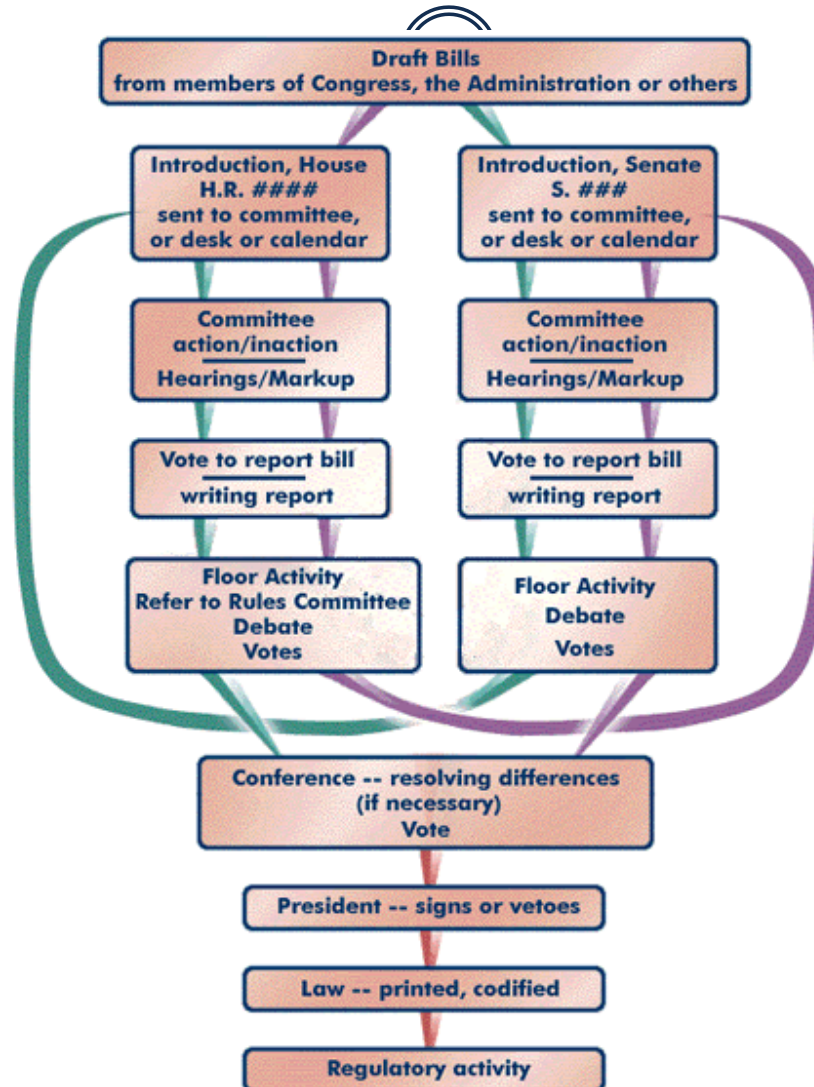
How the legislative sausage is made



Federal Government Organization

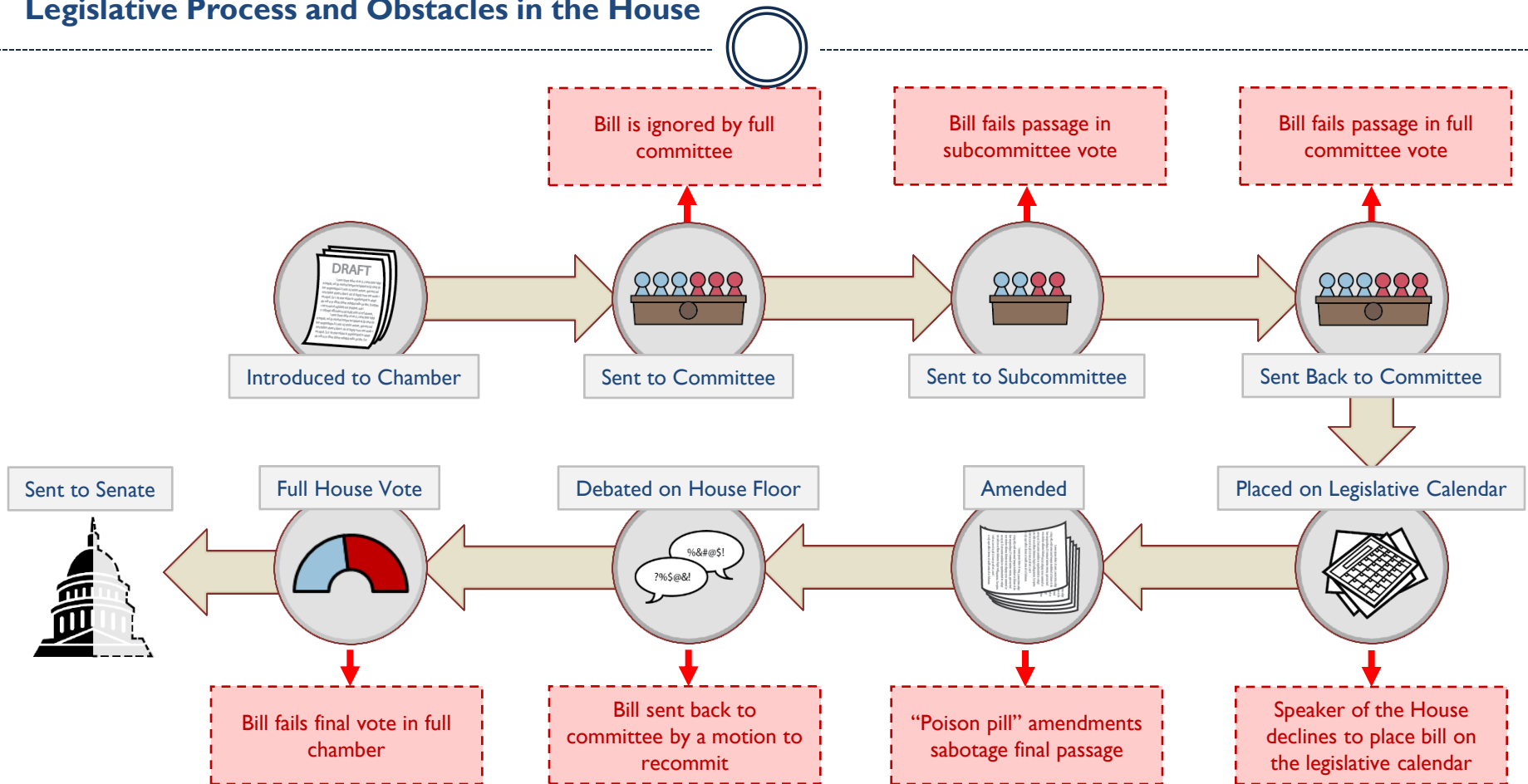


How a Bill Becomes Law



House Rules Allow Majority Party to Prevent Passage

Legislative Process and Obstacles in the House

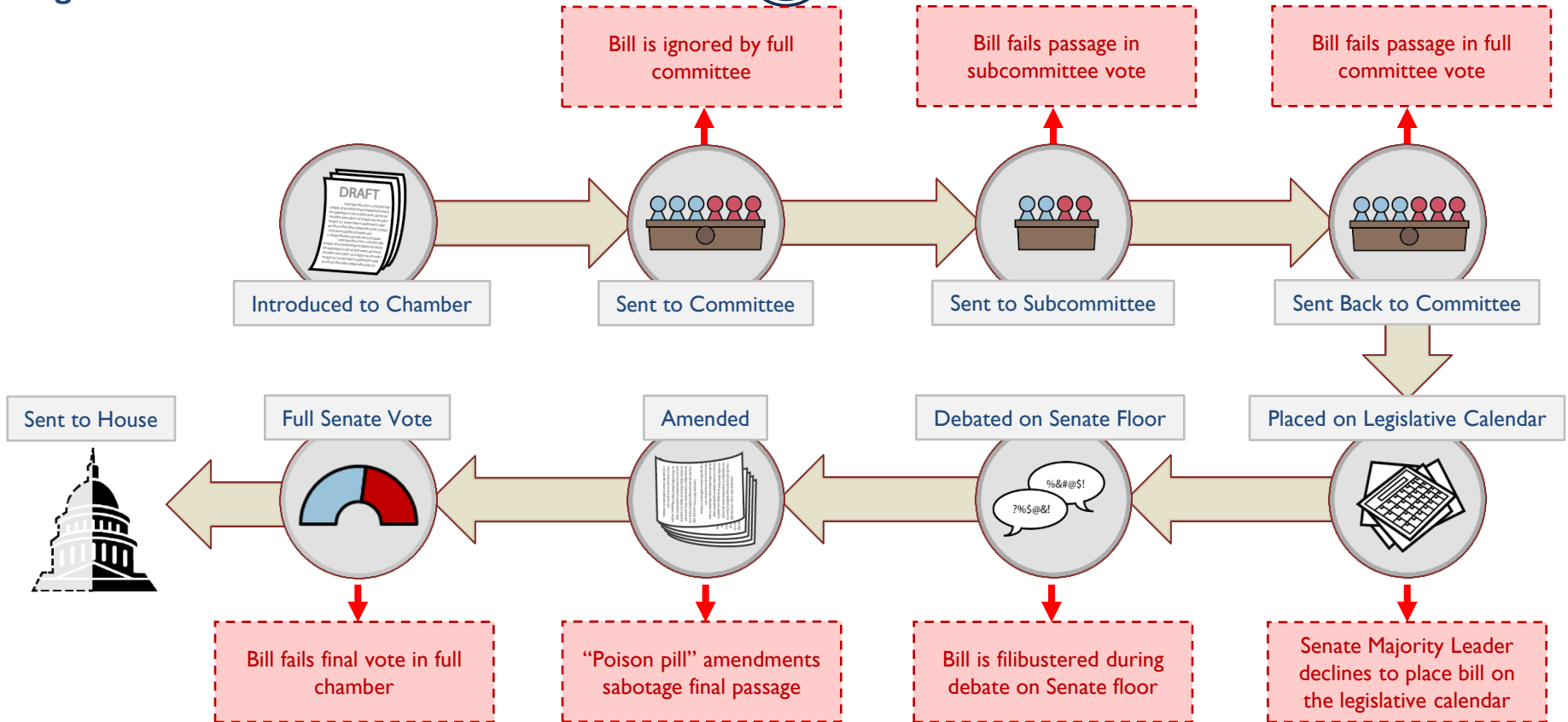


Analysis

- While the House provides individual Representatives with fewer opportunities to prevent a bill's passage, Republican Speakers of the House follow the informal "Hastert Rule," which prevents passage unless a majority of House Republicans support a bill
- As a result, some bills with bipartisan support in the Senate fail to advance to a final vote in the House

Bills Face Numerous Obstacles to Passage in Senate

Legislative Process and Obstacles in the Senate



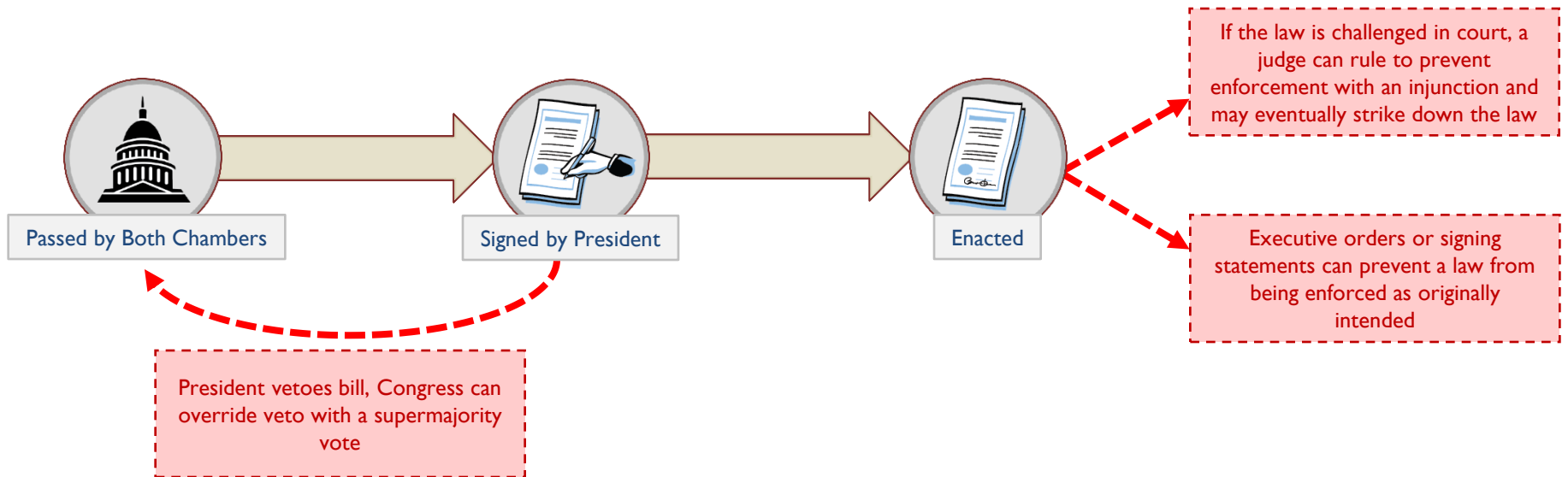
Analysis

The Senate relies on unanimous consent to operate efficiently; therefore, individual Senators have the power to delay or prevent a bill's passage by creating additional procedural hurdles, including filibusters.

Bills Continue to Face Hurdles After Passage



Process and Obstacles for Enacting and Enforcing Laws



Analysis

- Even if a bill manages to pass both chambers of Congress, the President can use vetoes, executive orders, or signing statements to prevent the bill from being enacted or enforced
- Opponents of the bill, including those outside of the legislative process, can prevent the law from being enacted by mounting a successful legal challenge

Creating New Programs



There are two distinct steps to creating and funding programs and agencies in the federal budget. Most programs must be established through legislation AND funded through the appropriations process. The exception is entitlement programs, which are created and then essentially run on automatic pilot.

Two Steps for Program Creation & Funding



Authorization

- **Authorization:** Congress and the president establish programs through the authorization process.
- Congressional committees with jurisdiction over specific subject areas write the legislation.
- The term “authorization” is used because this type of legislation authorizes the expenditure of funds from the federal budget.
- It may specify how much money should be spent on a program, but it does NOT actually set aside the money.
- Many programs are authorized for a specific amount of time. The committees are supposed to review the programs before their expiration to determine how well they are working.
- For instance, the “Ryan White CARE Act” passed during the George H.W. Bush administration and was an authorization bill that established a number of programs to provide treatment and improve access to care for those living HIV and AIDS. Ryan White has been reauthorized four times (1996, 2000, 2006, and 2009) since 1990.
- The Ryan White Act created these programs. It did not, however, say the federal government will definitely spend money on the programs.

Appropriations

- **Appropriations:** In appropriations bills, Congress and the president state the amount of money that will be spent on federal programs during the next fiscal year
- There are 12 appropriations subcommittees in each house of Congress. They are divided among broad subject areas and each writes (or is supposed to write) an annual appropriations measure.
- It is quite possible to have programs authorized but not funded or funded at a level less than the authorized amount.
- For instance, the latest Ryan White Act authorization calls for \$789 million for Part A programs in Fiscal Year 2013. Critics have pointed out that while Congress created programs in the authorization process, they never have been adequately funded in the appropriations process. In Fiscal Year 2015, Part A programs were provided \$655 million.
- It is also quite possible for programs to have a lapsed authorization and still be funded.
- The Ryan White programs are currently operating without an statutory authorization, which ended in 2013.

Role of the Committees

- Congress uses committees to perform the vast majority of legislative policy development.
- Individual Members of Congress typically specialize in the subject matter of the committees that they sit on.
- **Budget** Committees set broad overall annual spending limits.
- **Appropriations** Committees approve or modifies the President's Budget request for annual discretionary spending on a program-by-program basis.
- **Authorizing** Committees create programs, agencies, policy legislation. Provide direct spending for mandatory or entitlement programs such as Medicare, Medicaid. They DO NOT provide discretionary funding.

House Committees



Agriculture
Appropriations
Armed Services
Budget
Education and the
Workforce
Energy and Commerce
Financial Services
Foreign Affairs
Homeland Security
House Administration
Judiciary

Natural Resources
Oversight & Gov't Reform
Rules
Science and Technology
Small Business
Standards of Official
Conduct
Transportation and
Infrastructure
Veterans' Affairs
Ways and Means

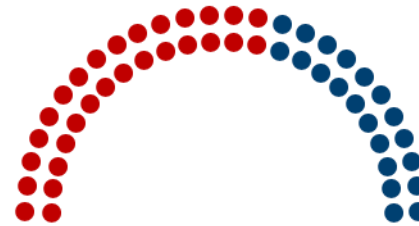
House Appropriations Committee Overview

Jurisdiction



Responsible for setting expenditures of money by the government

Committee Members



Labor-HHS Subcommittee

Republicans	Democrats
Tom Cole (Chairman)	Rosa DeLauro (Ranking)
Mike Simpson	Lucille Roybal-Allard
Steve Womack	Barbara Lee
Chuck Fleischmann	Chaka Fattah
Andy Harris	
Martha Roby	
Charlie Dent	
Scott Rigell	

Republicans (29)

Chairman: Hal Rogers (R-KY)
 Rodney Frelinghuysen (R-NJ) Jeff Fortenberry (R-NE)
 Robert Aderholt (R-AL) Tom Rooney (R-FL)
 Kay Granger (R-TX) Chuck Fleischmann (R-TN)
 Michael Simpson (R-ID) Jaime Beutler (R-WA)
 John Culberson (R-TX) David Joyce (R-OH)
 Ander Crenshaw (R-FL) David Valadao (R-CA)
 John Carter (R-TX) Andy Harris (R-MD)
 Ken Calvert (R-CA) Martha Roby (R-AL)
 Tom Cole (R-OK) Mark Amodei (R-NV)
 Mario Diaz-Balart (R-FL) Chris Stewart (R-UT)
 Charlie Dent (R-PA) Scott Rigell (R-VA)
 Tom Graves (R-GA) David Jolly (R-FL)
 Kevin Yoder (R-KS) David Young (R-IA)
 Steve Womack (R-AR) Evan Jenkins (R-WV)

Democrats (21)

Ranking Member: Nita Lowey (D-NY)
 Marcy Kaptur (D-OH) Steve Israel (D-NY)
 Pete Visclosky (D-IN) Tim Ryan (D-OH)
 José Serrano (D-NY) Chellie Pingree (D-ME)
 Rosa DeLauro (D-CT) Mike Quigley (D-IL)
 David Price (D-NC) Henry Cuellar (D-TX)
 Lucille Roybal-Allard (D-CA) Derek Kilmer (D-WA)
 Sam Farr (D-CA)
 Chaka Fattah (D-PA)
 Sanford Bishop (D-GA)
 Barbara Lee (D-CA)
 Debbie Wasserman Schultz (D-FL)
 Betty McCollum (D-MN)
 Mike Honda (D-CA)
 Dutch Ruppersberger (D-MD)

House Energy and Commerce Committee Overview

Jurisdiction

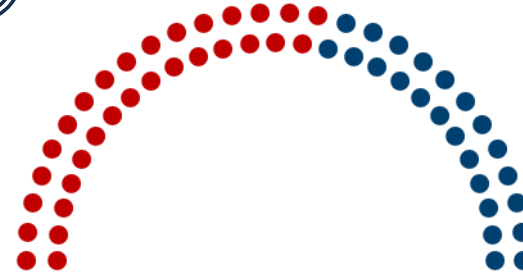


Responsible for the promotion of commerce, consumer protection, public health research, and energy policy

Health Subcommittee

Republicans	Democrats
Joe Pitts (Chairman)	Gene Green (Ranking)
Brett Guthrie	Elliot Engel
Ed Whitfield	Lois Capps
John Shimkus	Jan Schakowsky
Tim Murphy	G.K. Butterfield
Michael Burgess	Kathy Castor
Marsha Blackburn	John Sarbanes
Cathy McMorris Rodgers	Doris Matsui
Leonard Lance	Ben Ray Lujan
Morgan Griffith	Kurt Schrader
Gus Bilirakis	Joe Kennedy
Billy Long	Tony Cardenas
Renee Ellmers	
Larry Bucshon	
Susan Brooks	
Chris Collins	
Joe Barton	

Committee Members



Republicans (31)

Democrats (24)

Chairman: Fred Upton (R-MI)

Joe Barton (R-TX) David McKinley (R-WV)
 Ed Whitfield (R-KY) Mike Pompeo (R-KS)
 John Shimkus (R-IL) Adam Kinzinger (R-IL)
 Joseph R. Pitts (R-PA) Morgan Griffith (R-VA)
 Greg Walden (R-OR) Gus Bilirakis (R-FL)
 Tim Murphy (R-PA) Bill Johnson (R-OH)
 Michael Burgess (R-TX) Billy Long (R-MO)
 Marsha Blackburn (R-TN) Renee Ellmers (R-NC)
 Steve Scalise (R-LA) Larry Bucshon (R-IN)
 Bob Latta (R-OH) Bill Flores (R-TX)
 Cathy Rodgers (R-WA) Susan Brooks (R-IN)
 Gregg Harper (R-MS) Markwayne Mullin (R-OK)
 Leonard Lance (R-NJ) Richard Hudson (R-NC)
 Brett Guthrie (R-KY) Chris Collins (R-NY)
 Pete Olson (R-TX) Kevin Cramer (R-ND)

Ranking Member: Frank Pallone (D-NJ)

Bobby Rush (D-IL) John Sarbanes (D-MD)
 Anna Eshoo (D-CA) Jerry McNerney (D-CA)
 Eliot Engel (D-NY) Peter Welch (D-VT)
 Gene Green (D-TX) Ben Ray Lujan (D-NM)
 Diana DeGette (D-CO) Paul Tonko (D-NY)
 Lois Capps (D-CA) John Yarmuth (D-KY)
 Michael F. Doyle (D-PA) Tony Cardenas (D-CA)
 Jan Schakowsky (D-IL)
 G. K. Butterfield (D-NC)
 Doris Matsui (D-CA)
 Kathy Castor (D-FL)
 Dave Loebsack (D-IA)
 Yvette Clarke (D-NY)
 Kurt Schrader (D-OR)
 Joseph P. Kennedy III (D-MA)

Senate Committees



Agriculture, Nutrition, and Forestry

Appropriations

Armed Services

Banking, Housing, and Urban Affairs

Budget

Commerce, Science, and

Transportation

Energy and Natural Resources

Environment and Public Works

Finance

Foreign Relations

Health, Education, Labor, & Pensions

Homeland Security and

Governmental Affairs

Judiciary

Rules and Administration

Small Business and

Entrepreneurship

Veterans' Affairs

Special, Select, and Other

Indian Affairs

Select Committee on Ethics

Select Committee on Intelligence

Special Committee on Aging

Joint Committees

Joint Economic Committee

Joint Committee on the Library of

Congress

Joint Committee on Printing

Joint Committee on Taxation

Senate HELP Committee Overview

Jurisdiction

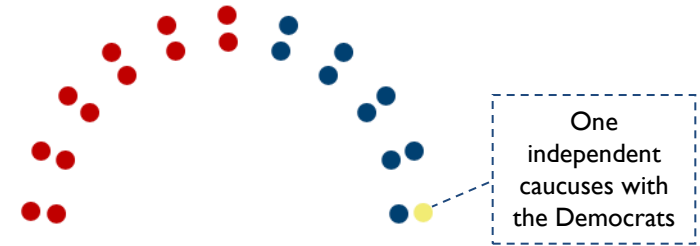


The Senate HELP (Health, Education, Labor, and Pensions) Committee deals with the wide range of issues encompassed by its acronym, including higher ed policy, occupational health and safety, and medical research and development.

Primary Health & Retirement Security Subcommittee

Republicans	Democrats
Mike Enzi (Chairman)	Bernie Sanders (Ranking)
Richard Burr	Barbara Mikulski
Susan Collins	Michael Bennet
Mark Kirk	Sheldon Whitehouse
Tim Scott	Tammy Baldwin
Orrin Hatch	Chris Murphy
Pat Roberts	Elizabeth Warren
Bill Cassidy	
Lisa Murkowski	

Committee Members



Republicans (12)

Democrats (10)

- **Chairman:**
Lamar Alexander (R-TN)
 - Mike Enzi (R-WY)
 - Richard Burr (R-NC)
 - Johnny Isakson (R-GA)
 - Rand Paul (R-KY)
 - Susan Collins (R-ME)
 - Lisa Murkowski (R-AK)
 - Orrin Hatch (R-UT)
 - Pat Roberts (R-KS)
 - Mark Kirk (R-IL)*
 - Tim Scott (R-SC)*
 - Bill Cassidy (R-LA)
- **Ranking Member:**
Patty Murray (D-WA)
 - Barbara Mikulski (D-MD)
 - Bernie Sanders (I-VT)
 - Bob Casey (D-PA)
 - Al Franken (D-MN)
 - Michael Bennet (D-CO)
 - Sheldon Whitehouse (D-RI)
 - Tammy Baldwin (D-WI)
 - Chris Murphy (D-CT)
 - Elizabeth Warren (D-MA)

Senate Appropriations Committee Overview

Jurisdiction

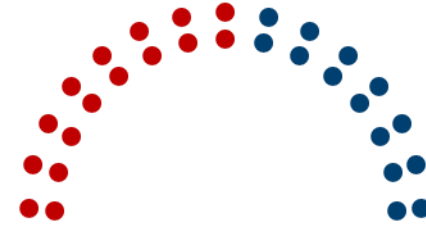


The Senate Appropriations Committee is responsible for all discretionary spending legislation in the Senate. It is also the largest committee in the Senate.

Labor-HHS Subcommittee

Republicans	Democrats
Roy Blunt	Patty Murray
Jerry Moran	Dick Durbin
Richard Shelby	Jack Reed
Thad Cochran	Barbara Mikulski
Lamar Alexander	Jeanne Shaheen
Lindsey Graham	Jeff Merkley
Mark Kirk	Brian Schatz
Bill Cassidy	Tammy Baldwin
Shelley Moore Capito	
James Lankford	

Committee Members



Republicans (16)

Democrats (14)

- **Chairman:**
Thad Cochran (R-MS)
 - Mitch McConnell (R-KY)
 - Susan Collins (R-ME)
 - Richard Shelby (R-AL)
 - John Boozman (R-AR)
 - Lamar Alexander (R-TN)
 - Lisa Murkowski (R-AK)
 - Lindsey Graham (R-SC)
 - Mark Kirk (R-IL)
 - John Hoeven (R-ND)
 - Roy Blunt (R-MO)
 - Jerry Moran (R-KS)
 - Shelley Moore Capito (R-WV)
 - Bill Cassidy (R-LA)
 - James Lankford (R-OK)
 - Steve Daines (R-MT)
- **Ranking Member:**
Barbara Mikulski (D-MD)
 - Patrick Leahy (D-VT)
 - Patty Murray (D-WA)
 - Dianne Feinstein (D-CA)
 - Richard Durbin (D-IL)
 - Jack Reed (D-RI)
 - Jon Tester (D-MT)
 - Tom Udall (D-NM)
 - Jeanne Shaheen (D-NH)
 - Jeff Merkley (D-OR)
 - Chris Coons (D-DE)
 - Brian Schatz (D-HI)
 - Tammy Baldwin (D-WI)
 - Chris Murphy (D-CT)



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How It's Supposed to Work



CONGRESS RARELY FOLLOWS ITS OWN RULES FOR SETTING A BUDGET



Jan: President Introduces Priorities in State of the Union

By 1st Monday in February: President's Budget Submitted to Congress

Spring: Committees hold hearings on the President's Budget

By Apr 15: Congress completes consideration of the Budget Resolution, setting the top line spending cap

U.S. Budget Process

Appropriations subcommittee allocations are determined

May 15: Appropriations bills may be considered in the House

By Oct 1: Beginning of Fiscal Year – Congress Approves Appropriations

If not approved by **Oct 1**, Continuing Resolution or government shutdown.

President's Budget Request



- Developed over several years
- Usually released in early February
- Details how funds will be spent
- Just starting point – Congress has “power of purse”

Congressional Budget Resolution

- House / Senate supposed to pass concurrent resolution by April 15 (FY16 completed last week)
- Resolution sets government-wide discretionary budget ceiling (\$1.120 T in FY16; \$523B Defense and \$493B Non-Defense)



Mandatory Spending

accounts for 2/3 of all federal spending.

➤ Spending levels for mandatory programs are governed by formulas or set forth by law rather than by appropriations action.

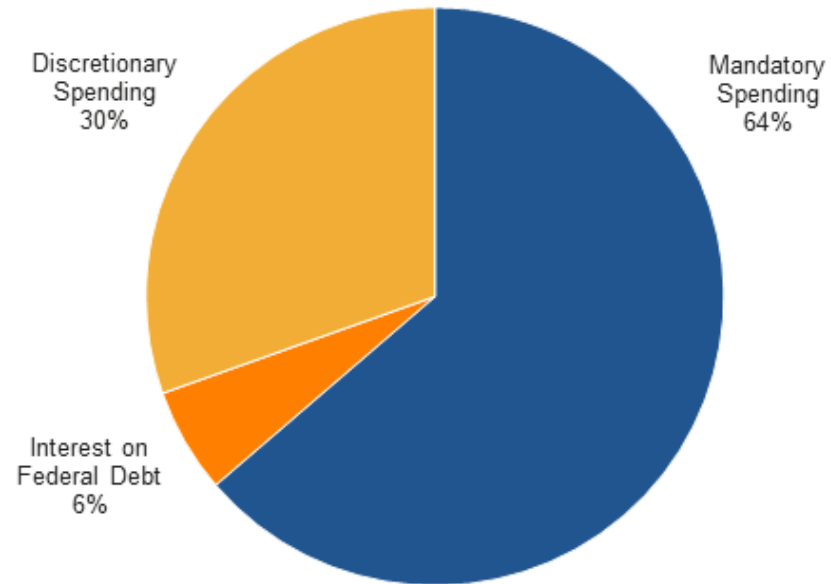
➤ Examples include: Social Security, Medicare, veterans' pensions, food stamps, school lunch and payment of interest on the public debt.

Discretionary Spending

is made available annually through the appropriations process.

➤ Defense spending accounts for roughly 1/2 of all discretionary spending.

Projected Mandatory and Discretionary Spending and Interest on Federal Debt (Fiscal Year 2014)



Source: OMB
National Priorities Project



Appropriations



No money shall be drawn from the Treasury, but in consequence of Appropriations made by law.

- Art. 1, Sec. 9 of the U.S. Constitution

Congressional Appropriations

- Main focus at subcommittee-level
 - 12 subcommittees
 - Each gets spending ceiling and writes its own bill
- House > Senate > conference
 - Bills supposed to be done by Oct. 1
 - Rarely happens (last year it was Dec.)

12 Appropriations Subcommittees

Agriculture (FDA)

Commerce Justice Science

Defense

Energy and Water

Financial Services

State, Foreign Operations

Homeland Security

Interior and Environment

Labor, HHS, Education (HRSA, NIH, CDC, CMS)

Legislative Branch

Military Construction, Veterans Affairs

Transportation, HUD

Appropriations Bills



- **Regular**
- **Supplemental**
- **Continuing Resolution**

-
- **Bill Language**
 - **Report Language**
 - **Rescissions**

Congressional Appropriations Timeline



- **Budget / Posture Hearings (March – May/June)**
- **Staffer Briefs (Professional Staff Members) (March-June)**
- **302b Allocations (House - May) (Senate – June)**
- **Mark-Up (May-July)**
 - Subcommittee
 - Full committee
- **Floor Action**
 - House (June-July)
 - Senate (July / Sep)
- **Conference (Aug Pre-Conference) (September)**
- **Final Floor Action & Passage (September)**
 - House
 - Senate
- **Sent to President – if signed, becomes Appropriations Act (end of Sept.)**

Budget Roll-Out:

- Budget Request:
 - State of the Union
 - The Budget Message from the President

- Justification Materials
 - <http://comptroller.defense.gov/BudgetMaterials>
 - <http://www.nasa.gov/budget>

- Briefing Materials

- Budget Hearings
 - <http://www.appropriations.senate.gov/sites/default/files/hearings/2014%20CJCS%20Written%20Posture%20Statement%20SAC-D%20FINAL.PDF>
 - <http://oig.nasa.gov/testimony.html>

- In-Depth Briefings to Congressional Professional Staff

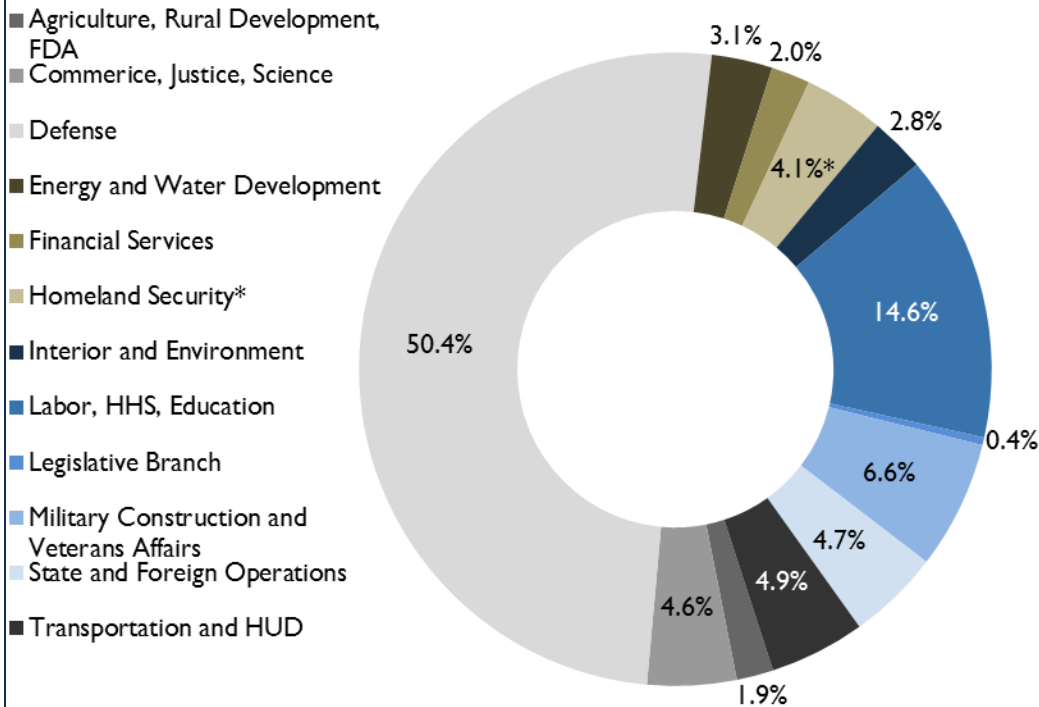
302b Allocations



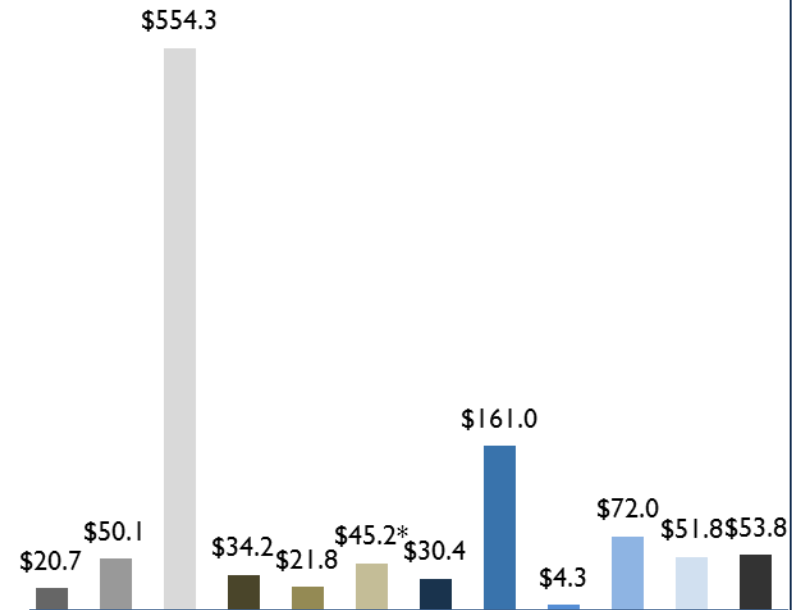
- **302a Allocations are handed down by Budget Committees**
- **Appropriations full committee chairs (and ranking members) determine 302b allocations**
- **Chairman usually consults w/ sub-committee chairs**
- **Divide allocations among 12 sub-committees**
- **Appropriations staff play important role**
- **FY16 Labor-H is \$153 Billion**

Defense, Labor Take Greatest Share of FY2015 Appropriations

Breakdown of FY2015 Total Appropriations



FY2015 Total Appropriations (in billions)



Analysis

The largest shares of FY2015 appropriations went to Defense and Labor, HHS, and Education funding; the two categories combined to account for 65% of all funding, or \$715.3 billion



Questions?