Appropriations (1978-1986): Memorandum 03

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MEMORANDUM

October 18, 1983

TO: Senator
FROM: ADC
RE: Authorization/Appropriation Question

I posed your question about appropriations exceeding authorized levels to a budget expert at CRS who said that this is one of the cloudiest and most complicated areas of federal appropriations law.

First of all from a legal standpoint, he said that an appropriation supercedes an authorization. The latest enactment always prevails. Special language has to be put into a bill to force an authorization to prevail but apparently this is not commonly done. Some State Department bills have this restriction.

From a procedural standpoint, we are all correct in assuming that an appropriation is not supposed to exceed an authorization. This requirement is apparently more rigidly enforced in the House than in the Senate. Perhaps this is because appropriations bills originate there. The Senate is put in the position of passing House-passed bills which already can include an excessive dollar amount. But there are exceptions to this rule that are as wide as a barn door on both sides. For example, if a figure is recommended by an appropriations committee on either side and that committee moves it - then that figure is in order.

I mentioned to CRS that these points raise more questions than they answer. He replied that it is an extremely tangled situation with no clear cut enforced rules in either the House or Senate and all rules have extensive exceptions.

But whenever a general appropriations bill comes to the floor and that bill provides a figure higher than the authorized figure, any member can cite Senate Rule 16 and call a point of order.