

Chapter 5

Key Types of Legislation

In general, two main types of legislation exist: authorizing legislation and appropriations legislation.

An **authorizing bill or authorizing legislation** provides a federal agency with the general authority to conduct programs and obligate funds. This type of bill does not guarantee funding; rather, Congress needs to appropriate funds as part of the annual appropriations process. For example, Congress enacted the Nurse Reinvestment Act in August 2002 to support loan repayment, scholarship, and other Nursing Development Workforce programs. This legislation “authorizes” the Health Resources and Services Administration (HRSA) within the U.S. Department of Health & Human Services (HHS) to operate such initiatives. In other words, by enacting this legislation Congress authorized – or permitted – funding to be allocated by Congress over the course of five subsequent fiscal years to support this effort.

However, unless Congress provides a specific allocation each year for the Nurse Reinvestment Act in the **appropriations bill** that contains funding for HHS and HRSA, the nursing workforce development programs do not receive any resources for the coming year. Just because the funding has been authorized does not mean it will be appropriated. There are numerous programs that have been created by an Act of Congress but have failed to secure appropriations for their implementation and support. In these cases, in particular, it is critical for advocates to take action to help secure much-needed funding to have important programs enacted and implemented.³

An analogy: an authorizing measure is like being approved to utilize the services at your bank but not actually being given any checks to draw funds out of your checking account. An appropriations measure is the actual check being written to draw funding out of the U.S. Treasury and allocated to particular agencies and programs.

The information in Chapter 6, “How a Bill Becomes a Law,” applies generally to both authorizing and appropriations legislation.

³ For a more in-depth discussion regarding how the Congress considers and allocates federal funding to various programs, such as the National Institutes of Health (NIH) and the Nurse Reinvestment Act, check out the ARN Budget and Appropriations Primer.