

PRINCIPLES OF FEDERAL APPROPRIATIONS LAW

Volume II Chapter 6 - Chapter 11

Third Edition

Red Gao Principles Of Federal Appropriations Law 6

Brendan G. Carr



Red Gao Principles Of Federal Appropriations Law 6:

Principles of Federal Appropriations Law, 1991 Contains index and tables of authorities cited **The Army Lawyer**, 2003 **2018 Fiscal Law Deskbook** United States Army, 2019-07-10 A The Appropriations Process 1 U S Constitution Art I 8 grants Congress the power to lay and collect Taxes Duties Imposts and Excises to pay the Debts and provide for the common Defence and general Welfare of the United States 2 U S Constitution Art I 9 provides that N o Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law B The Supreme Court s Fiscal Philosophy The established rule is that the expenditure of public funds is proper only when authorized by Congress not that public funds may be expended unless prohibited by Congress *United States v MacCollom* 426 U S 317 1976 *The Federal Budget Process*, V.2 Bill Heniff Jr., Robert Keith, Megan Lynch, 2018-06-20 Budgeting for the federal government is an enormously complex process It entails dozens of subprocesses countless rules and procedures the efforts of tens of thousands of staff persons in the executive and legislative branches and the active participation of the President congressional leaders Members of Congress and members of the executive branch This analysis shows the various elements of the federal budget process including the President s budget submission framework timetable the budget resolution reconciliation the Byrd Rule appropriations authorizations and budget execution Congress is distinguished from nearly every other legislature in the world by the control it exercises over fashioning the government s budgetary policies This power referred to as the power of the purse ensures Congress primary role in setting revenue and borrowing policies for the federal government and in determining how these resources are spent The congressional power of the purse derives from several key provisions in the Constitution Article I Section 8 Clause 1 Power to tax and spend declares in part that Congress shall have the power to raise that is to lay and collect revenues of various types including taxes and duties among other things Article I Section 8 Clause 2 Borrowing power declares that the power to borrow funds on the credit of the United States belongs to Congress In addition to its powers regarding revenues and borrowing Congress exerts control over the expenditure of funds Article I Section 9 Clause 7 declares in part that funds can be withdrawn from the Treasury only pursuant to laws that make appropriations Under the Constitution revenue measures must originate in the House of Representatives Beyond this requirement however the Constitution does not prescribe how the House and Senate should organize themselves or the procedures they should use to conduct budgeting Over the years however both chambers have developed an extensive set of rules some set forth in statute and precedents that lay out complicated multiple processes for making budgetary decisions The House and Senate have also created an intricate committee system to support these processes As American society has grown and become ever more complex and as the role of the federal government in the national economy has steadily expanded Congress also has increasingly shared power over budgetary matters with the president and the executive branch It has refashioned the president s role in budgeting by requiring him to submit to Congress each year a budget for the entire federal government

and giving him responsibilities for monitoring agencies implementation of spending and revenue laws Accordingly the president also exercises considerable influence over key budget decisions

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