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# Congressional Action on FY2014 Appropriations Measures

(name redacted)

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## Summary

This report provides background and analysis on congressional action relating to the FY2014 appropriations process. The annual appropriations process currently anticipates that 12 regular appropriations bills will be enacted prior to the beginning of the fiscal year (October 1) to provide discretionary spending for federal government agencies. If all regular appropriations bills are not enacted by that time, one or more continuing resolutions (CRs) may be enacted to provide interim or full-year funds until regular appropriations are completed, or the fiscal year ends. During the fiscal year, supplemental appropriations may also be enacted to provide funds in addition to those in regular appropriations acts or CRs. Amounts provided in appropriations acts are subject to limits, both statutory (as provided by the Budget Control Act of 2011 [BCA]), and procedural (as provided by the Congressional Budget Act of 1974), and are enforced through respective mechanisms such as sequestration and points of order.

The FY2014 BCA discretionary spending limits are to be first enforced within 15 calendar days after the congressional session adjourns *sine die*. Any necessary reductions to bring appropriations into compliance with those limits would occur through sequestration. The House- and Senate-adopted versions of the budget resolution differ as to total discretionary spending, as well as how it should be distributed between defense and nondefense spending. On December 10, 2013, however, the chairs of the House and Senate Budget Committees announced an agreement that would establish FY2014 and FY2015 discretionary spending levels (the Bipartisan Budget Act; Division A, H.J.Res. 59). This agreement was enacted into law on December 26, 2013 (P.L. 113-67).

The regular appropriations process for FY2014 was concluded on January 17, 2014, when the Consolidated Appropriations Act, 2014 (P.L. 113-76), was enacted. Prior to this time, the House Appropriations Committee had reported all but two regular appropriations bills, while the Senate Appropriations Committee had reported all but one such bill. The House previously considered five regular appropriations bills on the floor and passed four of them. The Senate began floor consideration of one regular appropriations bill, but did not complete it. At the start of the fiscal year, each chamber's appropriations bills reflected the differing assumptions on the levels of FY2014 discretionary spending that were in the House- and Senate-adopted versions of the budget resolution. Once the House and Senate agreed to a total level of FY2014 discretionary spending in the Bipartisan Budget Act, however, the two chambers were able to resolve their differences with regard to the regular appropriations bills.

A broad CR to provide temporary funding for FY2013 projects and activities did not become law until October 17, 2013 (The Continuing Appropriations Act, 2014; H.R. 2775; P.L. 113-46), resulting in a funding gap for affected projects and activities from October 1 until that time. Prior to the funding gap, a narrow CR was enacted providing funding for FY2014 pay and allowances for (1) certain members of the Armed Forces, (2) certain Department of Defense (DOD) and Department of Homeland Security (DHS) civilian personnel, and (3) other specified DOD and DHS contractors (the Pay Our Military Act; H.R. 3210; P.L. 113-39, 113<sup>th</sup> Congress). After the funding gap commenced, only narrow CRs to provide funds for specified projects and activities received congressional consideration, of which one was enacted (the Department of Defense Survivor Benefits Continuing Appropriations Resolution, 2014; H.J.Res. 91; P.L. 113-44). The Continuing Appropriations Act, 2014, provided funds at an annualized rate of \$986.3 billion through January 15, 2014. Funding was extended to January 18, 2014, through the enactment of H.J.Res. 106 (P.L. 113-73).

Congressional consideration of FY2014 supplemental appropriations measures (H.R. 5230, S. 2648, and H.J.Res. 76) occurred late in the fiscal year. The primary purpose of H.R. 5230 and S. 2648 is to provide additional funds to address the influx of unaccompanied and escorted children illegally crossing the Southwest border. On July 29, during floor consideration of S. 2648 in the Senate, the bill was referred to the Senate Appropriations Committee after a point of order under Section 306(a) of the Congressional Budget Act was raised and sustained. The following day, H.R. 5230 was passed by the House. No further action on these proposals has occurred as of the date of this report. H.J.Res. 76, a related measure that provides supplemental appropriations for military cooperation with the government of Israel related to the Iron Dome program, was adopted by both the House and Senate on August 1; the measure currently awaits presidential action.

This report will be updated if further FY2014 appropriations are enacted. For up-to-date information on the status of appropriations measures, see the CRS FY2014 status table, available at <http://www.crs.gov/pages/AppropriationsStatusTable.aspx>.

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## Introduction

Congress uses an annual appropriations<sup>1</sup> process to provide discretionary spending for federal government agencies.<sup>2</sup> The responsibility for drafting legislation to provide for such spending is currently divided among 12 appropriations subcommittees in each chamber, each of which is tasked with reporting a *regular appropriations* bill to cover all programs under its jurisdiction. The timetable currently associated with this process requires the enactment of these regular appropriations bills prior to the beginning of the fiscal year (October 1).<sup>3</sup> If regular appropriations are not enacted by that deadline, one or more *continuing resolutions* (CRs) may be enacted to provide funds until all regular appropriations bills are completed, or the fiscal year ends.<sup>4</sup> During the fiscal year, *supplemental appropriations* may also be enacted to provide funds in addition to those in regular appropriations acts or CRs. Amounts provided in appropriations acts are subject to limits, both procedural and statutory, which are enforced through respective mechanisms such as points of order and sequestration.

The timing and policy focus of the FY2014 appropriations process was influenced by at least two significant factors—the late resolution of FY2013 appropriations and disagreement regarding the level of funding for FY2014 discretionary spending. First, annual appropriations actions for FY2013 were not completed until March 26, 2013 (Consolidated and Further Continuing Appropriations Act, 2013; P.L. 113-6), almost six months into the fiscal year. In addition, on March 1, 2013, the President issued a sequestration order that reduced non-exempt FY2013 discretionary spending.<sup>5</sup> The dollar amount of these reductions was applied to the amounts subsequently appropriated for FY2013. Despite ongoing congressional concern related to these reductions,<sup>6</sup> efforts to broadly restructure or eliminate them were unsuccessful, and the lower

<sup>1</sup> An appropriation is a type of budget authority. *Budget authority* is authority provided by federal law to enter into contracts or other financial *obligations* that will result in immediate or future expenditures (or *outlays*) involving federal government funds. For a further explanation of these terms, see GAO, A Glossary of Terms Used in the Federal Budget Process, GAO-05-734SP, September 2005, pp. 20-21, <http://www.gao.gov/>.

<sup>2</sup> The congressional budget process distinguishes between discretionary spending, which is controlled through appropriations acts, and direct (or mandatory) spending, which is controlled through permanent law. In FY2013, discretionary spending comprised 35.1% of federal government spending (Congressional Budget Office [CBO], *Updated Budget Projections: Fiscal Years 2013 to 2023*, Table 1, available at <http://www.cbo.gov/publication/44172>). The annual appropriations process is also used to provide appropriations necessary to finance certain direct spending programs that lack a funding source in the authorizing statute. Such “appropriated mandatory” or “appropriated entitlement” spending is discussed in CRS Report RS20129, *Entitlements and Appropriated Entitlements in the Federal Budget Process*, by (name redacted)

<sup>3</sup> These bills may be considered and enacted separately, or as part of a consolidated or “omnibus” appropriations measure, where two or more of the regular bills are combined into one legislative vehicle. For further information, see CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by (name redacted).

<sup>4</sup> Continuing appropriations acts are often referred to as “continuing resolutions” because they usually provide continuing appropriations in the form of a joint resolution rather than a bill. Continuing appropriations also are occasionally provided through a bill.

<sup>5</sup> The March 1 sequestration was required under §251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA, Title II of P.L. 99-177, 2 U.S.C. 900-922).

<sup>6</sup> For a further discussion on the ongoing controversy within Congress and the executive branch that has reportedly been generated by the amount of these reductions, see, for example, “Closing Books on 2013, Congress Will Pivot to Rival 2014 Spending Bills,” *CQ News*, March 21, 2013; “Pentagon Brass Ratchets Up Warnings About Sequester Impact,” *CQ News*, September 18, 2013.

levels of funding that were available to agencies as a result of the sequester were in effect through the end of the fiscal year.

Second, in addition to the issues related to FY2013 spending, the FY2014 appropriations process was affected by a lack of agreement between the House and Senate over future constraints on discretionary spending as required by the Budget Control Act of 2011 (BCA). Unlike the reductions that occurred in FY2013, the constraints on FY2014 discretionary spending are implemented through statutory discretionary spending limits.<sup>7</sup> Separate limits apply to defense and nondefense spending. The first enforcement of these limits was to occur 15 days after Congress adjourned its session 2013 *sine die*. On December 10, 2013, the chairs of the House and Senate Budget Committees announced an agreement as to the level of FY2014 and FY2015 discretionary spending (the Bipartisan Budget Act; Division A, H.J.Res. 59), which was enacted into law on December 26, 2013 (P.L. 113-67).<sup>8</sup>

No regular appropriations bills for FY2014 were enacted prior to the beginning of the fiscal year (October 1, 2013), and an interim CR to provide budget authority for the projects and activities covered by those 12 bills did not become law until October 17, 2013 (Continuing Appropriations Act, 2014; P.L. 113-46).<sup>9</sup> As a consequence, a 16-day funding gap occurred between October 1 and October 16, 2013.<sup>10</sup> Regular appropriations were ultimately enacted through an omnibus measure, which contained the texts of all 12 regular appropriations bills for FY2014 (the Consolidated Appropriations Act, 2014; H.R. 3547, P.L. 113-76). Congressional consideration of three supplemental appropriations measures occurred late in the fiscal year (H.R. 5230, S. 2648, and H.J.Res. 76). Of these measures, Congress has completed action only on H.J.Res. 76, a measure that provides additional appropriations for military cooperation with the government of Israel related to the Iron Dome program.

This report provides background and analysis with regard to the FY2014 appropriations process. The first section discusses the status of discretionary budget enforcement for FY2014, including the statutory spending limits and allocations under the congressional budget resolution. The second section provides information on the consideration and enactment of regular appropriations and an overview of aggregate discretionary spending. Further information with regard to these appropriations acts is provided in the various CRS reports that analyze and compare the components of the current House and Senate proposals.<sup>11</sup> The third section explains congressional

<sup>7</sup> Section 251 of the BBEDCA, as amended by the Budget Control Act of 2011 (BCA, P.L. 112-25), established statutory discretionary spending limits for each of the fiscal years between FY2012-FY2021. Procedures to further lower these limits are in §251A of the BBEDCA.

<sup>8</sup> The House adopted an amendment to the Senate amendment to H.J.Res. 59, which had previously provided a CR for FY2014. Division A of that House amendment contains the Bipartisan Budget Act of 2013.

<sup>9</sup> Temporary funding was provided for FY2014 pay and allowances for (1) certain members of the Armed Forces, (2) certain DOD and DHS civilian personnel, and (3) other specified DOD and DHS contractors, during any potential funding gap that might ensue beginning on October 1 (the Pay our Military Act; H.R. 3210, 113<sup>th</sup> Cong.; P.L. 113-39). Consequently, these programs did not experience a funding gap. This is discussed further in the report section entitled “Continuing Resolutions.”

<sup>10</sup> A *funding gap* is the interval during the fiscal year when appropriations for a particular project or activity are not enacted into law, either in the form of a regular appropriations act or a CR. For further information, see CRS Report RS20348, *Federal Funding Gaps: A Brief Overview*, by (name redacted).

<sup>11</sup> These reports include CRS Report R43110, *Agriculture and Related Agencies: FY2014 and FY2013 (Post-Sequestration) Appropriations*, coordinated by (name redacted); CRS Report R43080, *Commerce, Justice, Science, and Related Agencies: FY2014 Appropriations*, coordinated by (name redacted), (name redacted), and (name redacted); CRS Report R43323, *Defense: FY2014 Authorization and Appropriations*, by (name redacted) and (name redacted); CRS (continued...)

action that has occurred on CRs before and after October 1, and the fourth section discusses action on supplemental appropriations measures.

## Discretionary Spending Budget Enforcement for FY2014

The framework for budget enforcement of discretionary spending under the congressional budget process has both statutory and procedural elements. The statutory elements of budget enforcement are derived from the Budget Control Act of 2011 (BCA), which imposes separate limits on “defense” and “nondefense” discretionary spending<sup>12</sup> that apply to each of the fiscal years between FY2012 and FY2021.<sup>13</sup> Pursuant to procedures under the BCA, the initial limits for FY2014 through FY2021 are to be lowered each fiscal year to achieve certain budgetary savings.<sup>14</sup> However, the Bipartisan Budget Act amended the BCA to set the FY2014 and FY2015 limits at specific levels.<sup>15</sup> If discretionary spending is enacted in excess of these limits, enforcement will occur through sequestration<sup>16</sup> at specified times after appropriations measures are enacted.

The procedural elements of budget enforcement generally stem from requirements under the Congressional Budget Act of 1974 (CBA; P.L. 93-344; 88 Stat. 297; 2 USC 60-688).<sup>17</sup> Through

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Report R43121, *Energy and Water Development: FY2014 Appropriations*, coordinated by (name redacted); CRS Report R43147, *Department of Homeland Security: FY2014 Appropriations*, coordinated by (name redacted); CRS Report R43142, *Interior, Environment, and Related Agencies: FY2013 and FY2014 Appropriations*, by (name redacted); CRS Report R43236, *Labor, Health and Human Services, and Education (L-HHS-ED): FY2014 Appropriations*, coordinated by (name redacted); CRS Report R43151, *Legislative Branch: FY2014 Appropriations*, by (name redacted); CRS Report R43043, *State, Foreign Operations, and Related Programs: FY2014 Budget and Appropriations*, by (name redacted), (name redacted), and (name redacted); CRS Report R43156, *Transportation, Housing and Urban Development, and Related Agencies (THUD): FY2014 Appropriations*, by (name redacted), (name redacted), and (name redacted); CRS Report R43253, *FY2014 Appropriations: District of Columbia*, by (name redacted).

<sup>12</sup> The defense category includes all discretionary spending under budget function 050 (defense). The nondefense category includes discretionary spending in all other budget functions. For further information with regard to budget functions, see CRS Report 98-280, *Functional Categories of the Federal Budget*, by (name redacted).

<sup>13</sup> These limits are found in the OMB, *Sequestration Preview Report to the President and Congress for Fiscal Year 2014*, corrected, May 20, 2013, p. 4, at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/fy14\\_preview\\_and\\_joint\\_committee\\_reductions\\_reports\\_05202013.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/fy14_preview_and_joint_committee_reductions_reports_05202013.pdf) (hereinafter, *OMB Preview Report*).

<sup>14</sup> The lowering of the limits each fiscal year beginning in FY2014 was triggered when the BCA “joint committee” process did not result in the enactment of legislation to achieve a targeted level of spending reductions. The procedures through which these limits are reduced are in §251A of the BBEDCA. For a description of these procedures and how they were carried out for the FY2014 reductions, see Office of Management and Budget (OMB), *OMB Report to Congress on the Joint Committee Reductions for Fiscal Year 2014*, pp. 11-16, available at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/fy14\\_preview\\_and\\_joint\\_committee\\_reductions\\_reports\\_05202013.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/fy14_preview_and_joint_committee_reductions_reports_05202013.pdf).

<sup>15</sup> P.L. 113-67, Division A, §101(a)(1) and (b).

<sup>16</sup> Sequestration involves the automatic cancelation of budget authority through largely across-the-board reductions of non-exempt programs and activities. Procedures for discretionary spending sequestration are provided by the BBEDCA. For further information about the Budget Control Act, see CRS Report R41965, *The Budget Control Act of 2011*, by (name redacted), (name redacted), and (name redacted).

<sup>17</sup> Procedural budget enforcement may also be established through other methods, such as through provisions in the congressional budget resolution.

this CBA process, the Appropriations Committee in each chamber receives a procedural limit on the total amount of discretionary budget authority for the upcoming fiscal year, referred to as a 302(a) allocation.<sup>18</sup> The Appropriations Committee subsequently divides this allocation amongst the 12 subcommittees, referred to as a 302(b) suballocation.<sup>19</sup> The 302(b) suballocation restricts the amount of budget authority available to each subcommittee for the projects and activities under its jurisdiction, and so effectively acts as a cap on each of the 12 regular appropriations bills. Enforcement of the 302(a) allocation and 302(b) suballocations occur through points of order.<sup>20</sup>

## Enforcement of the FY2014 Discretionary Spending Limits

The BCA requires that enacted discretionary spending for FY2014 that is subject to the defense and nondefense limits not exceed certain levels,<sup>21</sup> and provides for enforcement of the limits through sequestration. The Office of Management and Budget (OMB) evaluates enacted FY2014 discretionary spending relative to the spending limits, and determine if sequestration is necessary to enforce those limits, within 15 calendar days after the 2013 congressional session adjourns *sine die*.<sup>22</sup> For any discretionary spending that becomes law after the session ends, evaluation and any enforcement of the limits occurs 15 days after enactment.<sup>23</sup>

As discussed above, the BCA specifies both the level of the spending limits and a process through which they are to be reduced below their initial levels to achieve a certain amount of savings each of the fiscal years between FY2014 and FY2021. The revised FY2014 limits were \$552 billion for defense spending and \$506 billion for nondefense spending.<sup>24</sup> Pursuant to the BCA requirements, these limits were further revised to about \$498.1 billion for defense spending and about \$469.4 billion for nondefense spending.<sup>25</sup> The Bipartisan Budget Act amended these FY2014 levels to \$520.5 billion in defense spending, and \$491.8 billion in nondefense spending (about \$1.012 trillion total).<sup>26</sup>

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<sup>18</sup> Congressional Budget Act, §302(a).

<sup>19</sup> *Ibid.*, §302(b).

<sup>20</sup> Primarily, the Appropriations Committee allocations are enforced through points of order under the Congressional Budget Act §302(f) and 311. Enforcement of the statutory spending caps may occur through points of order that are raised during House or Senate floor consideration, under the Congressional Budget Act, §314(f) (in the House and Senate) or 312(b) (in the Senate only). For further information with regard to points of order in the congressional budget process, see CRS Report 97-865, *Points of Order in the Congressional Budget Process*, by (name redacted).

<sup>21</sup> Any budget authority designated as for “Overseas Contingency Operations/Global War on Terrorism” (OCO/GWOT), “continuing disability reviews and redeterminations,” “health care fraud abuse control,” or “disaster relief” is exempt from these limits under Section 251(b) of the BBEDCA. In addition, budget authority may also be designated pursuant to this section as being for the purposes of “emergency requirements.”

<sup>22</sup> BBEDCA, §251(a)(1). *Sine die* adjournment of the session occurred on January 3, 2014. Therefore, the latest that any required end of session sequestration to enforce the limits would have occurred would have presumably been January 18, 2014. For further information with regard to *sine die* adjournments of a congressional session, see CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by (name redacted) and (name redacted).

<sup>23</sup> BBEDCA, §251(a)(6).

<sup>24</sup> Prior to the American Taxpayer Relief Act (P.L. 112-240), these limits were each \$4 billion higher.

<sup>25</sup> The statutory spending limits for FY2014 are in §251(c)(3) of the BBEDCA. These limits were revised by the Office of Management and Budget pursuant to §251A of the act. For further information, see *OMB Preview Report*, p. 11.

<sup>26</sup> P.L. 113-67, Division A, §101(a)(1).

## Enforcement of Discretionary Spending Associated with the Budget Resolution

Both the House and Senate completed initial floor consideration of the FY2014 budget resolution during the month of March 2013. The House Budget Committee reported H.Con.Res. 25 on March 15, 2013. The House began floor consideration of the resolution on March 19, and adopted it on March 21, by a vote of 221-207. The Senate Budget Committee also reported its budget resolution proposal, S.Con.Res. 8, on March 15. The Senate began floor consideration of the resolution on March 21, and adopted it on March 23, by a vote of 50-49. As part of the negotiations surrounding interim continuing appropriations for FY2014, the House and Senate agreed to a conference committee on S.Con.Res. 8, on October 16. As of the date of this report, no agreement between the conferees has been reached.

Both the House- and Senate-adopted budget resolutions assumed levels of discretionary spending different from the further revised BCA limits.<sup>27</sup> These assumptions are compared to the revised, further revised, and amended BCA limits in **Table 1**. The House-adopted budget resolution assumed FY2014 discretionary spending subject to the limits to be \$552 billion for defense spending and \$414.4 billion for nondefense spending (about \$966.4 billion total).<sup>28</sup> While this proposal maintained the same discretionary spending total that exists under the further revised BCA limits, it increased defense discretionary spending to its revised BCA level and achieved the offset necessary to keep total consistent with the further revised limits through reductions to nondefense discretionary spending. The Senate-adopted budget resolution assumed the levels of FY2014 discretionary spending to be the same as the revised limits—\$552 billion for defense spending and \$506 billion for nondefense spending (\$1.058 trillion total).<sup>29</sup>

**Table 1. FY2014 Discretionary Spending Limits and Proposed Levels**

	<b>Defense Discretionary Spending</b>	<b>Nondefense Discretionary Spending</b>	<b>Combined Amount of Discretionary Spending</b>
House-passed Budget Resolution	\$552,000,000,000	\$414,375,000,000	\$966,375,000,000
Senate-passed Budget Resolution	\$552,000,000,000	\$506,000,000,000	\$1,058,000,000,000
Revised BCA Discretionary Spending Limits	\$552,000,000,000	\$506,000,000,000	\$1,058,000,000,000
<i>Reduction to revised BCA Limits</i>	<i>\$53,918,000,000</i>	<i>\$31,609,000,000</i>	<i>\$90,527,000,000</i>
Further Revised BCA Limits	\$498,082,000,000	\$469,391,000,000	\$967,473,000,000
(Bipartisan Budget Act) Amended BCA Limits	\$520,464,000,000	\$491,773,000,000	\$1,012,237,000,000

**Source:** The statutory spending limits for FY2014 are in Section 251(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA; Title II of P.L. 99-177, 2 U.S.C. 900-922). These limits were

<sup>27</sup> The House and Senate-adopted budget resolutions make assumptions about these levels that are explained in the accompanying committee report (H.Rept. 113-17), in the case of the House, and the accompanying committee print (S.Pmt. 113-12, available at <http://www.gpo.gov/fdsys/pkg/CPRT-113SPRT79796/pdf/CPRT-113SPRT79796.pdf>), in the case of the Senate.

<sup>28</sup> H.Rept. 113-17, p. 13.

<sup>29</sup> S.Pmt. 113-12, p. 160.

revised by the Office of Management and Budget pursuant to Section 251A of the act. For further information, see OMB, Sequestration Preview Report to the President and Congress for Fiscal Year 2014, corrected, May 20, 2013, p. 11, available at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/fy14\\_preview\\_and\\_joint\\_committee\\_reductions\\_reports\\_05202013.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/fy14_preview_and_joint_committee_reductions_reports_05202013.pdf) [hereinafter, OMB Preview Report]). The BCA limits were subsequently amended by the Bipartisan Budget Act of 2013 (H.J.Res. 59, Division A, §101(a)(1)), P.L. 113-67. The House-proposed levels of defense and nondefense discretionary spending are in H.Rept. 113-17, p. 13. The Senate-proposed levels of defense and nondefense discretionary spending are in Senate Committee Print 112-13, p. 160, available at <http://www.gpo.gov/fdsys/pkg/CPRT-113SPRT79796/pdf/CPRT-113SPRT79796.pdf>.

To provide for procedural budget enforcement during the consideration of FY2014 appropriations acts, the House Budget Committee report and Senate Budget Committee print accompanying each chamber's version of the budget resolution contains a 302(a) allocation for the Appropriations Committee. The House allocation was \$966.4 billion for total FY2014 discretionary spending, consistent with the combined amounts of the existing FY2014 statutory discretionary spending limits, and also with the levels of discretionary spending assumed in the House budget resolution.<sup>30</sup> On July 8, the House Budget Committee revised its 302(a) allocation to about \$966.9 billion.<sup>31</sup> The Senate 302(a) allocation was also \$966.4 billion,<sup>32</sup> consistent with the total of the existing FY2014 statutory discretionary spending limits, but less than the levels of discretionary spending assumed in the Senate budget resolution.<sup>33</sup>

Even without reaching agreement on a budget resolution, each chamber began to consider appropriations bills prior to the beginning of FY2014. In the House, the chamber adopted H.Res. 243 to provide for enforcement of the 302(a) allocation associated with the House version of the budget resolution (H.Con.Res. 25).<sup>34</sup> Pursuant to this allocation, the House Appropriations Committee reported its 302(b) suballocation on June 4, 2013.<sup>35</sup> The distribution of defense and nondefense spending was based upon the assumptions underlying the House-adopted budget resolution, and not the further revised BCA limits. In the Senate, no action occurred prior to the enactment of the Bipartisan Budget Act to provide for an enforceable 302(a) allocation. The Senate Appropriations Committee adopted an FY2014 suballocation that served as an internal guideline to the subcommittees.<sup>36</sup> The total amount of discretionary spending in this suballocation, as well as the distribution of defense and nondefense spending, was based on the levels assumed in the Senate-adopted budget resolution.<sup>37</sup>

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<sup>30</sup> H.Rept. 113-17, p. 147.

<sup>31</sup> House debate, *Congressional Record*, daily edition, vol. 159, part 96 (July 8, 2013), p. H4211. This revision was made so that the allocation and associated adjustments would be consistent with the corrected *OMB Preview Report*, which was issued on May 20, 2013.

<sup>32</sup> S.Prt. 113-12, p. 166.

<sup>33</sup> §312(b) of the Congressional Budget Act establishes a point of order against Senate consideration of any bill or resolution that would exceed the statutory discretionary spending limits. As a consequence, the Senate 302(a) allocation reflects the existing statutory limits and not the assumptions in the budget resolution.

<sup>34</sup> The House Budget Committee revised this allocation to be consistent with the corrected *OMB Preview Report*.

<sup>35</sup> H.Rept. 113-96. The House Appropriations Committee reported a revised allocation (H.Rept. 113-143) on July 8, 2013 to be consistent with the revised 302(a) allocation and adjustments issued by the House Budget Committee on that same date.

<sup>36</sup> The FY2014 Senate Appropriations Committee advisory suballocation is available at <http://www.appropriations.senate.gov/news.cfm?method=news.view&id=90d2c6ed-7044-462d-8066-d4cf2cce4e68>.

<sup>37</sup> The CBO provides analysis with regard to the status of discretionary spending for the House and Senate as compared to the current 302(b) allocations in each chamber. Those "Status of Discretionary Appropriations" reports are available at <http://www.cbo.gov>.

The most recent action on discretionary spending enforcement associated with the budget resolution occurred through the enactment of the Bipartisan Budget Act. Section 111 of the act enabled the House and Senate Budget Committee chairs to provide 302(a) allocations for discretionary spending that comply with its amended limits for FY2014.<sup>38</sup> The House allocations were filed in the *Congressional Record* for the House on January 14, 2014; the Senate allocations were filed the following day.<sup>39</sup>

## Regular Appropriations

The House and Senate currently provide annual appropriations in 12 regular appropriations bills. These bills provide discretionary spending for the projects and activities of most federal government agencies. While all of these bills may ultimately be considered and enacted separately, it is also possible for two or more of them to be combined into an omnibus vehicle for consideration and enactment.<sup>40</sup> Alternatively, if some of these bills are not enacted, funding for the projects and activities therein may be provided through a full-year CR.<sup>41</sup> The deadline for enactment of all regular appropriations bills is October 1, the beginning of the fiscal year.

During the FY2014 appropriations process, the House Appropriations Committee reported 10 of the 12 regular appropriations bills, while the Senate Appropriations Committee reported 11 of the 12 regular bills. The House initially considered five regular appropriations bills on the floor and passed four of them before final action on regular appropriations occurred. The Senate began floor consideration of one regular appropriations bill, but did not complete it. No regular appropriations were enacted prior to the beginning of the fiscal year. On August 20, 2013, OMB projected that both the House and Senate regular appropriations bills would, in total, exceed one or both of the existing BCA discretionary spending limits.

After a total amount for defense and nondefense FY2014 discretionary spending was provided through the enactment of the Bipartisan Budget Act, the House and Senate Appropriations Committees announced an agreement on regular appropriations for FY2014. This agreement was enacted as the Consolidated Appropriations Act, 2014 (H.R. 3547; P.L. 113-76) on January 17, 2014.

For up-to-date information on the status of regular appropriations measures, see the CRS FY2014 status table, available at <http://www.crs.gov/pages/AppropriationsStatusTable.aspx>.

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<sup>38</sup> P.L. 113-67, Division A, §111.

<sup>39</sup> Publication of Budgetary Material, *Congressional Record*, daily edition, vol. 160, part 8 (January 14, 2014), p. H222; Budget Act Enforcement Details, *Congressional Record*, daily edition, vol. 160, part 9 (January 15, 2014), p. S361.

<sup>40</sup> For further information with regard to omnibus appropriations acts, CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by (name redacted).

<sup>41</sup> Full-year CRs provide budget authority through the end of the fiscal year. For background on full-year CRs, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by (name redacted).

## House Action

### Committee

The 12 regular appropriations bills, along with the associated date of subcommittee approval, date reported to the House, and report number, are listed in **Table 2**. Subcommittee and full committee action on approving and reporting regular appropriations bills occurred over about an 11-week period. The first regular appropriations bill to be approved in subcommittee was the Military Construction and Veterans Affairs and Related Agencies Appropriations bill (H.R. 2216), on May 15, 2013. That same bill was also the first regular appropriations bill to be reported to the House, on May 28, 2013. In total, two regular appropriations bills were approved by their respective subcommittees during the month of May, four in June, and five in July. Of these, two each were reported by the House Appropriations Committee in May and June, and the remaining six were reported in July. The final bill to be reported to the House was the Department of State, Foreign Operations, and Related Programs Appropriations bill (H.R. 2855), on July 30, 2013.

**Table 2. FY2014 Regular Appropriations Bills: House Appropriations Committee Action**

Regular Appropriations Bill Title <sup>a</sup> (Bill Number)	Date of Subcommittee Approval	Date Bill Reported to the House	Report No.
MCVA (H.R. 2216)	5/15/2013	5/28/2013	H.Rept. 113-90
DHS (H.R. 2217)	5/16/2013	5/29/2013	H.Rept. 113-91
DOD (H.R. 2397)	6/5/2013	6/17/2013	H.Rept. 113-113
AG (H.R. 2410)	6/5/2013	6/18/2013	H.Rept. 113-116
EW (H.R. 2609)	6/18/2013	7/2/2013	H.Rept. 113-135
THUD (H.R. 2610)	6/19/2013	7/2/2013	H.Rept. 113-136
LB (H.R. 2792)	7/9/2013	7/23/2013	H.Rept. 113-173
FSGG (H.R. 2786)	7/10/2013	7/23/2013	H.Rept. 113-172
CJS (H.R. 2787)	7/10/2013	7/23/2013	H.Rept. 113-171
SFO (H.R. 2855)	7/19/2013	7/30/2013	H.Rept. 113-185
INT (NA)	7/23/2013	—	—
LHHS (NA)	—	—	—

**Source:** CRS analysis of data available through the Legislative Information System (LIS; [lis.gov](http://lis.gov)) and the CRS FY2014 Appropriations Status Table (<http://www.crs.gov/pages/AppropriationsStatusTable.aspx>).

- a. AG=Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; CJS=Commerce, Justice, Science, and Related Agencies; DOD=Department of Defense; EW=Energy and Water Development and Related Agencies; FSGG=Financial Services and General Government; DHS=Department of Homeland Security; INT=Department of the Interior, Environment, and Related Agencies; LHHS=Departments of Labor, Health and Human Services, and Education, and Related Agencies; LB=Legislative Branch; MCVA=Military Construction and Veterans Affairs and Related Agencies; SFO=Department of State, Foreign Operations, and Related Programs; THUD=Transportation, Housing and Urban Development, and Related Agencies.

Two of the 12 regular appropriations bills were not reported to the House. The first, the Department of the Interior, Environment, and Related Agencies Appropriations bill, was approved

by the subcommittee on July 23, 2013, but consideration was not completed by the full committee.<sup>42</sup> The second, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations bill, was neither approved by the subcommittee nor considered by the full committee.

## Floor

The five regular appropriations bills to be considered on the House floor, along with the date consideration was initiated, date consideration was concluded, and vote on final passage, are listed in **Table 3**. Such consideration occurred over about an eight-week period. The first bill to be considered on the House floor was the Military Construction and Veterans Affairs and Related Agencies Appropriations bill (H.R. 2216). Consideration was initiated on June 4, 2013, and the bill was passed the following day, by a vote of 421-4. Two bills were considered and passed during the month of June, and two bills in July. The final bill to be considered and passed, the Department of Defense Appropriations bill (H.R. 2397), was passed on July 24, by a vote of 315-109. The House began initial consideration of the Transportation, Housing and Urban Development, and Related Agencies Appropriations bill (H.R. 2610), on July 30. Although a number of amendments were considered on July 30, no vote on final passage occurred at that time.<sup>43</sup> In total, the House initially considered five regular appropriations bills during eight days of session.

**Table 3. FY2014 Regular Appropriations Bills: House Initial Consideration**

Regular Appropriations Bill Title <sup>a</sup> (Bill Number)	Date Consideration Initiated <sup>b</sup>	Date Consideration Concluded	Vote on Final Passage
MCVA (H.R. 2216)	6/4/2013	6/4/2013	421-4
DHS (H.R. 2217)	6/5/2013	6/6/2013	245-182
EW (H.R. 2609)	7/9/2013	7/10/2013	227-198
DOD (H.R. 2397)	7/23/2013	7/24/2013	315-109
THUD (H.R. 2610)	7/30/2013	—	—

**Source:** CRS analysis of data available through LIS (lis.gov).

- a. AG=Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; CJS=Commerce, Justice, Science, and Related Agencies; DOD=Department of Defense; EW=Energy and Water Development and Related Agencies; FSGG=Financial Services and General Government; DHS=Department of Homeland Security; INT=Department of the Interior, Environment, and Related Agencies; LHHS=Departments of Labor, Health and Human Services, and Education, and Related Agencies; LB=Legislative Branch; MCVA=Military Construction and Veterans Affairs and Related Agencies;

<sup>42</sup> The House Appropriations Committee held a markup of the FY2014 Interior appropriations bill on July 31, 2013, but did not complete consideration at that time.

<sup>43</sup> Some observers claimed that floor consideration of the THUD appropriations bill was terminated prior to a vote on final passage due to a lack of agreement on nondefense funding levels, while others asserted that the bill was pulled for timing reasons associated with the pre-August recess floor agenda (see “THUD Bill is Pulled as GOP Budget Frays,” *Politico*, July 31, 2013; “Boehner Says Transportation Funding Bill Had Votes to Pass, Defends House’s Record,” *CQ News*, August 1, 2013; “Appropriations Setbacks Prompt Calls for New Budget Deal,” *CQ News*, August 1, 2013; “Transportation-HUD Bills Stall,” *CQ Weekly*, August 5, 2013, p. 1382).

SFO=Department of State, Foreign Operations, and Related Programs; THUD=Transportation, Housing and Urban Development, and Related Agencies.

- b. In each instance, consideration was initiated after the adoption of a special rule providing for the terms of debate and amendment. In all but one instance, consideration was initiated by an open special rule. In the remaining instance (DOD; H.R. 2397), consideration was initiated by a structured special rule. For further information on the initial consideration of these appropriations bills on the House floor, see CRS Report R42933, *Regular Appropriations Bills: Terms of Initial Consideration and Amendment in the House, FY1996-FY2014*, by (name redacted).

## Status of Statutory Discretionary Budget Enforcement Prior to the Beginning of the Fiscal Year

OMB projected the budgetary levels of the House regular appropriations bills on August 20, 2013.<sup>44</sup> Defense discretionary spending subject to the (further revised) BCA limits was projected to be about \$545.9 billion, which was about \$47.9 billion in excess of the defense limit at that time. When defense spending designated under Section 251(b) of the BBEDCA for OCO/GWOT was accounted for, the total amount of nondefense discretionary spending was projected to be about \$625.4 billion. Nondefense discretionary spending subject to the BCA limits was projected to be about \$420.6 billion, however, which was about \$48.8 billion below the nondefense limit at that time. When nondefense designated as for OCO/GWOT, continuing disability reviews and redeterminations, health care fraud abuse control, or disaster relief was accounted for, the total amount of nondefense discretionary spending was projected to be about \$431.5 billion.

## Senate Action

### Committee

The 12 regular appropriations bills, along with the associated date of subcommittee approval, date reported to the Senate, and report number, are listed in **Table 4**. Subcommittee and full committee action on approving and reporting regular appropriations occurred over about a seven week period. The first regular appropriations bill to be approved by a subcommittee was Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill (S. 1244), on June 18, 2013. On June 27, the first four bills were all reported to the Senate—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill (S. 1244), the Military Construction and Veterans Affairs and Related Agencies Appropriations bill (H.R. 2216), Transportation, Housing and Urban Development, and Related Agencies Appropriations bill (S. 1243), and the Energy and Water Development and Related Agencies Appropriations bill (S. 1245). In total, four regular appropriations bills were approved by their respective subcommittees during June, and the remaining six in July; four regular appropriations bills were reported to the Senate during June, six in July, and one in August. The final bill to be approved in subcommittee and reported to the Senate was the Department of Defense Appropriations bill (S. 1429), on August 1, 2013.

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<sup>44</sup> These calculations were based upon the most recent appropriations action that had occurred in the House as of the date of that report—the 302(b) allocation, subcommittee-reported bill, the committee-reported bill, or House-passed bill. OMB Sequestration Update Report to the President and Congress for FY2014, August 20, 2013, p. 16, available at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/sequestration/sequestration\\_update\\_august2013.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration/sequestration_update_august2013.pdf).

One of the 12 regular appropriations bills was not reported to the Senate. The Department of the Interior, Environment, and Related Agencies Appropriations bill, was neither approved by the subcommittee nor considered by the full committee.

**Table 4. FY2014 Regular Appropriations Bills: Senate Appropriations Committee Action**

Regular Appropriations Bill Title <sup>a</sup> (Bill Number)	Date of Subcommittee Approval	Date Bill Reported to the Senate	Report No.
AG (S. 1244)	6/18/2013	6/27/2013	S.Rept. 113-46
MCVA (H.R. 2216)	6/18/2013	6/27/2013	S.Rept. 113-48
THUD (S. 1243)	6/25/2013	6/27/2013	S.Rept. 113-45
EW (S. 1245)	6/25/2013	6/27/2013	S.Rept. 113-47
LHHS (S. 1284)	7/9/2013	7/11/2013	S.Rept. 113-70
LB (S. 1243)	— <sup>b</sup>	7/11/2013	S.Rept. 113-71
DHS (H.R. 2217)	7/16/2013	7/18/2013	S.Rept. 113-77
CJS (S. 1329)	7/16/2013	7/18/2013	S.Rept. 113-78
FSGG (S. 1371)	7/23/2013	7/25/2013	S.Rept. 113-80
SFO (S. 1372)	7/23/2013	7/25/2013	S.Rept. 113-81
DOD (S. 1429)	7/30/2013	8/1/2013	S.Rept. 113-85
INT (NA)	—	—	—

**Source:** CRS analysis of data available through LIS ([lis.gov](http://lis.gov)) and the CRS FY2014 Appropriations Status Table (<http://www.crs.gov/pages/AppropriationsStatusTable.aspx>).

- a. AG=Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; CJS=Commerce, Justice, Science, and Related Agencies; DOD=Department of Defense; EW=Energy and Water Development and Related Agencies; FSGG=Financial Services and General Government; DHS=Department of Homeland Security; INT=Department of the Interior, Environment, and Related Agencies; LHHS=Departments of Labor, Health and Human Services, and Education, and Related Agencies; LB=Legislative Branch; MCVA=Military Construction and Veterans Affairs and Related Agencies; SFO=Department of State, Foreign Operations, and Related Programs; THUD=Transportation, Housing and Urban Development, and Related Agencies.
- b. In recent years, the markup of the Legislative Branch Appropriations bill has typically occurred at the full committee level. For further information, see CRS Report R43151, *Legislative Branch: FY2014 Appropriations*, by (name redacted).

**Floor**

The only regular appropriations bill to receive floor consideration in the Senate was the Transportation, Housing and Urban Development, and Related Agencies Appropriations bill (S. 1243). On July 18, 2013, the motion to proceed was made in the Senate, and cloture was filed on that motion. Cloture was invoked on the motion to proceed on July 23, by a vote of 73-26, and the motion to proceed was agreed to by a voice vote on that same day. Between July 23 and August 1,

the Senate considered the bill, disposing of a number of amendments thereto.<sup>45</sup> The Senate attempted to close debate by invoking cloture, but was unsuccessful.<sup>46</sup>

## Status of Statutory Discretionary Budget Enforcement Prior to the Beginning of the Fiscal Year

OMB projected the budgetary levels of the Senate regular appropriations bills on August 20, 2013.<sup>47</sup> Defense discretionary spending subject to the (further revised) BCA limits was projected to be about \$552.2 billion, which is about \$54.1 billion in excess of the defense limit. When defense spending designated under Section 251(b) of the BBEDCA for OCO/GWOT was accounted for, the total amount of defense discretionary spending was projected to be about \$631.6 billion. Similarly, nondefense discretionary spending subject to the BCA limits was projected to be about \$503.7 billion, which was about \$34.3 billion in excess of the nondefense limit. When nondefense spending designated as for OCO/GWOT, continuing disability reviews and redeterminations, health care fraud abuse control, or disaster relief was accounted for, the total amount of nondefense discretionary spending was projected to be about \$514.5 billion.

## The Consolidated Appropriations Act, 2014 (P.L. 113-76)

On January 13, 2014, the House and Senate Appropriations Committee chairs announced an omnibus appropriations package that combined an agreement on each of the 12 regular appropriations bills into a single vehicle. This agreement was to be considered as a House amendment to a Senate amendment to an unrelated bill (H.R. 3547).<sup>48</sup> After adopting a special rule that provided for the consideration of the amendment (H.Res. 458), the House concurred in the Senate amendment with an amendment, by a vote of 359-67, on January 15.<sup>49</sup> The Senate concurred in that House action the following day, by a vote of 72-26. The bill was signed into law on January 17, 2014 (P.L. 113-76).

<sup>45</sup> For proceedings on S. 1243 during this period, see Senate debate, *Congressional Record*, daily edition, vol. 159, no. 106 (July 23, 2013), pp. S5818-S5828; no. 107 (July 24, 2013), pp. S5856-S5863; no. 108 (July 25, 2013), pp. S5937-S945; no. 110 (July 29, 2013), pp. S5996-S5997; no. 111 (July 30, 2013), pp. S6051-S6052; no. 112 (July 31, 2013), pp. S6088-S6098; no. 113 (August 1, 2013), pp. S6154-S6155.

<sup>46</sup> Cloture was filed on the bill on July 30, and the vote on the motion occurred on August 1. Cloture was not invoked, by a vote of 54-43, and no further proceedings occurred at that time. Reportedly, the issues associated with cloture in the Senate were tied to a dispute over the discretionary spending targets that were being assumed by the Senate Appropriations Committee (see “Senate Faces Test on Transportation-HUD Bill After House Effort Derails,” *CQ News*, July 31, 2013; “Transportation-HUD Spending Bill Snags on Procedural Vote,” *CQ News*, August 1, 2013; “Appropriations Setbacks Prompt Calls for New Budget Deal,” *CQ News*, August 1, 2013; “Senate GOP Stymies Transportation-Housing Bill,” *Politico*, August 1, 2013; “Transportation-HUD Bills Stall,” *CQ Weekly*, August 5, 2013, p. 1382).

<sup>47</sup> These calculations were based upon the most recent appropriations action that had occurred in the Senate as of the date of that report—the subcommittee draft or the committee-reported bill. OMB Sequestration Update Report to the President and Congress for FY2014, August 20, 2013, p. 16, available at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/sequestration/sequestration\\_update\\_august2013.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration/sequestration_update_august2013.pdf).

<sup>48</sup> H.R. 3547 was originally passed by the House as the Space Launch Liability Indemnification Extension Act. The text and title of the bill was subsequently amended by the Senate. House action on resolving differences incorporated the text of the omnibus appropriations package.

<sup>49</sup> That motion also provided that the House concur with the Senate amendment to the title of the bill. The title was subsequently amended through the adoption of an enrollment resolution, H.Con.Res. 74. For further information on enrollment resolutions, see CRS Report RL34480, *Enrollment of Legislation: Relevant Congressional Procedures*, by (name redacted).

Prior to consideration on the House floor, CBO estimated the discretionary appropriations that would be provided through the enactment of the consolidated measure.<sup>50</sup> These are listed in **Table 5**, below. CBO estimated that appropriations subject to the FY2014 discretionary spending limits would not exceed those levels. When adjustments to the limits were accounted for, total appropriations were projected to be about \$1.1 billion.

**Table 5. CBO Estimate of Discretionary Appropriations for FY2014**

Amounts in millions

	Budget Authority	Outlays
Regular Appropriations <sup>a</sup>		
Defense <sup>b</sup>	520,464	565,628
Nondefense <sup>c</sup>	491,773	589,188
Total:	1,012,237	1,154,816
Adjustments: <sup>d</sup>		
Overseas Contingency Operations	91,938	45,207
Disaster Relief	5,626	281
Program Integrity Initiatives	924	832
Emergency Requirements	0	50 <sup>e</sup>
<b>Total Appropriations</b>	<b>1,110,725</b>	<b>1,201,186</b>

**Source:** Congressional Budget Office, “CBO Estimate of Discretionary Appropriations for Fiscal Year 2014, Including H.R. 3547, the Consolidated Appropriations Act, 2014, as Posted on the Website of the House Committee on Rules, January 13, 2014,” January 14, 2014 (available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/hr3547.pdf>).

- a. Regular appropriations includes all budget authority that is subject to the statutory discretionary spending limits.
- b. Defense spending is all spending that is under budget function 050.
- c. Nondefense spending is all spending that is not under budget function 050.
- d. Such adjustments are pursuant to Section 251(b) of the BBEDCA. See footnote 21 of this report for further information.
- e. This estimate also included the budgetary effects of authority that had previously been provided by P.L. 113-46, the first CR for FY2014, to the Secretary of Transportation to obligate \$50 million in existing budget authority for “emergency relief projects in Colorado.” This authority was designated as an emergency requirement.

<sup>50</sup> This estimate also included the budgetary effects of authority that had previously been provided by P.L. 113-46, the first CR for FY2014, to the Secretary of Transportation to obligate \$50 million in existing budget authority for “emergency relief projects in Colorado.”

## Continuing Resolutions

Because neither regular appropriations nor a broad continuing resolution (CR) to provide temporary funding for the previous fiscal year's projects and activities was law on October 1, a funding gap commenced on that date for affected projects and activities.<sup>51</sup> One day before that funding gap, a narrow CR was enacted that funded FY2014 pay and allowances for (1) certain members of the Armed Forces, (2) certain DOD and DHS civilian personnel, and (3) other specified DOD and DHS contractors (the Pay Our Military Act; H.R. 3210; P.L. 113-39, 113<sup>th</sup> Congress). During the funding gap, consideration of appropriations was limited to a number of narrow CRs to provide funds for specified projects and activities, of which only one was enacted (the Department of Defense Survivor Benefits Continuing Appropriations Resolution, 2014; H.J.Res. 91; P.L. 113-44). The funding gap terminated with the enactment of a broad CR covering FY2013 projects and activities at an annualized rate of \$986.3 billion, through January 15, 2014. (The Continuing Appropriations Act, 2014; H.R. 2775; P.L. 113-46.) Funding was extended for three additional days by P.L. 113-73 (H.J.Res. 106) to allow time for the enactment of the Consolidated Appropriations Act, 2014.

### Action Before October 1

#### H.J.Res. 59

Prior to the beginning of the fiscal year, congressional action with regard to continuing appropriations was primarily focused on the Continuing Appropriations Resolution, 2014 (H.J.Res. 59), which was introduced on September 10, 2013. As introduced, this measure would have provided appropriations to broadly cover FY2013 projects and activities through December 15, 2013. At that time, the Congressional Budget Office (CBO) projected the annualized level of total regular appropriations that would be provided under this proposal to be \$986.3 billion.<sup>52</sup>

The House considered H.J.Res. 59 on September 20, 2013. Such consideration occurred under the terms of a special rule (H.Res. 352)<sup>53</sup> that provided for the automatic adoption of an amendment containing provisions to prohibit the use of any federal funds to carry out the Patient Protection

<sup>51</sup> A *funding gap* is the interval during the fiscal year when appropriations for a particular project or activity are not enacted into law, either in the form of a regular appropriations act or a CR. Although funding gaps may occur at the start of the fiscal year, they also may occur any time a CR expires, and another CR (or the relevant regular appropriations bill) is not enacted immediately thereafter. Under current practice, when a funding gap occurs, agencies are generally required to begin a *shutdown* of the affected projects and activities, which includes the prompt furlough of non-excepted personnel. Although a shutdown may be the result of a funding gap, the two events should be distinguished because a funding gap may result in a shutdown of all affected projects or activities in some instances, but not in others. For further information with regard to funding gaps, see CRS Report RS20348, *Federal Funding Gaps: A Brief Overview*, by (name redacted). For further information with regard to shutdowns, see CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by (name redacted).

<sup>52</sup> This total does not include spending that is exempt from the statutory discretionary limits, such as for overseas contingency operations, disaster funding, or program integrity initiatives. This CBO cost estimate is available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/hjres59amendment.pdf>.

<sup>53</sup> A special rule is a simple resolution reported by the House Rules Committee that sets the procedural terms for considering a measure.

and Affordable Care Act (ACA).<sup>54</sup> After adopting the special rule, the House considered and passed H.J.Res. 59, by a vote of 230-189.

Senate floor consideration of H.J.Res. 59 occurred between September 23 and September 27. Cloture on the motion to proceed was filed in the Senate on September 23, and invoked on September 25, by a vote of 100-0. The motion to proceed was subsequently agreed to by a voice vote. Cloture was filed on the bill that same day, and invoked on September 27, by a vote of 79-19. Prior to final action on the bill, the Senate adopted an amendment to H.J.Res. 59, which proposed that a number of changes be made to the bill, including moving up the expiration date for the funding to November 15, 2013, and removed the House ACA provisions.<sup>55</sup> The Senate passed H.J.Res. 59, by a vote of 54-44.

Congressional action to resolve House and Senate differences with regard to H.J.Res. 59 occurred between September 28 and October 1.<sup>56</sup> On September 29, the House voted to concur with the Senate amendment with two additional House amendments. Both of these amendments related to the ACA, and the motions with regard to them were agreed to by votes of 248-174 and 231-192, respectively.<sup>57</sup> On the morning of September 30, the Senate voted to table<sup>58</sup> both House amendments (returning H.J.Res. 59 and all amendments thereto to the House), by a vote of 54-46. That afternoon, in response to the Senate action, the House voted to recede from its amendments to the Senate amendment (which had been tabled by the Senate) and instead concurred with the Senate amendment with a further amendment relating to ACA.<sup>59</sup> The motion to recede and concur with an amendment was agreed to by a vote of 228-201. Early in the evening, the Senate voted to table this new House amendment, by a vote of 54-46. In response, the morning of October 1, the House insisted on its amendment and requested a conference with the Senate.<sup>60</sup> Later that morning, the Senate tabled the House request, by a vote of 54-46.<sup>61</sup>

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<sup>54</sup> P.L. 111-148, 124 Stat. 119. For an overview of the provisions in ACA, see CRS Report R41664, *ACA: A Brief Overview of the Law, Implementation, and Legal Challenges*, coordinated by (name redacted). For an analysis of issues associated with the ACA, and repealing or defunding it in an appropriations act, see CRS Report R43246, *Affordable Care Act (ACA) and the Appropriations Process: FAQs Regarding Potential Legislative Changes and Effects of a Government Shutdown*, coordinated by (name redacted).

<sup>55</sup> The amendment, S.Amdt. 1974, was agreed to in the Senate, by a vote of 54-44. The Senate also agreed to waive all applicable budget points of order with respect to the measure and S.Amdt. 1974, by a vote of 69-30.

<sup>56</sup> For an overview of procedural options to resolve differences, including amendment exchanges and conference proceedings, see CRS Report 98-696, *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*, by (name redacted).

<sup>57</sup> The first amendment would have repealed the medical device tax; the second amendment would have delayed implementation of certain requirements under the ACA.

<sup>58</sup> In the Senate, the motion to table is a non-debatable motion that, if agreed to, effectively rejects the pending question. For further information on motions to table see Floyd M. Riddick and Alan S. Frumin, *Riddick's Senate Procedure: Precedents and Practices*, 101<sup>st</sup> Cong., 2<sup>nd</sup> sess., S. Doc. 101-28 (Washington: GPO, 1992), pp. 1273-1289.

<sup>59</sup> The amendment would have delayed the individual mandate and required certain federal government officials to purchase health insurance through the ACA health care exchanges.

<sup>60</sup> This was accomplished through the adoption of H.Res. 368.

<sup>61</sup> Later, on December 12, 2013, the House amended the Senate amendment to H.J.Res. 59 with the text of the Bipartisan Budget Act of 2013 (Division A).

## H.R. 3210 (P.L. 113-39)

The other CR to receive congressional consideration prior to the beginning of the fiscal year was the Pay Our Military Act (H.R. 3210), which was introduced on September 28, 2013. In the weeks before the beginning of the fiscal year, many observers expressed concern related to the effect that a potential funding gap and government shutdown would have on the military and certain associated civilian federal workers and contractors.<sup>62</sup> The Pay Our Military Act was intended to address these issues, by providing appropriations to cover FY2014 pay and allowances for (1) certain members of the Armed Forces, (2) certain DOD and DHS civilian personnel, and (3) other specified DOD and DHS contractors, in the event that a funding gap were to transpire. The House began floor consideration of H.R. 3210 on the same day that it was introduced, and passed it early in the morning of September 29, by a vote of 423-0.<sup>63</sup> The Senate considered the measure on September 30, and passed it without amendment by unanimous consent. The measure was signed into law by the President that same day (P.L. 113-39).

## Action after October 1

The FY2014 funding gap occurred over the first 16 days of FY2014—October 1-16, 2013. During this period, the House considered and passed a total of 15 narrow CRs to fund particular projects and activities through December 15, 2013.<sup>64</sup> CBO projected that the total amount of annualized regular appropriations subject to the discretionary spending limits that would have been provided by 13 of the 15 of these CRs<sup>65</sup> was \$108.306 billion, which is about 11% of the FY2014 statutory discretionary spending limits (\$967.473 billion).<sup>66</sup> The highest projected budget authority was for the National Institutes of Health Continuing Appropriations Resolution (H.J.Res. 73)—\$29.173 billion total. The lowest projected budget authority was for the Department of Defense Survivor Benefits Continuing Appropriations Resolution (H.J.Res. 91)—

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<sup>62</sup> See, for example, Niels Lesniewski, “Senators Float Proposal to Exempt Military from Shutdown,” *CQ News*, September 24, 2013.

<sup>63</sup> Floor consideration was provided for through the adoption of a special rule, H.Res. 366.

<sup>64</sup> These narrow CRs were as follows: National Park Service Operations, Smithsonian Institution, National Gallery of Art, and United States Holocaust Memorial Museum Continuing Appropriations Resolution, 2014 (H.J.Res. 70), District of Columbia Continuing Appropriations Resolution, 2014 (H.J.Res. 71), Veterans Benefits Continuing Appropriations Resolution, 2014 (H.J.Res. 72), National Institutes of Health Continuing Appropriations Resolution, 2014 (H.J.Res. 73), Pay our Guard and Reserve Act (H.R. 3230), Special Supplemental Nutrition Program for Women, Infants, and Children Continuing Appropriations Resolution (H.J.Res. 75), National Nuclear Security Administration Continuing Appropriations Resolution, 2014 (H.J.Res. 76), Food and Drug Administration Continuing Appropriations Resolution, 2014 (H.J.Res. 77), Border Security and Enforcement Continuing Appropriations Resolution, 2014 (H.J.Res. 79), Bureau of Indian Affairs, Bureau of Indian Education, and Indian Health Service Continuing Appropriations Resolution (H.J.Res. 80), Head Start Continuing Appropriations Resolution, 2014 (H.J.Res. 84), Federal Emergency Management Agency Continuing Appropriations Resolution, 2014 (H.J.Res. 85), Making appropriations for the salaries and related expenses of certain Federal employees during a lapse in funding authority for fiscal year 2014, to establish a bicameral working group on deficit reduction and economic growth, and for other purposes (H.J.Res. 89), Making continuing appropriations for the Federal Aviation Administration for fiscal year 2014, and for other purposes (H.J.Res. 90), and the Department of Defense Survivor Benefits Continuing Appropriations Resolution, 2014 (H.J.Res. 91).

<sup>65</sup> For H.J.Res. 71, which provided the District of Columbia with the authority to expend local funds, CBO anticipated that it would have no federal budgetary effect (CBO correspondence with the author, October 1, 2013). No cost estimate was issued for H.J.Res. 89, which provided appropriations to pay the salaries and related expenses of certain federal employees that had been excepted from furlough and worked during a lapse in appropriations.

<sup>66</sup> These CBO cost estimates are available at <http://www.cbo.gov/topics/budget/appropriations>.

\$116 million total. All of these narrow CRs were considered on the House floor either under suspension of the rules,<sup>67</sup> or pursuant to a special rule.<sup>68</sup> With one exception (H.J.Res. 91), none of these measures was considered on the Senate floor.<sup>69</sup>

The one narrow CR to be enacted during the FY2014 funding gap was the Department of Defense Survivor Benefits Continuing Appropriations Resolution (H.J.Res. 91). This CR was introduced on October 8, 2013, in response to a dispute as to whether the Pay our Military Act (P.L. 113-39) included an appropriation for death gratuities.<sup>70</sup> The following day, the House suspended the rules and passed H.J.Res. 91, by a vote of 435-0. On October 10, the Senate passed the measure by unanimous consent, and it was signed into law by the President that evening (P.L. 113-44). According to CBO, the total amount of annualized budget authority for regular appropriations in this CR was \$116 million. When spending was included in the calculation that was designated under Section 251(b) of the BBEDCA for OCO/GWOT, the total CBO estimate of the amount of annualized budget authority in the CR was \$150 million.<sup>71</sup>

### H.R. 2775 (P.L. 113-46)

Congressional negotiations to terminate the funding gap ultimately resulted in action on H.R. 2775, which had previously passed the House on September 12, 2013.<sup>72</sup> On October 16, by unanimous consent, the measure was laid before the Senate and a substitute amendment, which contained the text of a broad CR in Division A, was agreed to.<sup>73</sup> Cloture on the measure was

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<sup>67</sup> Suspension of the rules is a procedure used by the House that provides for consideration of a measure by limiting floor debate, prohibiting floor amendments, and requiring a two-thirds vote for final passage. H.J.Res. 71, H.J.Res. 72, H.J.Res. 73, and H.J.Res. 91, were all considered through motions to suspend the rules. Only in the case of H.J.Res. 91 was that motion agreed to. For further information with regard to motions to suspend the rules, see CRS Report 98-314, *Suspension of the Rules in the House: Principal Features*, by (name redacted).

<sup>68</sup> These special rules were H.Res. 370 (providing for consideration of H.J.Res. 71, H.J.Res. 72, H.J.Res. 73, and H.R. 3020); H.Res. 371 (providing for consideration of H.J.Res. 75, H.J.Res. 76, H.J.Res. 77, H.J.Res. 78, H.J.Res. 79, H.J.Res. 80, H.J.Res. 82, H.J.Res. 83, H.J.Res. 84, and H.J.Res. 85); and H.Res. 373 (providing for consideration of H.J.Res. 89 and H.J.Res. 90).

<sup>69</sup> Reportedly, the position of the majority in the Senate was to reopen the government entirely, rather than in stages. Some observers contrasted this approach to what occurred during the second FY1996 funding gap (December 16, 1995-January 5, 1996), when a narrow CR was enacted one week into the funding gap to provide appropriations for certain children and families programs, the District of Columbia, and for certain payments made by the Department of Veteran's Affairs (H.J.Res. 136, 104<sup>th</sup> Cong.). See, for example, "House Attempt to Selectively Open Some Agencies Falls Short," *CQ News*, October 1, 2013; "House to Debate Targeted CRs to Open Some Agencies as Obama, Leaders to Talk," *CQ News*, October 2, 2013; "House Sets Aside New Appropriations, Uses 2013 Plans in Targeted Spending Bills," *CQ News*, October 4, 2013; "Different Era: Piecemeal Bill Stumble," *Politico*, October 2, 2013.

<sup>70</sup> Some Members of Congress reportedly believed that P.L. 113-39 provided appropriations necessary to pay these death gratuities, while the interpretation by the executive branch was appropriations for such purposes were not provided (see, for example, "House GOP Blasts Pentagon for Narrow Interpretation of Pay Law," *CQ News*, October 10, 2013; "President Signs Military Death Benefit Measure," *CQ News*, October 10, 2013).

<sup>71</sup> CBO, "Department of Defense Survivor Benefits Continuing Appropriations Resolution, 2014, H.J.Res. 91, as Cleared by the Congress on October 10, 2013," October 10, 2013, available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/hjres91.pdf>.

<sup>72</sup> As passed the House, the purpose of this bill was to require that the Secretary of Health and Human Services certify that certain income verification measures are in effect prior to making specified benefits under ACA available. This version did not contain any appropriations.

<sup>73</sup> Division B of the Senate amendment contained language relating to income verification for the provision of certain ACA subsidies, and suspending the debt limit through February 8, 2014. For further information with regard to the debt limit suspension, see CRS Report 98-453, *Debt-Limit Legislation in the Congressional Budget Process*, by (name redacted)

subsequently invoked, by a vote of 83-16, and the bill was passed with the Senate amendment, by a vote of 81-18. That same day, the House concurred in the Senate amendment to H.R. 2775, by a vote of 227-186.<sup>74</sup> The bill was signed into law by the President early in the morning of October 17, 2013 (Continuing Appropriations Act, 2014; P.L. 113-46). The expiration date of this CR was January 15, 2014.

### **H.J.Res. 106 (P.L. 113-73)**

As congressional negotiations on FY2014 regular appropriations were drawing to a close, it became evident that additional time would be needed to enact the Consolidated Appropriations Act. Consequently, on January 10, 2014, the chairman of the House Appropriations Committee introduced H.J.Res. 106, a measure that would extend the effectiveness of the previous CR for three additional days—to January 18, 2014. On January 14, this measure was adopted in the House by a voice vote.<sup>75</sup> The Senate approved it on the following afternoon, by a vote of 86-14, and it was signed into law by the President later that evening (P.L. 113-73).

### **Status of Statutory Discretionary Budget Enforcement**

CBO estimated the total amount of annualized budget authority for regular appropriations in the FY2014 CR (the Continuing Appropriations Act, 2014) that was subject to the BCA limits to be \$986.3 billion.<sup>76</sup> When spending designated under Section 251(b) of the BBEDCA for OCO/GWOT, continuing disability reviews and redeterminations, health care fraud abuse control, or disaster relief, was included, the total amount of annualized budget authority in this CR was \$1.088 trillion.<sup>77</sup> The three-day extension provided by P.L. 113-73 made no changes to the annualized level of budget authority.

During the month of October, 2013, at about the time that the FY2014 CR was enacted, CBO projected that the annualized level of FY2014 discretionary spending under the CR would have caused spending to exceed one of the two BCA discretionary spending limits. While nondefense spending in the CR was projected by CBO to total \$468.3 billion, which is about \$1 billion below the nondefense limit, defense spending was projected to total \$518 billion, which is about \$20 billion above the defense limit.<sup>78</sup> However, the Bipartisan Budget Act subsequently amended the BCA limits so that defense spending in the CR would be about \$2.5 billion below the defense limit, and \$23.5 billion below the nondefense limit.<sup>79</sup> As a consequence, OMB announced on

<sup>74</sup> The terms of House consideration of the motion to concur were provided through a unanimous consent agreement. House debate, *Congressional Record*, daily edition, vol. 159, part 147 (October 16, 2013), p. H6616.

<sup>75</sup> The House considered and passed the measure through a motion to suspend the rules. For information on motions to suspend the rules in the House, see CRS Report 98-314, *Suspension of the Rules in the House: Principal Features*, by (name redacted).

<sup>76</sup> This total includes projects and activities funded at the rate for operations and anomalies. CBO, “CBO Estimate of the Continuing Appropriations Act, 2014, as Introduced in the Senate on October 16, 2013, as an Amendment to H.R. 2775, Discretionary spending (in millions of dollars)” October 16, 2013, at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/ContinuingAppropriationsAct2014.pdf>.

<sup>77</sup> *Ibid.*

<sup>78</sup> CBO, “CBO Estimate of the Continuing Appropriations Act, 2014, as Introduced in the Senate on October 16, 2013, as an Amendment to H.R. 2775, Excludes Amounts Designated as Overseas Contingency Operations, Disaster, Program Integrity, and Emergency Discretionary spending (in millions of dollars),” correspondence from CBO, October 16, 2013.

<sup>79</sup> P.L. 113-67, Division A, §101(a)(1).

January 17, 2014, that no sequestration of the budget authority provided by the FY2014 CR would be necessary.<sup>80</sup>

## Supplemental Appropriations

On July 8, 2014, the President submitted a request to Congress for \$4.346 billion in supplemental appropriations for FY2014, primarily for activities related to responding to the influx of unaccompanied and escorted children illegally crossing the Southwest border.<sup>81</sup> In addition, funds were requested for wildland fire management to address a projected shortfall as a result of fire suppression activities expected over the summer months, and legislative language was proposed to establish a new adjustment to the statutory discretionary spending limits for wildfire suppression operations.<sup>82</sup> The amount requested for immigration and border security activities was \$3.731 billion and the amount for wildland fire management was \$615 million.<sup>83</sup> The President requested that such funds be designated as emergency spending, effectively exempting them from the statutory discretionary spending limits.

Both the House and Senate have responded to this request with floor consideration of supplemental appropriations measures. Senator Mikulski, chair of the Senate Appropriations Committee, introduced S. 2648, the Emergency Supplemental Appropriations Act of 2014, on July 23.<sup>84</sup> This bill would provide a total of \$3.571 billion in additional appropriations for FY2014 immigration and border security activities, wildland fire management, and military cooperation with the government of Israel related to the Iron Dome program.<sup>85</sup> All of these appropriations were designated as emergency spending, as requested by the President. The Senate began consideration of S. 2648 on July 31.<sup>86</sup> On that same day, however, a point of order under Section 306(a) of the Congressional Budget Act was raised and sustained for including matter under the jurisdiction of the Senate Budget Committee, after the Senate rejected a motion to waive the point of order.<sup>87</sup> As a result, pursuant to Section 312(f) of the Congressional Budget Act, the bill was referred to the Committee on Appropriations.

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<sup>80</sup> OMB, Letter to the President and Congress Regarding the Final Sequestration Report for FY2014, January 17, 2014, available at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/sequestration/letter\\_regarding\\_final\\_sequestration\\_report\\_01172014.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration/letter_regarding_final_sequestration_report_01172014.pdf).

<sup>81</sup> The text of this request is available at [http://www.whitehouse.gov/sites/default/files/omb/assets/budget\\_amendments/emergency-supplemental-request-to-congress-07082014.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/budget_amendments/emergency-supplemental-request-to-congress-07082014.pdf). For background on this immigration and border security issue, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*, by (name redacted), (name redacted), and (name redacted).

<sup>82</sup> For background on wildland fire management, see CRS Report RL33990, *Federal Funding for Wildfire Control and Management*, by (name redacted) and CRS Report R43077, *Wildfire Management: Federal Funding and Related Statistics*, by (name redacted).

<sup>83</sup> For a brief summary of the President's request, see CRS Report IN10100, *FY2014 Supplemental Appropriations Request*, by (name redacted).

<sup>84</sup> For a comparison of amounts in the President's request to the amounts that would be appropriated by the Senate proposal, see CRS Report R43666, *Summary Report: FY2014 Supplemental Appropriations*, by (name redacted).

<sup>85</sup> For a brief summary of S. 2648, see CRS Report IN10112, *FY2014 Supplemental Appropriations: Senate-Introduced S. 2648*, by (name redacted) and (name redacted). For background on the Iron Dome program, see CRS Report RL33222, *U.S. Foreign Aid to Israel*, by (name redacted).

<sup>86</sup> Cloture on the motion to proceed was filed in the Senate on July 28, and invoked on July 30, by a vote of 63-33. The Senate subsequently agreed to consider the measure by unanimous consent on July 31.

<sup>87</sup> The motion to waive both Section 306(a) and all other applicable budgetary discipline with respect to S. 2648 was (continued...)

On July 29, Representative Harold Rogers, chair of the House Appropriations Committee, introduced H.R. 5230, the Secure the Southwest Border Supplemental Appropriations Act, 2014. The original version of the proposal provided a total of \$659 million in additional appropriations for immigration and border security activities, and rescinded the same amount of previously enacted appropriations for various purposes.<sup>88</sup> On July 31, the House debated the bill pursuant to the special rule that provided for its consideration (H.Res. 696).<sup>89</sup> After the previous question was ordered pursuant to the rule, further proceedings were postponed. The following day, the House resumed consideration of H.R. 5230 pursuant to provisions in a second special rule (H.Res. 710). This special rule amended the text of the bill upon its adoption to provide an additional \$35 million for the Army National Guard associated with the border security activities in the bill.<sup>90</sup> At the end of the bill's consideration, the House passed H.R. 5230, by a vote of 223-189.

On August 1, the Senate passed a separate measure providing the funding related to the Iron Dome that was proposed in S. 2648. As was the case for S. 2648, the \$225 million in such spending was designated as emergency appropriations. By unanimous consent, the Senate considered and adopted H.J.Res. 76 with a substitute amendment.<sup>91</sup> Later that same day, the House agreed to that Senate amendment by a vote of 395-8.<sup>92</sup> The measure was signed into law by the President on August 4, 2014 (P.L. 113-145).

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(...continued)

rejected by a vote of 50-44. Such motions to waive require a vote of three-fifths of Senators duly chosen and sworn. For further information on the disposition of Congressional Budget Act points of order, see CRS Report 97-865, *Points of Order in the Congressional Budget Process*, by (name redacted).

<sup>88</sup> Division A of H.R. 5230 provided supplemental appropriations and rescissions. Division B contained the text of the Secure the Southwest Border Act of 2014.

<sup>89</sup> H.Res. 696 also provided that, once the House passed H.R. 5230, it would be in order to consider H.R. 5272, To prohibit certain actions with respect to deferred action for aliens not lawfully present in the United States, and for other purposes.

<sup>90</sup> The text of these amendments is in H.Rept. 113-571. H.Res. 710 also provided that once the House passed H.R. 5230 it would again be in order to consider an amended version of H.R. 5272.

<sup>91</sup> H.J.Res. 76 was previously the vehicle for the National Nuclear Security Administration Continuing Appropriations Resolution, 2014. On July 31, 2014, Senator Reid had asked unanimous consent to proceed to consider and pass H.J.Res. 76 with an amendment to provide the Iron Dome funding. Senator Cornyn objected to this request. Senate debate, *Congressional Record*, daily edition, vol. 160, no. 122 (July 31, 2014), pp. S5205-S5206.

<sup>92</sup> The terms of House floor consideration H.J.Res. 76 were established through a unanimous consent agreement. See House debate, *Congressional Record*, daily edition, vol. 160, no. 123 (August 1, 2014), p. H7205.

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