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Congressional Action on FY2019 Appropriations Measures: 115th and 116th Congresses

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Congress annually considers 12 regular appropriations measures to provide discretionary funding for federal government activities and operations. For FY2019, appropriations actions spanned two Congresses, between which there was a change in the majority party in the House.

The process of drafting, considering, and enacting FY2019 appropriations began in early 2018 and included the House and Senate Appropriations Committees each marking up and reporting all 12 annual appropriations bills by the end of July. Five appropriations bills in the 115th Congress were enacted into law by the start of the fiscal year. An additional seven appropriations bills remained in various stages of consideration. Continuing resolutions (CRs) were enacted in order to extend funding of government operations covered in these seven bills. The first CR for FY2019 provided funding through December 7, 2018. A second CR provided funding through December 21, 2018. When the second CR expired, funding lapsed for the agencies and activities covered in the remaining seven appropriations bills, and a partial government shutdown ensued. The shutdown ended on January 25, 2019, when the 116th Congress enacted a third CR to provide funding through February 15, 2019. Appropriations actions were subsequently completed when H.J.Res. 31, an omnibus measure covering the seven remaining appropriations measures, was signed into law on February 15, 2019 (P.L. 116-6).

These and other actions are detailed in this report to provide overview information and a chronology of FY2019 appropriations measures. For information on tracking appropriations and related products, congressional clients may access the CRS FY2019 Appropriations Status Table at <https://www.crs.gov/AppropriationsStatusTable>.

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Introduction

Congress annually considers 12 regular appropriations bills¹ for the fiscal year that begins on October 1. These bills—together with other legislative measures providing appropriations known as supplemental and continuing appropriations (also referred to as continuing resolutions or CRs)—provide annual appropriations for the agencies, projects, and activities funded therein.²

The annual appropriations cycle is often initiated after the President’s budget submission.³ The House and Senate Appropriations Committees then hold hearings at which agencies provide further information and details about the President’s budget. These hearings may be followed by congressional consideration of a budget resolution establishing a ceiling on overall spending within appropriations bills for the upcoming fiscal year.⁴ Committee and floor consideration of the annual appropriations bills occurs during the spring and summer months and may continue through the fall and winter until annual appropriations actions are completed.

This report discusses FY2019 congressional appropriations actions and the impacts of the statutory budget enforcement framework established in the Budget Control Act of 2011 (BCA; P.L. 112-25) and the Bipartisan Budget Act of 2018 (BBA 2018; P.L. 115-123).⁵ It includes a chronological discussion and timeline (**Figure 1**) of these actions.

FY2019 Appropriations and the Bipartisan Budget Act of 2018

FY2019 appropriations actions were impacted by the BCA, which placed statutory limits on spending for FY2012-FY2021, divided between defense and nondefense.⁶ In addition, the law created procedures that would automatically lower those caps if specified deficit-reducing legislation were not enacted.⁷

¹ The 12 regular appropriations bills, which mirror the names of the appropriations subcommittees, are Agriculture, Rural Development, Food and Drug Administration, and Related Agencies (“Agriculture”); Commerce, Justice, Science, and Related Agencies (“CJS”); Defense; Energy and Water Development and Related Agencies (“E&W”); Financial Services and General Government (“Financial Services”); Homeland Security; Interior, Environment, and Related Agencies (“Interior and Environment”); Labor, Health and Human Services, Education, and Related Agencies (“Labor, HHS, and Education”); Legislative Branch; Military Construction, Veterans Affairs, and Related Agencies (“Mil-Con, VA”); State, Foreign Operations, and Related Programs (“State and Foreign Operations”); and Transportation, Housing and Urban Development, and Related Agencies (“Transportation and HUD”).

² Congress passes three main types of appropriations measures. *Regular appropriations* acts usually provide budget authority to agencies for the next fiscal year. *Supplemental appropriations* acts provide additional budget authority during the current fiscal year when the regular appropriation is insufficient or to finance activities not provided for in the regular appropriation. *Continuing appropriations* acts provide either interim or full-year funding for agencies that have not received a regular appropriation. For more, see CRS Report R42388, *The Congressional Appropriations Process: An Introduction*.

³ The structure and format of the President’s budget have varied by President. In recent years, the President’s budget has been submitted in multiple volumes. The annual submission is usually expected to occur in February.

⁴ See CRS Report R40472, *The Budget Resolution and Spending Legislation*.

⁵ More background on the BCA, which established 10 years of statutory limits on discretionary spending, is available in CRS Report R44874, *The Budget Control Act: Frequently Asked Questions*.

⁶ For a discussion of previous laws placing limits on discretionary budget authority, see CRS Report R41901, *Statutory Budget Controls in Effect Between 1985 and 2002*.

⁷ This requirement took the form of establishing the Joint Select Committee on Deficit Reduction (sometimes referred

Congress has adjusted these statutory caps, including through the Bipartisan Budget Acts (BBAs) of 2013 (for FY2014 and FY2015), 2015 (for FY2016 and FY2017), 2018 (for FY2018 and FY2019), and 2019 (for FY2020 and FY2021), which provided for spending cap increases in both defense and nondefense categories.⁸

BBA 2018 capped FY2019 discretionary spending for defense at \$647 billion and for nondefense at \$597 billion.⁹ It also provided that in the absence of agreement on a budget resolution for FY2019, the Budget Committees in the House and Senate could make committee allocations that could function as enforceable limits under Section 302 of the Congressional Budget Act. In May 2018, the House and Senate submitted these filings.¹⁰ With a “top-line” for FY2019 funding established, the Appropriations Committees could proceed with consideration of the 12 appropriations bills and provide enforceable 302(b) suballocations for each regular appropriations bill.¹¹

The House and Senate Appropriations Committees completed their drafting and consideration of all 12 regular appropriations bills by the end of July 2018.

Table I. House and Senate Appropriations Committee Action

In sequential progression of House consideration

Regular Appropriations Bill	Date of House Committee Approval	Date of Senate Committee Approval
Legislative Branch	5/8/2018	6/14/2018
Mil-Con, VA	5/8/2018	6/7/2018
Agriculture	5/16/2018	5/24/2018
E&W	5/16/2018	5/24/2018
CJS	5/17/2018	6/14/2018
Transportation and HUD	5/23/2018	6/7/2018
Interior and Environment	6/6/2018	6/14/2018
Defense	6/13/2018	6/28/2018
Financial Services	6/13/2018	6/21/2018
State and Foreign Operations	6/20/2018	6/21/2018
Labor, HHS, and Education	7/11/2018	6/28/2018
Homeland Security	7/26/2018	6/21/2018

to as the “Supercommittee”), which was tasked with recommending a comprehensive deficit reduction package to reduce the deficit by at least \$1.2 trillion over a nine-year period. When the Supercommittee did not recommend, and Congress did not enact, such savings, the BCA provided for the spending caps to be automatically reduced to a lower level.

⁸ See P.L. 113-67, P.L. 114-74, P.L. 115-123, and P.L. 116-37.

⁹ For discussion, see CRS Report R45157, *The Bipartisan Budget Act of 2018 and an FY2019 Budget Resolution*.

¹⁰ See Representative Steve Womack, “Aggregates, Allocations, and Other Budgetary Levels of the Fiscal Year 2019 Budget Resolution,” extension of remarks in the House, *Congressional Record*, daily edition, vol. 164 (May 10, 2018), pp. H3926-H3927; and Senator Mike Enzi, “Enforcing Budgetary Levels for Fiscal Year 2019,” remarks in the Senate, *Congressional Record*, daily edition, vol. 164 (May 7, 2018), pp. S2512-S2513.

¹¹ The Appropriations Committees may vote to make subsequent adjustments to these 302(b) suballocations. House and Senate 302(b) reports for each fiscal year are linked at the top of the CRS Appropriations Status Table, available at <https://www.crs.gov/AppropriationsStatusTable>.

Source: CRS Appropriations Status Table (<https://www.crs.gov/AppropriationsStatusTable>).

Consideration and Enactment of Regular Appropriations Measures

In the 115th Congress and prior to the start of FY2019 on October 1, 2018, the House passed half of the regular bills (6 out of 12), and the Senate passed 9 bills (see **Table 2** and **Table 3**). In both chambers, separate regular appropriations bills were combined for floor consideration into consolidated appropriations bills, commonly referred to as “minibuses” (in contrast to an omnibus bill comprising most or all regular appropriations bills). These appropriations bill groupings were also used for resolving differences between the House and Senate through conference committees.¹²

Three appropriations bills were combined for initial consideration in the House: Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs (H.R. 5895). The House passed this combined measure on June 8, 2018. The Senate subsequently agreed to the combined measure with amendment on June 25. A final measure was negotiated in a conference committee. The Senate passed the final measure on September 12. The House passed it on September 13. It was enacted into law on September 21, 2018 (P.L. 115-244).

The House passed the Defense appropriations bill (H.R. 6157) on June 28, 2018. The Senate added the text of the Labor, HHS, and Education appropriations bill and passed the combined measure on August 23, 2018. The combined measure was then sent to conference. The Senate passed the final measure on September 18. The House passed it on September 26. It was enacted into law on September 28, 2018 (P.L. 115-245).

In addition, the House passed a measure combining the Interior and Environment appropriations bill with the Financial Services appropriations bill (H.R. 6147) on July 19, 2018. The Senate added the text of the Agriculture appropriations bill and the Transportation and HUD appropriations bill and passed the combined measure on August 1, 2018. Although a conference committee was appointed to negotiate on this measure, it did not report an agreement back to the House and Senate.

FY2019 thus began on October 1, 2018, with five of the regular appropriations bills enacted. Funding for agencies, projects, and activities covered by the remaining seven regular appropriations bills¹³ was provided through December 7, 2018, in a CR (Division C of P.L. 115-245, the same measure that provided funding for Defense and Labor, HHS, and Education).¹⁴

A second CR was enacted on December 7, extending funding for the remaining seven appropriations bills through December 21, 2018 (P.L. 115-298).

¹² See CRS Report 98-736, *Floor Consideration of Conference Reports in the House*; and CRS Report 98-737, *Floor Consideration of Conference Reports in the Senate*.

¹³ These seven bills were Agriculture, CJS, Financial Services, Homeland Security, Interior and Environment, State and Foreign Operations, and Transportation and HUD.

¹⁴ See CRS Report R42647, *Continuing Resolutions: Overview of Components and Practices*.

Table 2. House Floor Consideration of FY2019 Regular Appropriations Bills in the 115th Congress

Appropriations Bill	House Floor Vote
Agriculture (H.R. 5961)	none
CJS (H.R. 5952)	none
Defense (H.R. 6157)	359-49, June 28, 2018
E&W, Legislative Branch, and Mil-Con, VA (H.R. 5895)	235-179, June 8, 2018
Homeland Security (H.R. 6776)	none
Interior and Environment, and Financial Services (H.R. 6147)	217-199, July 19, 2018
Labor, HHS, and Education (H.R. 6470)	none
State and Foreign Operations (H.R. 6385)	none
Transportation and HUD (H.R. 6072)	none

Source: CRS analysis of data available through Congress.gov and the CRS FY2019 Appropriations Status Table (<https://www.crs.gov/AppropriationsStatusTable>).

Notes: The Defense (H.R. 6157) and Labor, HHS, and Education (H.R. 6470) appropriations bills were later consolidated with enactment of P.L. 115-245. See **Table 3** below.

Table 3. Senate Floor Consideration of FY2019 Regular Appropriations Bills in the 115th Congress

Appropriations Bill	Senate Floor Vote
Interior and Environment, Financial Services, Agriculture, and Transportation and HUD (H.R. 6147)	92-6, August 1, 2018
CJS (S. 3072)	none
Defense and Labor, HHS, and Education (H.R. 6157)	85-7, August 23, 2018
E&W, Legislative Branch, and Mil-Con, VA (H.R. 5895)	86-5, June 25, 2019
Homeland Security (S. 3109)	none
State and Foreign Operations (S. 3108)	none

Source: CRS analysis of data available through Congress.gov and the CRS FY2019 Appropriations Status Table (<https://www.crs.gov/AppropriationsStatusTable>).

Expiration of Second CR and the Shutdown

In the Senate, a third CR for FY2019 (H.R. 695) was passed by voice vote on December 19, 2018. This CR would have extended funding through February 8, 2019. The House subsequently considered and amended it the following day, adding \$5.7 billion to the U.S. Customs and Border Protection’s “Procurement, Construction, and Improvements” account to remain available until FY2024, as well as \$7.8 billion for disaster relief. The amended CR passed the House by a vote of 217-185 and was sent back to the Senate for further consideration. On December 21, the Senate agreed to a motion to proceed to the House amendment by a vote of 48-47, with Vice President Pence casting the tie-breaking vote. Following the vote, Senate Majority Leader Mitch McConnell stated the following:

However, obviously, since any eventual solution requires 60 votes here in the Senate, it has been clear from the beginning that two things are necessary: support from enough Senate Democrats to pass the proposal at 60 and a Presidential signature.

As a result, the Senate has voted to proceed to legislation before us in order to preserve maximum flexibility for a productive conversation to continue between the White House and our Democratic colleagues. I hope Senate Democrats will work with the White House on an agreement that can pass both Houses of Congress and receive the President's signature.

Colleagues, when an agreement is reached, it will receive a vote here on the Senate floor.¹⁵

Without such an agreement, the Senate did not complete action on the House's proposal.¹⁶ The House and Senate adjourned later that day.

When the second CR—which provided funding for the agencies, programs, and activities covered by the remaining seven FY2019 appropriations bills—expired at midnight on December 21, funding lapsed and a partial government shutdown ensued.¹⁷ While the Senate continued consideration of the House amendment on December 22, December 27, and January 2, no further votes on appropriations occurred during the 115th Congress. The 115th Congress adjourned sine die on January 3, 2019, and the 116th Congress took office the same day.

Actions in the 116th Congress

Majority control of the House in the 116th Congress changed from the Republican Party to the Democratic Party. In addition, any appropriations measures introduced and only reported or considered in the 115th Congress were no longer pending.¹⁸ New measures needed to be introduced for the 116th Congress to complete action on FY2019 appropriations.

During January 2019, the House introduced and considered a number of measures concerning FY2019 appropriations. These measures are listed below, along with information on their content and corresponding floor votes.¹⁹

- January 3, 2019, H.J.Res. 1, a CR to provide FY2019 appropriations for Homeland Security, lasting through February 8, 2019. The resolution passed the House by a vote of 239-192. No further action was taken in the Senate.
- January 3, 2019, H.R. 21, a measure to provide full-year FY2019 funding for six regular appropriations bills (Agriculture; CJS; Financial Services; Interior and Environment; State and Foreign Operations; and Transportation and HUD). The bill passed the House by a vote of 241-190. No further action was taken in the Senate.

¹⁵ Senator Mitch McConnell, "Child Protection Improvements Act of 2017," remarks in the Senate, *Congressional Record*, daily edition, vol. 164 (December 21, 2018), p. S8007.

¹⁶ As occurred in the Senate on December 21, 2018, a majority of the Senate can vote to take up a House amendment without debate. However, reaching a later vote on agreeing to the House amendment (or to a Senate counter-proposal) could have required invoking cloture to end debate, which requires a vote of three-fifths of all Senators (i.e., 60 votes if there are no vacancies).

¹⁷ See CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*. The shutdown concluded on January 25, 2019, becoming the longest recorded shutdown at 35 consecutive days.

¹⁸ Measures introduced that have not become law during a Congress expire at the end of that Congress.

¹⁹ The complete listing of roll call votes is available on Congress.gov by clicking on the actions tab for each linked bill or via the CRS FY2019 Appropriations Status Table, which is available at <https://www.crs.gov/AppropriationsStatusTable>.

- January 9, 2019, H.R. 264, a measure to provide full-year FY2019 regular appropriations for Financial Services. The bill passed the House by a vote of 240-188. No further action was taken in the Senate.
- January 10, 2019, H.R. 267, a measure to provide full-year FY2019 regular appropriations for Transportation and HUD. The bill passed the House by a vote of 244-180. No further action was taken in the Senate.
- January 10, 2019, H.R. 265, a measure to provide full-year regular appropriations for Agriculture. The bill passed the House by a vote of 243-183. No further action was taken in the Senate.
- January 11, 2019, H.R. 266, a measure to provide full-year regular appropriations for Interior and Environment. The bill passed the House by a vote of 240-179. No further action was taken in the Senate.
- January 15, 2019, H.J.Res. 27, a CR to provide funding through February 1 for the seven remaining regular FY2019 appropriations bills. The resolution was brought up under suspension of the rules requiring a two-thirds majority for passage. The motion failed to achieve the necessary two-thirds on a vote of 237-187.
- January 16, 2019, H.R. 268, supplemental appropriations for disaster relief. The legislation included a CR providing FY2019 continuing appropriations through February 8. The bill passed the House by a vote of 237-187. On January 24, 2019, the Senate considered two separate amendments to the House-passed bill: a Republican amendment (S.Amdt. 5) and a Democratic amendment (S.Amdt. 6). The Senate failed to invoke cloture (requiring a vote of three-fifths of all Senators, or 60 votes) to end consideration of either amendment. No further action occurred.
- January 17, 2019, H.J.Res. 28, a CR to provide FY2019 appropriations for the seven remaining regular appropriations measures through February 28. The resolution passed the House on a voice vote, but the House later, by unanimous consent, vacated the proceedings by which the CR had passed and allowed further proceedings to be postponed through the legislative day of January 23, 2019.²⁰ The resolution subsequently passed the House by a vote of 229-184 on January 23. The measure was passed by the Senate on January 25 by voice vote, with an amendment providing for continuing appropriations through February 15. **The House then passed the measure as amended, clearing it for the President. It was signed into law on the same day (P.L. 116-5), ending the partial shutdown.**
- January 23, 2019, H.R. 648, a bill to provide full-year FY2019 funding for six of the remaining regular appropriations measures (Agriculture; CJS; Financial Services; Interior and Environment; State and Foreign Operations; and Transportation and HUD). The bill passed the House by a vote of 234-180. No further action was taken in the Senate.
- January 24, 2019, H.J.Res. 31, a CR to provide FY2019 appropriations for Homeland Security through February 28. The resolution passed the House by a vote of 231-180. The measure was amended in the Senate to provide full-year

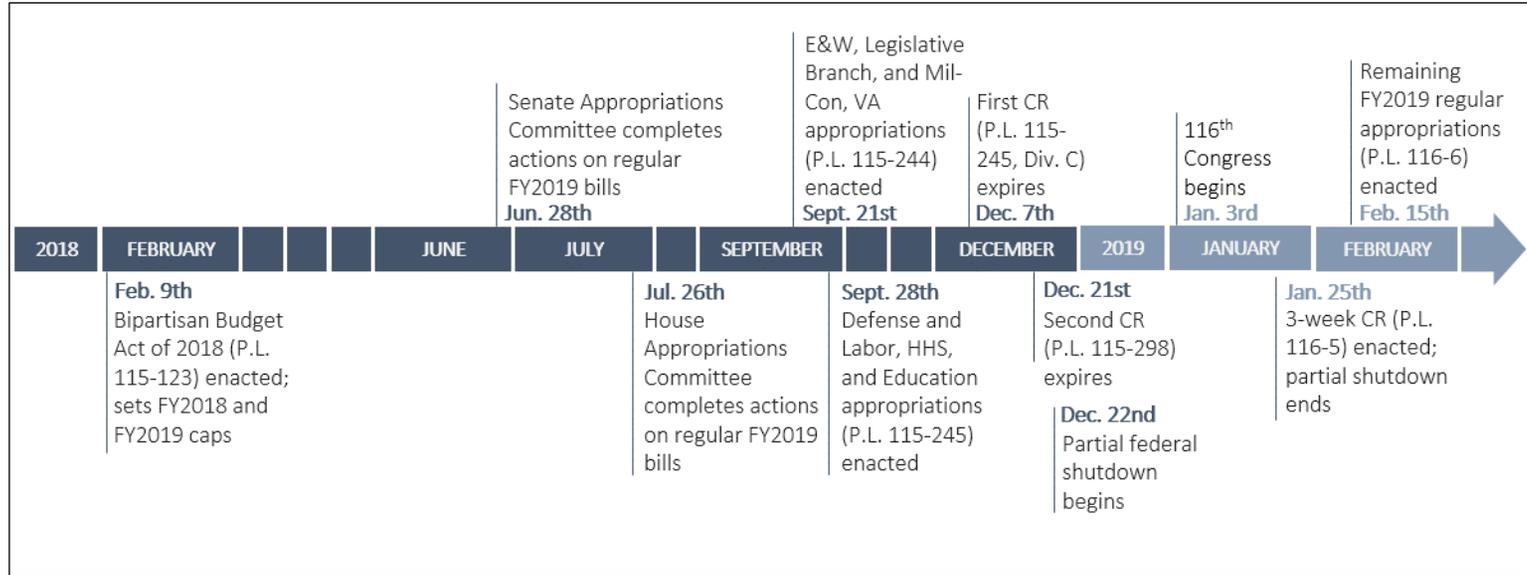
²⁰ For discussion on the agreement to vacate proceedings by which the CR was initially passed, see Representative Steny Hoyer, “Legislative Program,” remarks in the House, *Congressional Record*, daily edition, vol. 165 (January 17, 2019), p. H701.

funding for the seven remaining regular appropriations bills and agreed to by voice vote on January 25. The two chambers then agreed to convene a conference committee to negotiate a final version of these bills.

A conference report to accompany H.J.Res. 31 was filed on February 13 and agreed to in the Senate, 83-16, on February 14 and in the House, 300-128, the same day. It was signed into law on February 15 (P.L. 116-6). This ended action on regular appropriations bills for FY2019.

For information about particular funding provisions in each of the 12 bills, congressional clients may access CRS's appropriations issue page at <https://www.crs.gov/iap/appropriations>.

Figure I. Timeline of Selected FY2019 Appropriations Actions



Source: Congressional Research Service.

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