Congressional Research Service
Informing the legislative debate since 1914

The Enactment of Appropriations Measures During Lame Duck Sessions

October 21, 2020

Congressional Research Service
https://crsreports.congress.gov
R46574

CRS REPORT
Prepared for Members and
Committees of Congress

Congressional Research Service
Informing the legislative debate since 1914

SUMMARY

R46574

October 21, 2020

Kevin P. McNellis
Analyst on Congress and the Legislative Process

The Enactment of Appropriations Measures During Lame Duck Sessions

Twelve of the past 13 Congresses, covering the 103rd Congress through the 115th Congress, have concluded with a lame duck session. (No such session occurred in 1996, during the 104th Congress.) Under contemporary conditions, any meeting of Congress that occurs between a congressional election in November and the following January 3 is a lame duck session. The significant characteristic of a lame duck session is that its participants are the sitting Members of the existing Congress, not those who will be entitled to sit in the new Congress.

The enactment of appropriations measures has been an element of most of these lame duck sessions. Although no regular or continuing appropriations measures were enacted during lame duck sessions held in 1994, 1998, 2008, and 2012, a total of 25 regular and 19 continuing appropriations measures were enacted during the eight other lame duck sessions held in 2000, 2002, 2004, 2006, 2010, 2014, 2016, and 2018.

Although some (and occasionally all) of the regular appropriations bills for a fiscal year may be enacted before the fiscal year begins, in recent decades it has been common that most or all of the regular appropriations bills are enacted after the start of the fiscal year. In the past, this has triggered the necessity for continuing resolutions (CRs) to extend funding until the annual appropriations acts have been enacted and led to the consideration of regular appropriations during the last quarter of the calendar year or the following session.

A lame duck session occurs during the period following Election Day—which is the Tuesday after the first Monday in November of each even-numbered year—and before the convening of a new Congress about two months later in early January. Several factors may contribute to the occurrence of lame duck sessions, including the need to deal with unfinished appropriations or other budgetary matters.

This report provides information on the enactment of annual appropriations acts and CRs in the years that lame duck sessions occurred between 1994 and 2018 (FY1995, FY1999, FY2001, FY2003, FY2005, FY2007, FY2009, FY2011, FY2013, FY2015, FY2017, and FY2019). Lame duck sessions have in some instances afforded Congress an opportunity to complete action on regular appropriations for a fiscal year. In other instances, lame duck sessions played little or no role in this regard, as action on regular appropriations was completed well before or after a lame duck session. In total, 51 of the 148 regular appropriations acts during this period were enacted before the beginning of the applicable lame duck session, 25 were enacted during a lame duck session, and 72 were enacted afterward.

Continuing appropriations measures were also an important element in most, but not all, of the lame duck sessions that occurred between calendar years 1994 and 2018. In total, 33 of the 64 CRs were enacted before the beginning of the applicable lame duck session, 19 were enacted during the lame duck session, and 12 were enacted afterward.

The report will be updated as developments warrant.

Contents

Background 1
Overview of the Enactment of Appropriations Measures Before, During, and After Lame Duck Sessions 2
Regular Appropriations Acts 4
No Enactment of Regular Appropriations Acts During Lame Duck Sessions 5
Enactment of Regular Appropriations Acts During Lame Duck Sessions 5
Enactment of Regular Appropriations Acts After Lame Duck Sessions 5
Continuing Resolutions 6
No Enactment of Continuing Resolutions During Lame Duck Sessions 7
Enactment of Continuing Resolutions During Lame Duck Sessions 7
Enactment of Continuing Resolutions Both During and After Lame Duck Sessions 8
Summary of Action on Appropriations Measures in Lame Duck Sessions Held in 1994-2018 9
1994 and 1998 Lame Duck Sessions 9
2000 Lame Duck Session 9
2002 Lame Duck Session 10
2004 Lame Duck Session 10
2006 Lame Duck Session 10
2008 Lame Duck Session 11
2010 Lame Duck Session 11
2012 Lame Duck Session 11
2014 Lame Duck Session 12
2016 Lame Duck Session 12
2018 Lame Duck Session 12

Tables

Table 1. Duration of Lame Duck Session and Party Control of Government: 1994-2018 3
Table 2. Enactment of Regular Appropriations Acts into Law Before, During, and After Lame Duck Sessions: 1994-2018 4
Table 3. Enactment of Continuing Appropriations Legislation into Law Before, During, and After Lame Duck Sessions: 1994-2018 7

Contacts

Author Information 13

The activities of most federal agencies are at least partially funded by means of annual appropriations acts. These appropriations are typically provided in one or more of the regular appropriations bills that are enacted each fiscal year. Although some (and occasionally all) of the regular appropriations bills may be enacted before the fiscal year begins, in recent decades it has been common for most—if not all—of the regular appropriations bills to be enacted after the start of the fiscal year.[1] In many recent instances the consideration of regular appropriations bills has carried over to the following session of Congress. When action on the regular appropriations acts is delayed beyond the start of the fiscal year, Congress may use one or more continuing appropriations acts (commonly known as *continuing resolutions* or CRs) to provide stop-gap funding.

Twelve of the past 13 Congresses, covering the 103rd Congress through the 115th Congress, have concluded with a lame duck session.[2] The enactment of appropriations measures has been an important element of most of these sessions.

This report provides information on the enactment of regular and continuing appropriations measures in connection with lame duck sessions occurring between 1994 and 2018.

Background

A lame duck session occurs during the period following Election Day, which is the Tuesday after the first Monday in November of each even-numbered year, and before the convening of a new Congress about two months later in early January. Under the Twentieth Amendment to the Constitution, Congress is required to convene at noon on January 3 following the election, unless by statute it designates a different day.[3] In recent years, new Congresses have convened during the first week of January in each odd-numbered year but not necessarily on January 3.[4] As pointed out in a CRS report:

> A "lame duck" session of Congress is one that takes place after the election for the next Congress has been held but before the current Congress has reached the end of its constitutional term. Since 1935, the constitutional term of a Congress has begun on January 3 of each odd-numbered year and has ended on January 3 of the next odd-numbered year. As a result, any meeting of Congress that occurs between the congressional election in November of an even-numbered year and the following January 3 is a lame duck session. The significant characteristic of a lame duck session is that its participants are the sitting Members of the existing Congress, not those who will be entitled to sit in the new Congress.[5]

[1] Regular appropriations bills may be enacted as freestanding legislative vehicles or as part of an omnibus appropriations act. For further information on the latter, see CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*. In addition, annual appropriations are sometimes provided by a full-year continuing resolution that funds (or "covers") the activities that would normally be funded in a regular appropriations act. For further information, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Practices*, coordinated by Kate P. McClanahan.

[2] No such session occurred in 1996 during the 104th Congress.

[3] Section 2 of the Twentieth Amendment states: "The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day." See "Constitution Annotated" on the CRS website at https://constitution.congress.gov/browse/amendment-20/.

[4] For more information, see CRS Report RS20722, *The First Day of a New Congress: A Guide to Proceedings on the Senate Floor*.

[5] CRS Report R45154, *Lame Duck Sessions of Congress, 1935-2018 (74th-115th Congresses)*.

Several factors may contribute to the occurrence of lame duck sessions, including the need to deal with unfinished business or urgent matters that have arisen suddenly. For example, lame duck sessions have been used for such matters as the consideration of authorization measures for the Department of Defense and intelligence activities, the finalization of a measure establishing the Department of Homeland Security (DHS), and the House impeachment proceedings against President Bill Clinton. The consideration and enactment of legislative proposals, particularly those with significant budgetary implications, is sometimes postponed until a lame duck session. For example, during the 2012 lame duck session, the American Taxpayer Relief Act of 2012 (P.L. 112-240), which addressed a number of fiscal policies, was enacted on January 2, 2013.[6] In recent years, lame duck sessions have been used to bring action on regular appropriations bills for a fiscal year to a close.

Twenty-two lame duck sessions occurred between 1935 and 2018.[7] Ten of the 22 lame duck sessions occurred between 1935 and 1990, an average of one out of every three Congresses during this period. The use of such sessions, however, has become more common in recent years, occurring about twice as frequently. The remaining 12 lame duck sessions—which occurred after the 1994, 1998, 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, 2016, and 2018 elections—covered a span of 13 Congresses. As **Table 1** shows, lame duck sessions occurred during this period whether party control of the federal government was unified (i.e., the same party controlled the presidency and both chambers of Congress, as in 1994, 2004, 2006, 2010, and 2018) or divided. Further, lame duck sessions occurred in presidential election years (2000, 2004, 2008, 2012, and 2016) as well as non-presidential election years.

Overview of the Enactment of Appropriations Measures Before, During, and After Lame Duck Sessions

Between calendar years 1994 and 2018, lame duck sessions have in some instances afforded Congress an opportunity to complete action on regular appropriations for a fiscal year. In other instances, lame duck sessions played little or no role in this regard, as action on regular appropriations was completed well before or after a lame duck session. A total of 148 regular appropriations acts were enacted (or covered by full-year CRs) for the fiscal years that coincided with lame duck sessions (see **Table 2**).

In addition, a total of 64 continuing appropriations measures were enacted for the fiscal years that coincided with lame duck sessions during this same period (see **Table 3**). As was the case for the regular appropriations bills, the continuing appropriations measures were an important element in some of the lame duck sessions.

[6] For further information on the American Taxpayer Relief Act of 2012, see CRS Report R42884, *The "Fiscal Cliff" and the American Taxpayer Relief Act of 2012*.

[7] See CRS Report R45154, *Lame Duck Sessions of Congress, 1935-2018 (74th-115th Congresses)*. According to the report, "The possibility of a lame duck session of Congress in the modern sense began with the ratification of the Twentieth Amendment to the Constitution. Under this amendment, ratified in 1933, the terms of Members begin and end on January 3 of odd-numbered years. Congress convenes in a regular session on January 3 of each year unless it passes a law changing the date. Thus, the 74th Congress (1935-1937) was the first to begin its first session and the terms of its Members on the new date. Any meeting of Congress after a federal election day (in November of even-numbered years) but before the following January 3 is a lame duck session."

Further information with regard to the annual appropriations acts and CRs that were enacted before, during, and after each lame duck session is displayed in **Table 1** and **Table 2** and discussed in the report section "Summary of Action on Appropriations Measures in Lame Duck Sessions Held in 1994-2018."

Table 1. Duration of Lame Duck Session and Party Control of Government: 1994-2018

	Lame Duck Session		Party Control		
Congress	Dates	Duration (in calendar days)[a]	Administration[b]	House	Senate
103rd	11/29-12/1 1994	3	D (Clinton)	D	D
104th	[none]	—	D (Clinton)	R	R
105th	12/17-12/19 1998	3	D (Clinton)	R	R
106th	11/13-12/15 2000	33	D (Clinton)	R	R
107th	11/7-11/22 2002	16	R (G. W. Bush)	R	D
108th	11/16-12/8 2004	23	R (G. W. Bush)	R	R
109th	11/9-12/9 2006[c]	31	R (G. W. Bush)	R	R
110th	11/192008-1/3/2009	46	R (G. W. Bush)	D	D
111th	11/4-12/29 2010	56	D (Obama)	D	D
112th	11/9/2012-1/3/2013	56	D (Obama)	R	D
113th	11/12/2014-1/3/2015	53	D (Obama)	R	D
114th	11/14/2016-1/2/2017	50	D (Obama)	R	R
115th	11/13/2018-1/3/2019	52	R (Trump)	R	R

Sources: Prepared by CRS using data from the LIS/Congress.gov and *CQ Guide to Congress*, 6th ed., vol. II (Washington: CQ Press, 2008), p. 1306.

a. *Duration* refers to the span of days from the first date to the last date that the House, the Senate, or both were in session. This does not refer to the number of days that one or both chambers were in session during that period.

b. *D* refers to the Democratic Party and *R* refers to the Republican Party.

c. The House and Senate adjourned early in the morning of December 9 (before 5:00 a.m.).

Regular Appropriations Acts

The variation in the incidence of lame duck sessions and the enactment of regular appropriations bills is shown in **Table 2**. There have been considerable differences in the degree to which regular appropriations have been completed before, during, or after the 13 most recent lame duck sessions held since 1994. The count of regular appropriations acts in **Table 2** includes those that were enacted in standalone vehicles or omnibus vehicles or covered by full-year CRs. During the 109th Congress (2005-2006) the number of regular appropriations acts was reduced from 13 to 11 due to the reorganization of the House and Senate Appropriations Committees.[8] At the beginning of the 110th Congress, a further reorganization of the appropriations subcommittees took effect, which resulted in an increase in the number of annual appropriations acts to 12.[9]

In total, 51 of the 148 regular appropriations acts during this period were enacted before the beginning of the applicable lame duck session, 25 were enacted during a lame duck session, and 72 were enacted afterward.[10]

Table 2. Enactment of Regular Appropriations Acts into Law Before, During, and After Lame Duck Sessions: 1994-2018

	Number of Regular Appropriations Acts Enacted:			
Calendar Year	Before Lame Duck Session	During Lame Duck Session	After Lame Duck Session	Total
1994	13	0	0	13
1998	13	0	0	13
2000	8	5	0	13
2002	2	0	11	13
2004	4	9	0	13
2006	2	0	9	11
2008	3	0	9	12
2010	0	0	12	12
2012	0	0	12	12
2014	0	11	1	12
2016	1	0	11	12
2018	**5**	**0**	**7**	**12**
Total	**51**	**25**	**72**	**148**

[8] Although the two chambers differed with respect to both the organization and number of appropriations subcommittees and the initial consideration of appropriations legislation, ultimately 11 appropriations acts were agreed to and enacted into law. See CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920 to 2019*.

[9] See CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920 to 2019*.

[10] In 2000, the House and Senate completed action on five regular appropriations acts for FY2001 during the lame duck session, but four of them were signed into law on December 21, six days after the session had ended. This delay in enactment was due not to congressional inaction but to a delay of the signing of the acts by the President. For purposes of this report, all five acts are regarded as having been enacted during the lame duck session.

Source: Prepared by CRS.

Note: Four of the five regular appropriations acts for FY2001 considered during the lame duck session in 2000 were signed into law six days after the session ended but are considered for purposes of this report as having been enacted during the lame duck session (see footnote 10).

No Enactment of Regular Appropriations Acts During Lame Duck Sessions

No appropriations acts were enacted during the lame duck sessions in 1994, 1998, 2008, and 2012. In 1994, all of the 13 regular appropriations bills for FY1995 were enacted before the beginning of the fiscal year. In 1998, one of the FY1999 regular appropriations bills was enacted before the start of the fiscal year, and the remaining 12 bills were enacted by October 21, nearly two months before the lame duck session began on December 17. In 2008, work on three out of the 12 regular appropriations acts for FY2009 was completed before the end of September. At that time, a CR was enacted that provided funding for the nine remaining acts through early March of the following year. Those nine acts were not considered until the beginning of the 111th Congress, when they were combined into an omnibus appropriations measure and enacted on March 11, 2009. Similarly, in 2012, a CR was enacted prior to the beginning of the fiscal year that provided funding through March 27, 2013. Annual appropriations for FY2013 were later enacted after the beginning of the 113th Congress on March 26, 2013, in a consolidated measure that contained five regular appropriations acts and full-year CR that covered the seven remaining regular appropriations acts.

Enactment of Regular Appropriations Acts During Lame Duck Sessions

The enactment of regular appropriations bills was an important element in three lame duck sessions: 2000, 2004, and 2014. In 2000, eight regular appropriations bills were enacted before the lame duck session, but the remaining five were enacted during (or immediately after) the session. In 2000, four out of the five regular appropriations acts were passed by both the House and Senate during the lame duck session, but those acts were not signed into law by the President until after the lame duck session. In 2004, four regular appropriations bills were enacted before the lame duck session, but the remaining nine were enacted during the session. Most recently, in 2014, a consolidated measure containing 11 of the regular appropriations acts for that fiscal year was enacted during the lame duck session, with the remaining regular bill—for DHS—being enacted afterward by the new Congress on March 4, 2015.

Enactment of Regular Appropriations Acts After Lame Duck Sessions

Different patterns prevailed in the other five lame duck sessions held in 2002, 2006, 2010, 2016, and 2018, where action on all regular appropriations acts was not completed until after the session in any of these instances.

In 2002 and 2006, two of the regular appropriations bills (for FY2003 and FY2007, respectively) had been enacted before the lame duck session began, but final action on the remaining acts was not completed until February during the following session. The remaining 11 regular appropriations acts for FY2003 were incorporated into an omnibus appropriations measure, which was enacted on February 20, 2003, during the following session. Full-year funding for the nine remaining FY2007 regular appropriations acts was provided by the new Congress through a full-year CR, which was enacted on February 15, 2007.

For 2010, no regular appropriations bills had been enacted before the start of the lame duck session, and annual appropriations were ultimately provided in a consolidated measure that was enacted by the next Congress on April 15, 2011. This measure contained one regular

appropriations bill and funded the programs and activities in the 11 remaining appropriations bills through a full-year CR.

For 2016, one regular appropriations bill was enacted before the lame duck session began. Funding for the other 11 appropriations bills was provided in a CR that expired during the lame duck session. Upon the CR's expiration, a second CR was enacted to provide funding through April. Ultimately, the remaining 11 appropriations acts were consolidated into an omnibus appropriations measure that was enacted in May 2017 by the next Congress.

In 2018, five of the regular appropriations acts were incorporated into two omnibus appropriations measures that were enacted before the lame duck session began. This was the most annual appropriations bills enacted before a lame duck session since 2008. Funding was provided for the agencies and activities covered by the seven remaining regular appropriations bills through three CRs, one enacted before the lame duck session that expired on December 7 and another enacted during the lame duck session that expired on December 21. Agreement on a third CR, however, was not reached until January 25, which resulted in a funding gap of 34 days.[11] Final action on the remaining seven regular appropriations acts was completed in February during the next session, when those acts were consolidated into a third omnibus appropriations measure.

Continuing Resolutions

Continuing appropriations legislation has been an integral component of the annual appropriations process for decades. When action on one or more of the regular appropriations bills for a fiscal year is not completed until after the fiscal year has begun, CRs are usually used to provide stop-gap funding, thereby avoiding disruption in agency operations. Two considerations that often arise under these circumstances are the duration of time for which funding will be provided by the CR and how to reach agreement on the pending appropriations measures for the new fiscal year.[12]

CRs may have a relatively short duration in the expectation that action on the regular appropriations acts will be concluded within several days or weeks. In this case, multiple short-term CRs have been used to "buy time" for ongoing negotiations on regular appropriations acts while maintaining incentives to complete the negotiations. Alternatively, CRs may have a longer duration to postpone final action on appropriations decisions until after elections or into the beginning of the next congressional session. Finally, a CR may provide funding for the remainder of the fiscal year, as was the case in FY2007, FY2011, and FY2013.

There has been considerable variation in the degree to which CRs have been used to provide stop-gap funding during the 11 most recent lame duck sessions since 1994 (see **Table 3**). A total of 64 CRs were enacted for the fiscal years that coincided with lame duck sessions during this period. In total, 33 of the 64 CRs were enacted before the beginning of a lame duck session, 19 were enacted during the lame duck session, and 12 were enacted afterward.[13]

[11] The last previous instance in which a funding gap occurred during a lame duck session was 1982, when there was a two-day funding gap.

[12] For a more detailed discussion of this topic, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Practices*, coordinated by Kate P. McClanahan.

[13] In 2002, the CR for FY2003 considered during the lame duck session was enacted on November 23, the day after the session ended. For purposes of this report, the CR is considered to have been enacted during the lame duck session because this delay was not due to congressional action.

No Enactment of Continuing Resolutions During Lame Duck Sessions

In 1994, when all of the regular appropriations bills (for FY1995) were enacted prior to the beginning of the fiscal year, no CRs were needed. In 1998, all of the regular appropriations bills (for FY1999) were enacted before the lame duck session began (but not before the beginning of the fiscal year). Six CRs were enacted to provide funding through the first three weeks of the fiscal year, but none were needed afterward. In 2008, the CR that was enacted before the fiscal year began also contained three regular appropriations acts. That CR extended funding for the remaining appropriations acts through March 6, 2009, when action on annual appropriations was completed in the following session. Similarly, a long-term CR enacted before the 2012 lame duck session provided funding for the first six months of FY2013. Action on annual appropriations for FY2013 was completed during the following session of Congress on March 28, 2013.

Table 3. Enactment of Continuing Appropriations Legislation into Law Before, During, and After Lame Duck Sessions: 1994-2018

	Number of Continuing Appropriations Acts Enacted:			
Calendar Year	**Before Lame Duck Session**	**During Lame Duck Session**	**After Lame Duck Session**	**Total**
1994	0	0	0	0
1998	6	0	0	6
2000	15	6	0	21
2002	4	1	3	8
2004	1	2	0	3
2006	1	2	1	4
2008	1	0	0	1
2010	1	3	4	8
2012	1	0	1	2
2014	1	3	1	5
2016	1	1	1	3
2018	**1**	**1**	**1**	**3**
Total	**33**	**19**	**12**	**64**

Source: Prepared by CRS.

Notes: In 2002, the continuing appropriations act for FY2003 considered during the lame duck session was enacted on November 23, the day after the session ended. For purposes of this report, the CR is considered to have been enacted during the lame duck session (see footnote 13).

Enactment of Continuing Resolutions During Lame Duck Sessions

Circumstances were different with respect to the other eight lame duck sessions, which all involved the enactment of one or more CRs. In 2000, six CRs for FY2001 were enacted during the lame duck session. (Fifteen had been enacted before the session began.) In 2004, two CRs for FY2005 were enacted during the lame duck session. (One had been enacted before the session began.) In each year, one or more CRs were enacted before the lame duck session ended that

extended stop-gap funding for a period of less than one week, allowing sufficient time for the remaining regular appropriations acts to be enacted.

Enactment of Continuing Resolutions Both During and After Lame Duck Sessions

In the case of six lame duck sessions—held in 2002, 2006, 2010, 2014, 2016, and 2018—CRs were needed to provide stop-gap funding during the sessions and into the following Congress. In 2002, one CR for FY2003 was enacted during the lame duck session. (Four had been enacted before the session began.) Three additional CRs were enacted early in the 2003 session before action on appropriations was ultimately concluded with the enactment of an omnibus measure on February 20 by the next Congress. In 2006, two CRs for FY2007 were enacted during the lame duck session. (One had been enacted before the session began.) Action was concluded early in the 2007 session with the enactment of a full-year CR on February 15. In 2010, three CRs were enacted during the lame duck session. (One had been enacted before the session began.) Four additional CRs were needed after the 2011 session of Congress had begun until action on appropriations was completed through the enactment of a consolidated measure on April 15, 2011.

During the 2014 lame duck session, two CRs were enacted to provide stop-gap funding while a consolidated measure was being completed. Eleven of the appropriations acts for FY2015 were enacted in that consolidated measure, along with a CR that provided stop-gap appropriations for the remaining regular appropriations bill into the next Congress. Those stop-gap appropriations were later extended by a further CR until action on that final appropriations measure was completed on March 4, 2015.

For 2016, temporary funding for the 11 appropriations bills that had not yet been enacted was provided by a CR that expired during the lame duck session. Upon that CR's expiration, a second CR was enacted to provide funding beyond the end of the lame duck session (through April 28), which was followed by one additional CR in the next Congress. The remaining 11 appropriations acts were then consolidated into an omnibus appropriations measure that was enacted in May 5, 2017.

In 2018, temporary funding for the seven appropriations bills that had not yet been enacted was provided by a CR that expired during the lame duck session on December 7.[14] A second CR (P.L. 115-298) was enacted, which provided funding for another two weeks, through December 21. Additional continuing appropriations were considered in the House and Senate but not enacted. This resulted in a 34-day funding gap that concluded during the next session of Congress. After the enactment of a third CR (P.L. 116-5) on January 25, 2019, a third omnibus appropriations measure (P.L. 116-6) funded the remaining seven appropriations acts on February 15.[15]

[14] That CR was included as a title in an omnibus appropriations act. See Division C of the FY2019 Consolidated Defense, Labor-HHS-Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (P.L. 115-245).

[15] For further information, see CRS Report R45906, *Congressional Action on FY2019 Appropriations Measures: 115th and 116th Congresses*; and CRS Report RS20348, *Federal Funding Gaps: A Brief Overview*.

Summary of Action on Appropriations Measures in Lame Duck Sessions Held in 1994-2018

A brief summary of action on regular appropriations and CRs that were enacted during each of the 11 lame duck sessions that occurred during the period between 1994 and 2018 is provided in this section.

1994 and 1998 Lame Duck Sessions

In 1994, a lame duck session was held from November 29 to December 1.

All 13 of the regular appropriations acts for FY1995 were enacted prior to the start of the fiscal year on October 1, before the lame duck session began. All were enacted separately. No CRs were needed.

For 1996, all regular appropriations acts were completed prior to the beginning of the fiscal year, and no lame duck session was held.

In 1998, a lame duck session was held on December 17-19.

All 13 of the regular appropriations acts for FY1999 were enacted prior to the lame duck session—five separately and eight in an omnibus measure, the FY1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (P.L. 105-277; October 21, 1998). Six CRs were enacted to provide stop-gap funding from the start of the fiscal year on October 1 through October 21.

Over the three days of the 1998 lame duck session, the House considered and passed a resolution of impeachment against President Bill Clinton. The Senate was not in session.

2000 Lame Duck Session

In 2000, a lame duck session was held from November 13 to December 15.

Eight of the 13 regular appropriations acts for FY2001 were enacted prior to the lame duck session—six separately and two as part of an omnibus measure, the FY2001 VA-HUD Appropriations Act (P.L. 106-377; October 27, 2000), which also included funding for the FY2001 Energy-Water Development Appropriations Act. Fifteen CRs were also enacted before the lame duck session began.

The remaining five regular appropriations acts for FY2001 were considered and enacted during the lame duck session.[16] An omnibus measure, the FY2001 Consolidated Appropriations Act (P.L. 106-554; December 21, 2000), covered the following three regular appropriations acts: (1) Labor-HHS-Education, (2) Legislative Branch, and (3) Treasury-Postal Service. The FY2001 District of Columbia Appropriations Act (P.L. 106-522; November 22, 2000) and the FY2001 Commerce-Justice-State Appropriations Act (P.L. 106-553; December 21, 2000) were enacted separately. Six CRs were also enacted during the lame duck session.

[16] The House and Senate completed action on five regular appropriations acts for FY2001 during the lame duck session, but four of them were signed into law on December 21, 2000, six days after the session had ended. For purposes of this report, all five acts are regarded as having been enacted during the lame duck session because this delay was not due to congressional inaction.

2002 Lame Duck Session

A lame duck session was held November 7-22, 2002.

Two of the regular appropriations acts for FY2003 were enacted before the lame duck session began—the FY2003 Defense Appropriations Act (P.L. 107-248) and the FY2003 Military Construction Appropriations Act (P.L. 107-249). They both became law on October 23, 2002. Four CRs for FY2003 were also enacted before the lame duck session began.

One further CR for the fiscal year was considered and enacted during the lame duck session (P.L. 107-294; November 23, 2002)[17] but no regular appropriations acts were considered during the session.

Three more CRs were enacted early in the next Congress, and all of the remaining 11 regular appropriations acts for FY2003 were enacted early in the next Congress as a single measure, the FY2003 Consolidated Appropriations Resolution (P.L. 108-7; February 20, 2003), several weeks after the lame duck session had ended.

2004 Lame Duck Session

The lame duck session for 2004 was held from November 16 to December 8.

Four of the 13 regular appropriations acts for FY2005 were enacted separately before the lame duck session began (the Defense, District of Columbia, Homeland Security, and Military Construction Appropriations Acts). One CR was also enacted before the lame duck session began.

The remaining nine regular appropriations acts for FY2005 were considered and enacted during the lame duck session as part of an omnibus measure, the FY2005 Consolidated Appropriations Act (P.L. 108-447; December 8, 2004). Two further CRs for FY2005 were considered and enacted during the lame duck session: P.L. 108-416 (November 21, 2004) and P.L. 108-434 (December 3, 2004).

2006 Lame Duck Session

The lame duck session for 2006 was held from November 13 to December 9.

Two of the 11 regular appropriations acts for FY2007 were separately enacted before the lame duck session began. The FY2007 Defense Appropriations Act (P.L. 109-289) and the FY2007 Homeland Security Appropriations Act (P.L. 109-295) were signed into law on September 29 and October 4, respectively. The nine other appropriations acts were extended through November 17 via a CR enacted on September 29 (P.L. 109-289).

Two additional CRs were passed during the lame duck session. P.L. 109-369 was enacted on November 17 to provide appropriations through December 8. When it became apparent that action on regular appropriations would not be completed, P.L. 109-383 was enacted on December 9 to provide appropriations through February 15, 2007.

Action on the nine regular appropriations acts was completed during the following session of Congress via a full-year CR (H.J.Res. 20) that was signed into law on February 15, 2007 (P.L. 110-5).

[17] The CR was considered during the lame duck session but was enacted on November 23, the day after the session ended. For purposes of this report, the CR is considered to have been enacted during the lame duck session because this delay was not due to congressional inaction.

2008 Lame Duck Session

The lame duck session for 2008 was held from November 19, 2008, to January 3, 2009.

Three of the 12 regular appropriations acts for FY2009 (Defense, Homeland Security, and Military Construction/Veterans Affairs) were enacted before the lame duck session as part of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, which became law on September 30 (P.L. 110-329). This CR extended funding for the nine remaining appropriations acts through March 6, 2009.

No action on appropriations was undertaken during the 2008 lame duck session.

The remaining appropriations acts were consolidated in the early days of the 111th Congress into the FY2009 Omnibus Appropriations Act, which was signed by the President on March 11, 2009 (P.L. 111-8).

2010 Lame Duck Session

The lame duck session for 2010 was held from November 4 to December 19.

None of the 12 regular appropriations bills had been enacted by the pre-election recess, and only two regular appropriations bills for FY2011 (Military Construction/Veterans Affairs and Transportation/Housing and Urban Development) had been passed by the House. A CR (P.L. 111-242) was enacted on September 30 that extended budget authority through December 3.

None of the regular appropriations bills was enacted during the 2010 lame duck session. Funding for FY2011 was further extended by three additional CRs (P.L. 111-290, enacted on December 4, 2010; P.L. 111-317, enacted on December 18, 2010; P.L. 111-322, enacted on December 22, 2010) through March 4 of the next session.

In the first months of the 112th Congress, three additional CRs (P.L. 112-4, enacted on March 2, 2011; P.L. 112-6, enacted on March 18, 2011; P.L. 112-8, enacted on April 9, 2011) provided further stop-gap budget authority. FY2011 appropriations were ultimately provided in the FY2011 Department of Defense and Full-Year Continuing Appropriations Act (P.L. 112-10; April 15, 2011). Division A contained the Department of Defense Appropriations Act. Funding for the 11 remaining acts was provided in Division B through a full-year CR.

2012 Lame Duck Session

The lame duck session for 2012 was held from November 9, 2012, to January 3, 2013.

None of the regular appropriations bills had been enacted by the pre-election recess. Seven bills had been passed by the House. None had been passed by the Senate. Continuing appropriations through March 27, 2013, were provided by P.L. 112-175, which was enacted on September 28, 2012.

No regular appropriations acts or CRs were enacted during the lame duck session.

Annual appropriations were provided by P.L. 113-6, the FY2013 Consolidated and Further Continuing Appropriations Act, which was enacted on March 26, 2013, by the new Congress. Division F of the act, entitled "the Full-Year Continuing Appropriations Act, 2013," provided budget authority that covered seven regular appropriations bills. The texts of the other five regular FY2013 appropriations acts were contained in Divisions A-E of P.L. 113-6.

2014 Lame Duck Session

The lame duck session for 2014 was held from November 12, 2014, to January 3, 2015.

Because none of the regular appropriations bills was enacted by the start of the fiscal year, a CR was enacted before the lame duck session to provide temporary funding through December 11, 2014 (P.L. 113-164, September 19, 2014).

During the lame duck session, 11 of the 12 regular appropriations acts for FY2015 were enacted on December 16, 2014, as part of the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235). That law also contained a CR that provided stop-gap FY2015 appropriations for DHS through February 27, 2015. Two additional CRs (P.L. 113-202, December 12, 2014; and P.L. 113-203, December 13, 2014) were enacted during the lame duck session to provide short-term appropriations while the consolidated measure was being completed.

During the next congressional session, one further CR was enacted to extend funding for DHS through March 6, 2015, to allow time to complete the DHS regular FY2015 appropriations bill (P.L. 114-3). The FY2015 Department of Homeland Security Appropriations Act was enacted on March 4, 2015 (P.L. 114-4).

2016 Lame Duck Session

The lame duck session for 2016 was held from November 14, 2016, to January 2, 2017.

One regular FY2017 appropriations bill (Military Construction and Veterans Affairs) was enacted before the lame duck session began (P.L. 114-223). That law also contained a CR providing funding for the other 11 FY2017 appropriations bills through December 9, 2016.

During the lame duck session, a second CR providing funding through April 28, 2017 (P.L. 114-254) was enacted on December 10.

In the next congressional session, a third CR was enacted on April 28 that provided funding through May 5, 2017 (P.L. 115-30). An omnibus appropriations measure was enacted on May 5 that encompassed the remaining 11 appropriations bills for FY2017 (P.L. 115-3).

2018 Lame Duck Session

The lame duck session for 2018 was held from November 13, 2018 to January 3, 2019.

Two omnibus appropriations acts (P.L. 115-244, P.L. 115-245), containing a total of five FY2019 regular appropriation bills (Energy and Water Development, Legislative Branch, and Military Construction and Veterans Affairs; Defense and Labor-HHS-Education), were enacted prior to the start of the fiscal year. Division C of P.L. 115-245 contained a CR that provided funding for the agencies and activities covered by other seven regular appropriations bills through December 7, 2018.

During the lame duck session, a second CR (P.L. 115-298), which provided funding through December 21, was enacted on December 7. The House and Senate were unable to reach agreement on a third CR (H.R. 695), causing funding to lapse after December 21.

The funding lapse continued for 34 full days until January 25, 2019, when a third CR (P.L. 116-5), which provided funding through February 15, was enacted by the new Congress. The full-year appropriations for the seven remaining regular appropriations acts were provided by an omnibus

appropriations measure—the FY2019 Consolidated Appropriations Act, 2019 (P.L. 116-6)—which was enacted on February 15.[18]

Author Information

Kevin P. McNellis
Analyst on Congress and the Legislative Process

Acknowledgments

The original version of this report was written by Robert Keith, formerly a Specialist in American National Government at CRS. It was revised and updated by Jessica Tollestrup, formerly a Specialist on Congress and the Legislative Process, and by Megan Lynch, Specialist on Congress and the Legislative Process. The listed author is available to respond to inquiries on the subject from congressional clients.

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

[18] For a more detailed discussion of this topic, see CRS Report R45906, *Congressional Action on FY2019 Appropriations Measures: 115th and 116th Congresses*.