

CRS Report for Congress

Annual Appropriations Acts: Consideration During Lame-Duck Sessions

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Annual Appropriations Acts: Consideration During Lame-Duck Sessions

Summary

Six of the past seven Congresses, covering the 103rd Congress through the 109th Congress, have concluded with a lame-duck session (no such session occurred in 1996, during the 104th Congress). The consideration of annual appropriations acts has been an important element of some, but not all, of these lame-duck sessions. While no annual appropriation acts were considered during lame-duck sessions held in 1994 and 1998, a total of 14 regular and 11 continuing appropriations acts were considered and subsequently enacted into law during the four other lame-duck sessions held in 2000, 2002, 2004, and 2006.

As election day (Tuesday, November 4, 2008) draws nearer, House and Senate leaders have indicated their desire to avoid a lame-duck session at the end of the 110th Congress. Both House and Senate leaders tentatively have set a target date for sine die adjournment of Friday, September 26.

One concern raised by the possibility of a sine die adjournment in late September is the status of regular appropriations acts for FY2009. FY2009 begins on October 1, 2008. Although some (and occasionally all) regular appropriations acts may be enacted into law before the start of the fiscal year, in recent decades it has been common for many regular appropriations acts to be enacted after the start of the fiscal year, during the last quarter of the calendar year, or even during the following session.

Significant disagreements over the appropriate levels of total discretionary spending for FY2009 and other issues between President George W. Bush and Democratic leaders of the House and Senate are expected to impede final action on the FY2009 regular appropriations acts. Congressional leaders have signaled their desire to complete action on the Defense Appropriations Act for FY2009 and the Military Construction-VA Appropriations Act for FY2009, but whether action on these or any of the remaining regular appropriations acts for the fiscal year will be completed is uncertain.

This report provides information on the consideration of annual appropriations acts in connection with lame-duck sessions occurring between 1994 and 2006 as background for the possibility of such a session this year.

A total of 109 annual appropriations acts — 67 regular appropriations acts and 42 continuing appropriations acts — were enacted into law during the period covering 1994 through 2006. With respect to the 67 regular appropriations acts, 42 were enacted into law before the beginning of the applicable lame-duck session, 14 were enacted during the lame-duck session, and 11 were enacted afterwards. With respect to the 42 continuing appropriations acts, 27 were enacted into law before the beginning of the applicable lame-duck session, 11 were enacted during the lame-duck session, and four were enacted afterwards.

The report will be updated as developments warrant.

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Annual Appropriations Acts: Consideration During Lame-Duck Sessions

Six of the past seven Congresses, covering the 103rd Congress through the 109th Congress, have concluded with a lame-duck session (no such session occurred in 1996, during the 104th Congress). The consideration of annual appropriations acts has been an important element of some, but not all, of these lame-duck sessions. While no annual appropriation acts were considered during lame-duck sessions held in 1994 and 1998, a total of 14 regular and 11 continuing appropriations acts were considered and subsequently enacted into law during the four other lame-duck sessions held in 2000, 2002, 2004, and 2006.

As election day (Tuesday, November 4, 2008) draws nearer, House and Senate leaders have indicated their desire to avoid a lame-duck session at the end of the 110th Congress. Both House and Senate leaders tentatively have set a target date for sine die adjournment of Friday, September 26.¹ Under a sine die adjournment, the House and Senate would not meet, and no further legislative action would occur, until the convening of the 111th Congress in January 2009 (unless emergency circumstances arose and the 110th Congress reconvened).

One concern raised by the possibility of a sine die adjournment in late September is the status of regular appropriations acts for FY2009. FY2009 begins on October 1, 2008. Although some (and occasionally all) regular appropriations acts may be enacted into law before the start of the fiscal year, in recent decades it has been common for many regular appropriations acts to be enacted after the start of the fiscal year, during the last quarter of the calendar year.² In some instances, the enactment of regular appropriations acts has carried over to the following session.

Significant disagreements over the appropriate levels of total discretionary spending for FY2009 and other issues between President George W. Bush and Democratic leaders of the House and Senate are expected to impede final action on the FY2009 regular appropriations acts. Congressional leaders have signaled their desire to complete action on the Defense Appropriations Act for FY2009 and the

¹ The House schedule for the 2008 session is provided at: [http://www.house.gov/house/House_Calendar.shtml]. See also: (1) BNA's *Daily Report for Executives*, "Hoyer Remains Committed to Adjourn House September 26, Despite Heavy Agenda," by Jonathan Nicholson, July 10, 2008, no. 132, p. N-1; and (2) *The Hill*, "Senate Agrees to September 26 Adjournment Date," by Alexander Bolton, July 9, 2008, available at [<http://www.thehill.com>].

² Regular appropriations acts may be enacted as freestanding measures or as part of an omnibus appropriations act. For additional information on the latter, see CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by Robert Keith.

Military Construction-VA Appropriations Act for FY2009, but whether action on these or any of the remaining regular appropriations acts for the fiscal year will be completed is uncertain.³ Media reports have suggested that funding for most of the regular appropriations acts may be provided under a continuing appropriations act into the early months of the 2009 session, when the issue of such funding can be revisited with the new President. Such a course of action, however, is not immune from criticism because it would impose restrictive funding levels on agencies for a considerable portion of the fiscal year (i.e., about four months or more), which could undermine agency planning and efficient operations.

This report provides information on the consideration of annual appropriations acts in connection with lame-duck sessions occurring between 1994 and 2006 as background for the possibility of such a session this year.

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 20th Amendment to the Constitution, Congress is required to convene at noon on January 3, unless by statute it designates a different day for convening; in recent years, a new Congress has convened during the first week of January in each odd-numbered year, but not necessarily on January 3. In 2009, January 3 occurs on a Saturday.)⁴

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. 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.⁵

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. The consideration of legislative proposals, particularly those with significant budgetary implications, sometimes is postponed until a lame-duck session, often to avoid the need for politically difficult votes before an election.

³ See, for example: (1) *CQ Today*, “Democratic Leaders Say Defense Spending Bill Will Pass This Year,” by Liriel Higa, July 17, 2008; and (2) *CQ Today*, “Veterans’ Spending Scheduled for House Floor; Defense Markup Also Set,” by David Clarke and Josh Rogin, July 24, 2008.

⁴ Section 2 of the 20th 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: [<http://www.crs.gov/products/conan/WC01001.shtml>]

⁵ CRS Report RL33677, *Lame Duck Sessions of Congress, 1935-2004 (74th-108th Congresses)*, by Richard S. Beth, p. 1.

Consideration of a measure raising the statutory limit on the public debt by \$800 billion (to \$8.184 trillion), for example, was postponed in 2004 until the lame-duck session; the measure was signed into law by President George W. Bush on November 19, 2004 as P.L. 108-415 (118 Stat. 2337).

Lame-duck sessions have been used in recent years for various purposes, including efforts to bring action on regular appropriations acts for a fiscal year to a close. In addition to action on appropriations measures, 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, and impeachment proceedings against President Bill Clinton by the House.

Sixteen lame-duck sessions occurred between 1935 and 2006.⁶ Ten of the 16 lame-duck sessions occurred during the half-century covering the decades of the 1940s through the 1980s, an average of one every five years.

The use of such sessions, however, has become more common in recent years, occurring about twice as frequently. The remaining six lame-duck sessions, which occurred in 1994, 1998, 2000, 2002, 2004, and 2006, covered a span of seven Congresses, an average of one about every 2.3 years. As **Table 1** shows, lame-duck sessions during this period occurred 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, and 2006) or divided. Further, lame-duck sessions occurred in presidential election years (2000 and 2004) as well as non-presidential election years.

Overview of Action on Appropriations Acts Before, During, and After Lame-Duck Sessions

In recent years, covering calendar years 1994 through 2006, lame-duck sessions have in some instances afforded Congress an opportunity to complete action on regular appropriations acts for a fiscal year. In other instances, lame-duck sessions played little or no role in this regard, as action on regular appropriations acts was completed well before or after a lame-duck session. A total of 67 regular appropriations acts were enacted into law during this period, including 34 that were enacted separately and 33 that were included in omnibus measures. Nine regular appropriations acts were not enacted into law.

In addition, a total of 42 continuing appropriations acts were enacted into law during this period. Like regular appropriations acts, the continuing appropriations acts were an important element in some, but not all, of the lame-duck sessions.

⁶ CRS Report RL33677, *ibid.*, identifies 15 lame-duck sessions between 1935 and 2004 (see Table 1), and one more occurred in 2006. According to the report, “[T]he possibility of a lame duck session of Congress in the modern sense began in 1935, when the 20th Amendment to the Constitution took effect” (p. 1).

**Table 1. Party Control of Government During
Lame-Duck Sessions: 1994-2006**

Congress	Lame-Duck Session		Party Control		
	Dates	Duration (in days)	Presidency	House	Senate
103 rd	11/29-12/1 1994	3	D (Clinton)	D	D
104 th	[none]	—	D (Clinton)	R	R
105 th	12/17-12/19 1998	3	D (Clinton)	R	R
106 th	11/13-12/15 2000	33	D (Clinton)	R	R
107 th	11/7-11/22 2002	16	R (GW Bush)	R	D
108 th	11/16-12/8 2004	23	R (GW Bush)	R	R
109 th	11/9-12/9 2006	31	R (GW Bush)	R	R

Source: Prepared by the Congressional Research Service.

Notes: “D” refers to the Democratic Party and “R” refers to the Republican Party. “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, not to the number of days that one or both chambers were in session during that period. In 2002, the House and Senate held pro forma sessions without adjourning until the election on November 5; thus, the lame-duck session may be regarded as commencing on the next day of session after the election, November 7, but legislative action did not resume until November 12. In 2006, the House and Senate adjourned early in the morning of December 9 (before 5:00 a.m.).

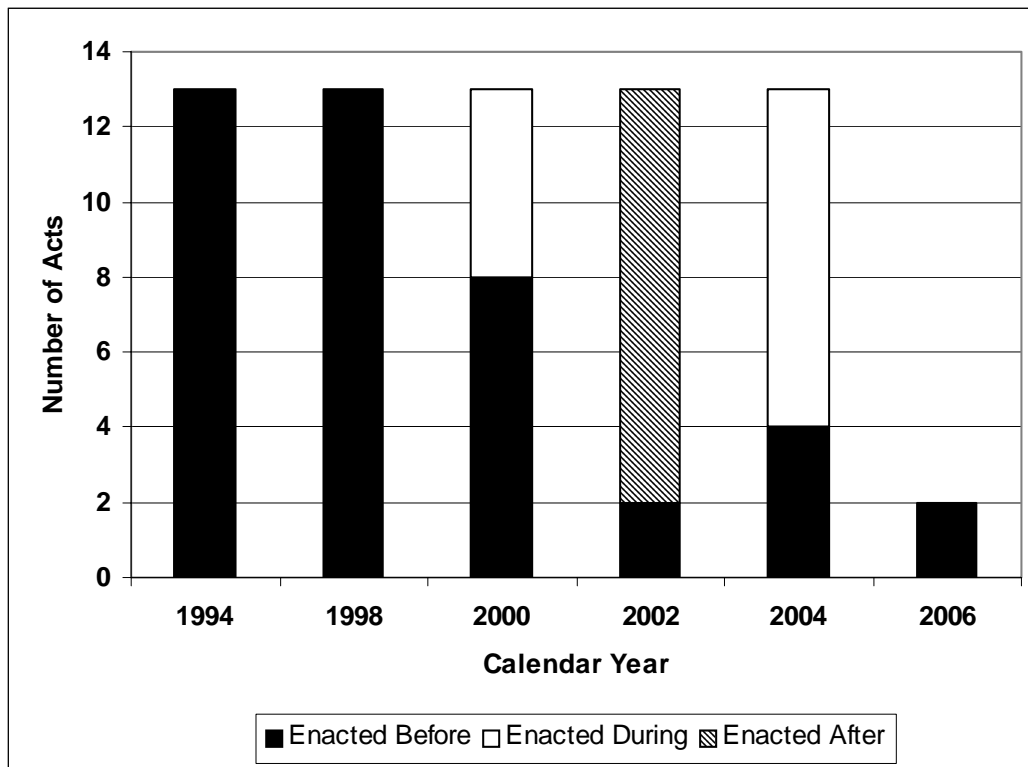
The two types of annual appropriations acts, regular appropriations acts (including omnibus measures) and continuing appropriations acts, are discussed separately below.

Regular Appropriations Acts. The variation regarding the role of lame-duck sessions in the consideration of regular appropriations acts is shown in **Figure 1** and **Table 2**. As the figure shows, all of the 13 regular appropriations acts for a fiscal year were enacted into law before, during, or after five of the six most recent lame-duck sessions held since 1994. During the 109th Congress, covering 2005 and 2006, the number of regular appropriations acts was reduced from 13 to 11 due to

reorganization of the House and Senate Appropriations Committees.⁷ With respect to 2006, only two of the 11 regular appropriations acts (for FY2007) were enacted into law before, during, or after the lame-duck session; the rest were funded by a full-year continuing resolution.

In total, 42 of the 67 regular appropriations acts were enacted into law before the beginning of the applicable lame-duck session, 14 were enacted during the lame-duck session, and 11 were enacted afterwards.⁸

Figure 1. Regular Appropriations Acts Enacted Before, During, and After Lame-Duck Sessions: 1994-2006



Source: Prepared by the Congressional Research Service.

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 sessions ended, but are considered for purposes of this memorandum as having been enacted during the lame-duck session.

⁷ For further information on this change, see CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920-2007*, by James V. Saturno.

⁸ 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. For purposes of this memorandum, all five acts are regarded as having been enacted during the lame-duck session.

The occurrence of lame-duck sessions in 1994 and 1998 was not a factor in congressional action on annual appropriations acts. In 1994, all of the 13 regular appropriations acts for FY1995 were enacted into law before the beginning of the fiscal year. In 1998, one of the FY1999 regular appropriations acts was enacted before the start of the fiscal year, and the remaining 12 acts were enacted by October 21, nearly two months before the lame-duck session began on December 17.

Table 2. Enactment of Regular Appropriations Acts into Law Before, During, and After Lame-Duck Sessions: 1994-2006

Calendar Year	Number of Regular Appropriations Acts Enacted Into Law:			
	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	0	2
Total	42	14	11	67

Source: Prepared by the Congressional Research Service.

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 sessions ended, but are considered for purposes of this memorandum as having been enacted during the lame-duck session.

The consideration of annual appropriations acts was an important element in two of lame-duck sessions. In 2000, eight regular appropriations acts were enacted before the lame-duck session, but the remaining five were enacted during (or immediately after) the session. In 2004, four regular appropriations acts were enacted before the lame-duck session, but the remaining nine were enacted during the session.

Finally, different patterns prevailed in the other two lame-duck sessions, held in 2002 and 2006, but the sessions again were not an important factor with respect to completing action on the regular appropriations acts. In each year, two of the regular appropriations acts (for FY2003 and FY2007, respectively) had been enacted into law before the lame-duck session began, but final action on the remaining acts was not completed until February of the following session.

The remaining 11 regular appropriations acts for FY2003 were incorporated into an omnibus appropriations measure, the Consolidated Appropriations Resolution for FY2003, P.L. 108-7 (February 20, 2003).

None of the remaining nine regular appropriations acts for FY2007 were enacted; instead, full-year funding was provided by a continuing resolution, the Revised Continuing Appropriations Resolution for FY2007, P.L. 110-5 (February 15, 2007).

Continuing Appropriations Acts. Continuing appropriations acts, commonly known as *continuing resolutions*, have been an integral component of the annual appropriations process for decades. Whenever action on one or more of the regular appropriations acts for a fiscal year is incomplete after the fiscal year has begun, continuing appropriations acts are used to provide stop-gap funding, thereby avoiding disruption in agency operations. One issue that arises under these circumstances is how continuing appropriations acts will be used to resolve any funding impasses and the appropriate duration of any period for their use.⁹

Continuing resolutions 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 continuing resolutions often are used to “buy time” for ongoing negotiations on regular appropriations acts while maintaining incentives to complete the negotiations.

Alternatively, continuing resolutions 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 continuing resolution may provide funding for the remainder of the fiscal year.

Continuing appropriations acts have been an important element of action on annual appropriations measures before, during, and after some of the six lame-duck sessions held during the 1994-2006 period, but not others (see **Table 3**). A total of 42 continuing appropriations acts were enacted into law during this period.

In total, 27 of the 42 continuing appropriations acts were enacted into law before the beginning of the applicable lame-duck session, 11 were enacted during the lame-duck session, and four were enacted afterwards.¹⁰

In 1994, when all of the regular appropriations acts (for FY1995) were enacted into law in a timely manner, no continuing appropriations acts were needed. In 1998, when all of the regular appropriations acts (for FY1999) were enacted before the lame-duck session began (but not before the beginning of the fiscal year), six

⁹ For a more detailed discussion of this topic, see CRS Report RL32614, *Duration of Continuing Resolutions in Recent Years*, by Robert Keith.

¹⁰ In 2002, the continuing appropriations act for FY2003 considered during the lame-duck session was enacted into law on November 23, the day after the session ended. For purposes of this memorandum, the continuing appropriations act is considered to have been enacted during the lame-duck session.

continuing appropriations acts were enacted to provide funding through the first three weeks of the fiscal year; none were needed afterwards, including during the lame-duck session.

Table 3. Enactment of Continuing Appropriations Acts into Law Before, During, and After Lame-Duck Sessions: 1994-2006

Calendar Year	Number of Continuing Appropriations Acts Enacted Into Law:			
	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
Total	27	11	4	42

Source: Prepared by the Congressional Research Service.

Note: In 2002, the continuing appropriations act for FY2003 considered during the lame-duck session was enacted into law on November 23, the day after the session ended. For purposes of this memorandum, the continuing appropriations act is considered to have been enacted during the lame-duck session.

Circumstances were different with respect to the other four lame-duck sessions. In 2000, six continuing appropriations acts for FY2001 were enacted into law during the lame-duck session (15 had been enacted before the session began); in 2004, two continuing appropriations acts for FY2005 were enacted during the lame-duck session (one had been enacted beforehand). No continuing appropriations acts were needed, however, after the lame-duck sessions ended. In each year, a continuing appropriations act was enacted before the lame-duck session ended that extended stop-gap funding for five or six days, allowing sufficient time for the remaining regular appropriations acts to be enacted into law.

Finally, in the case of the two remaining lame-duck sessions, held in 2002 and 2006, continuing appropriations acts were needed both during and after the sessions. In 2002, one continuing appropriations act for FY2003 was enacted during the lame-duck session (four had been enacted before the session began); in 2006, two continuing appropriations acts for FY2007 were enacted during the lame-duck session (one had been enacted beforehand). For FY2003, three additional continuing appropriations acts were enacted into law early in the 2003 session before action was

concluded with the enactment of an omnibus measure on February 20. For FY2007, action was concluded early in the 2007 session with the enactment of a full-year continuing resolution on February 15.

Summary of Action on Appropriations Acts in Lamé-Duck Sessions Held in 1994-2004

A brief summary of action on the annual appropriations acts considered during each of the five lame-duck sessions that occurred during period from 1994 through 2004 is provided in this section and in **Table 4**, at the end of the report.

1994 and 1998 Lamé-Duck Sessions. In 1994, a lame-duck session was held on November 29-December 1. All 13 of the regular appropriations acts for FY1995 were enacted into law prior to the start of the fiscal year on October 1, before the lame-duck session began; all were enacted separately. No continuing appropriations acts were needed.

In 1998, a lame-duck session was held on December 17-19. All 13 of the regular appropriations acts for FY1999 were enacted into law prior to the lame-duck session, five separately and eight in an omnibus measure, the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999 (P.L. 105-277; October 21, 2008). Six continuing appropriations acts were enacted to provide stop-gap funding 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.

No lame-duck session was held in the intervening election year, 1996.

2000 Lamé-Duck Session. In 2000, a lame-duck session was held from November 13-December 15.

Eight of the 13 regular appropriations acts for FY2001 were enacted into law prior to the lame-duck session, six separately and two as part of an omnibus measure, the VA-HUD Appropriations Act for 2001 (P.L. 106-377; October 27, 2000), which also included funding for the Energy-Water Development Appropriations Act for FY2001.

The remaining five regular appropriations acts for FY2001 were considered and enacted into law during the lame-duck session.¹¹ An omnibus measure, the Consolidated Appropriations Act for FY2001 (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 District of Columbia

¹¹ 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 memorandum, all five acts are regarded as having been enacted during the lame-duck session.

Appropriations Act for FY2001 (P.L. 106-522; November 22, 2000) and the Commerce-Justice-State Appropriations Act for FY2001 (P.L. 106-553; December 21, 2000) were enacted separately.

Fifteen continuing appropriations acts were enacted into law before the lame-duck session began. Six continuing appropriations acts were enacted into law during the lame-duck session.

2002 Lame-Duck Session. A lame-duck session was held on November 7-22, 2002. No regular appropriations acts were considered during the session.

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

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

Four continuing appropriations act for FY2003 were enacted into law before the lame-duck session began. One further continuing appropriations act for the fiscal year was considered and enacted into law during the lame-duck session (P.L. 107-294; November 23, 2002).¹² Three more continuing appropriations acts were enacted early in the next Congress.

2004 Lame-Duck Session. The lame-duck session for 2004 was held on November 16-December 8.

Four of the 13 regular appropriations acts for FY2005 were enacted into law before the lame-duck session began (the Defense, District of Columbia, Homeland Security, and Military Construction Appropriations Acts); all were enacted separately.

The remaining nine regular appropriations acts for FY2005 were considered and enacted into law during the lame-duck session as part of an omnibus measure, the Consolidated Appropriations Act for FY2005 (P.L. 108-447; December 8, 2004).

One continuing appropriations act was enacted into law before the lame-duck session began. Two further continuing appropriations act for FY2005 were considered and enacted into law during the lame-duck session, P.L. 108-416 (November 21, 2004) and P.L. 108-434 (December 3, 2004).

¹² The continuing appropriations act was considered during the lame-duck session but was enacted into law on November 23, the day after the session ended. For purposes of this memorandum, the continuing appropriations act is considered to have been enacted during the lame-duck session.

The 2006 Lame-Duck Session (109th Congress)

In 2006, during the 109th Congress, a lame-duck session was held on November 9-December 8. During the regular session of Congress in 2006, the lame-duck session toward the end of the year, and early in 2007, during the first session of the 110th Congress, the House and Senate took action on regular and continuing appropriations acts for FY2007. None of the regular appropriations acts, however, were enacted into law during the lame-duck session.

Two of the eleven regular appropriations acts for FY2007 were enacted into law in 2006, prior to the beginning of the lame-duck session.¹³ The House and Senate agreed to the conference report on the Defense Appropriations Act, H.R. 5631, on September 26 and September 29, 2006, respectively.¹⁴ The measure was signed into law by President George W. Bush on September 29, as P.L. 109-289. On September 29, the House and Senate both agreed to the conference report on the Homeland Security Appropriations Act, H.R. 5441.¹⁵ On October 4, President Bush signed the measure into law, as P.L. 109-295.

With regard to the nine remaining regular appropriations acts, the House passed all but one of them during the six-week period covering May 18 through June 29, 2006. The House did not consider the Labor-HHS-Education Appropriations Act, H.R. 5647, which was reported by the House Appropriations Committee on June 20 (H.Rept. 109-515).

The Senate Appropriations Committee reported all nine of the remaining regular appropriations acts during June and July, but did not consider any of them prior to the lame-duck session. During the 109th Congress, the Senate initially considered a twelfth regular appropriations measure, the District of Columbia Appropriations Act, as a separate measure before it was merged into the Transportation-Treasury-HUD-Judiciary-D.C. Appropriations Act. For FY2007, the Senate Appropriations Committee reported a separate District of Columbia Appropriations Act, S. 3660, in July, but it was not considered by the Senate.

During the lame-duck session, only one of the regular appropriations acts for FY2007 was considered by either chamber. The Senate considered H.R. 5385, the Military Construction, Military Quality of Life, and Veterans Affairs Appropriations Act, on November 13 and passed it with amendments on November 14. The two chambers did not take any conference action on the bill.

¹³ From the late 1960s through the end of the 108th Congress (covering the FY2005 budget cycle), the number of regular appropriations acts was fixed at 13 each year. At the beginning of the 109th Congress, the House and Senate Appropriations subcommittees were restructured. As a consequence, the number of regular appropriations bills considered by both chambers was reduced from 13 bills to 11 bills, beginning with the FY2006 budget cycle.

¹⁴ H.Rept. 109-676, September 25, 2006. The vote on agreeing to the conference report was 394-22 in the House and 100-0 in the Senate.

¹⁵ H.Rept. 109-699, September 28, 2006. The vote on agreeing to the conference report was 412-6 in the House; the Senate agreed to the conference report by voice vote.

Accordingly, the lame-duck session came to an end without Congress and the President having added any more of the regular appropriations acts for FY2007 to the list of measures enacted into law.

Just before the beginning of the fiscal year on October 1, the House and Senate sent President Bush a bill that included continuing appropriations for FY2007. In order to expedite action, the continuing appropriations were included at the conference stage in the Defense Appropriations Act for FY2007, as Division B (entitled “Continuing Appropriations Resolution, 2007”). As indicated previously, the measure was signed into law on September 29, as P.L. 109-289.

In order to avoid any funding gaps before Congress had an opportunity to address the FY2007 regular appropriations acts during the lame-duck session, the continuing appropriations did not expire until November 17 (the lame-duck session was scheduled to convene on November 9). This marked the fourth consecutive election year in which continuing appropriations were provided for an interval extending into a lame-duck session. In 2004, the first continuing resolution for FY2005, enacted on September 30, expired on November 20. In 2002, the fourth continuing resolution for FY2003, enacted on October 18, expired on November 22. Finally, in 2000, the 15th continuing resolution for FY2001, enacted on November 4, expired on November 14.

A second continuing appropriations measure for FY2007, H.J.Res. 100, was introduced on November 14, passed by the House and Senate on November 15, and signed into law on November 17, as P.L. 109-369. The measure provided continuing appropriations through December 8, 2006, sufficient to cover the remainder of the lame-duck session.

When it became apparent that the lame-duck session would conclude without the completion of action on any of the remaining regular appropriations acts, a third continuing appropriations measure, H.J.Res. 102, was passed by the House (on December 8, by a vote of 370-20) and the Senate (on December 9, by unanimous consent). President George W. Bush signed it into law on December 9 as P.L. 109-383. The measure extended continuing appropriations through February 15, 2007, thereby allowing the issue to be resolved in the subsequent Congress.

Funding for the rest of the fiscal year for all of the remaining regular appropriations acts was provided early in the 110th Congress in a full-year continuing resolution, the Revised Continuing Appropriations Resolution for FY2007 (P.L. 110-5; February 15, 2007).

Information regarding action on annual appropriations acts in the 2006 lame-duck session is included in **Table 4**, together with information regarding such action in the preceding five lame-duck sessions (covering 1994-2004).

Table 4. Annual Appropriations Acts Enacted into Law During Lame-Duck Sessions: 1994-2006

Dates of Lame-Duck Session^a	Appropriations Acts Enacted Into Law During the Lame-Duck Session	Commentary
103rd Congress		
1994 November 29- December 1	[none]	All 13 of the regular appropriations acts for FY1995 were enacted into law prior to the start of the fiscal year on October 1, before the lame-duck session; all were enacted separately.
104th Congress		
1996 [no lame-duck session held]	[none]	All 13 of the regular appropriations acts for FY1997 were enacted into law prior to the start of the fiscal year on October 1. Seven of the measures were enacted separately, and six were incorporated into an omnibus measure, the Omnibus Consolidated Appropriations Act for FY1997 (P.L. 104-208, September 30; 1996).
105th Congress		
1998 December 17- December 19	[none]	All 13 of the regular appropriations acts for FY1999 were enacted into law prior to the lame-duck session, five separately and eight in an omnibus measure, the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999 (P.L. 105-277; October 21, 2008). Over three days, the House considered and passed a resolution of impeachment against President Bill Clinton; the Senate was not in session.

Dates of Lame-Duck Session ^a	Appropriations Acts Enacted Into Law During the Lame-Duck Session	Commentary
106th Congress		
2000 November 13- December 15	<p>Regular Appropriations Acts</p> <ul style="list-style-type: none"> • P.L. 106-522, District of Columbia Appropriations Act for FY2001 (November 22, 2000) • P.L. 106-553, Commerce-Justice-State Appropriations Act for FY2001 (December 21, 2000) • P.L. 106-554, Consolidated Appropriations Act for FY2001 (December 21, 2000) <p>Continuing Appropriations Acts</p> <ul style="list-style-type: none"> • P.L. 106-520, Further Continuing Appropriations Act for FY2001 (November 15, 2000) • P.L. 106-537, Further Continuing Appropriations Act for FY2001 (December 5, 2000) 	<p>Regular Appropriations Acts. Eight of the 13 regular appropriations acts for FY2001 were enacted into law prior to the lame-duck session, six separately and two as part of an omnibus measure, the VA-HUD Appropriations Act for 2001 (P.L. 106-377, October 27, 2000), which also included funding for the Energy-Water Development Appropriations Act for FY2001.</p> <p>The remaining five regular appropriations acts for FY2001 were considered and enacted into law during (or immediately after) the lame-duck session.^b An omnibus measure, the Consolidated Appropriations Act for FY2001 (P.L. 106-554), covered the following three regular appropriations acts: (1) Labor-HHS-Education, (2) Legislative Branch, and (3) Treasury-Postal Service.</p> <p>The District of Columbia Appropriations Act for FY2001 (P.L. 106-522) and the Commerce-Justice-State Appropriations Act for FY2001 (P.L. 106-553) were enacted separately.</p> <p>Continuing Appropriations Acts. Fifteen continuing appropriations acts were enacted into law before the lame-duck session began.</p> <p>Six further continuing appropriations acts were considered and enacted during the lame-duck session.</p>

Dates of Lame-Duck Session^a	Appropriations Acts Enacted Into Law During the Lame-Duck Session	Commentary
	<ul style="list-style-type: none"><li data-bbox="359 509 884 605">• P.L. 106-539, Further Continuing Appropriations Act for FY2001 (December 7, 2000)<li data-bbox="359 643 884 738">• P.L. 106-540, Further Continuing Appropriations Act for FY2001 (December 8, 2000)<li data-bbox="359 776 884 872">• P.L. 106-542, Further Continuing Appropriations Act for FY2001 (December 11, 2000)<li data-bbox="359 909 884 1005">• P.L. 106-543, Further Continuing Appropriations Act for FY2001 (December 15, 2000)	

Dates of Lame-Duck Session ^a	Appropriations Acts Enacted Into Law During the Lame-Duck Session	Commentary
107th Congress		
2002 November 7- November 22	Regular Appropriations Acts [none]	<p>Regular Appropriations Acts. Two of the 13 regular appropriations acts for FY2003 were enacted into law before the lame-duck session began (the Defense and Military Construction Appropriations Acts).</p> <p>All of the remaining 11 regular appropriations acts for FY2003 were considered and enacted into law early in the next Congress as an omnibus measure, the Consolidated Appropriations Resolution for FY2003 (P.L. 108-7; February 20, 2003).</p>
	Continuing Appropriations Acts <ul style="list-style-type: none"> • P.L. 107-294, Further Continuing Appropriations Act for FY2003 (November 23, 2002) 	<p>Continuing Appropriations Acts. Four continuing appropriations acts were enacted into law before the lame-duck session began.</p> <p>One further continuing appropriations act for FY2003 was considered and enacted into law during the lame-duck session (P.L. 107-294).^c</p> <p>Three more continuing appropriations acts were enacted early in the next Congress.</p>

Dates of Lame-Duck Session ^a	Appropriations Acts Enacted Into Law During the Lame-Duck Session	Commentary
108th Congress		
2004 November 16- December 8	<p>Regular Appropriations Acts</p> <ul style="list-style-type: none"> • P.L. 108-447, Consolidated Appropriations Act for FY2005 (December 8, 2004) 	<p>Regular Appropriations Acts. Four of the 13 regular appropriations acts for FY2005 were enacted into law before the lame-duck session began (the Defense, District of Columbia, Homeland Security, and Military Construction Appropriations Acts); all were enacted separately.</p> <p>The remaining nine regular appropriations acts for FY2005 were considered and enacted into law during the lame-duck session as part of an omnibus measure, the Consolidated Appropriations Act for FY2005 (P.L. 108-447).</p>
	<p>Continuing Appropriations Acts</p> <ul style="list-style-type: none"> • P.L. 108-416, Further Continuing Appropriations Act for FY2005 (November 21, 2004) • P.L. 108-434, Further Continuing Appropriations Act for FY2005 (December 3, 2004) 	<p>Continuing Appropriations Acts. One continuing appropriations act was enacted into law before the lame-duck session began.</p> <p>Two further continuing appropriations act for FY2005 were considered and enacted into law during the lame-duck session (P.L. 108-416 and 108-434).</p>

Dates of Lame-Duck Session ^a	Appropriations Acts Enacted Into Law During the Lame-Duck Session	Commentary
109th Congress		
2006 November 9- December 9	<p>Regular Appropriations Acts [none]</p>	<p>Regular Appropriations Acts. Two of the 11 regular appropriations acts for FY2007 were enacted into law before the lame-duck session began (the Defense and Homeland Security Appropriations Acts).^d</p> <p>None of the remaining nine regular appropriations acts for FY2007 were enacted into law during (or after) the lame-duck session. Funding for the rest of the fiscal year for all of the remaining regular appropriations acts was provided early in the 110th Congress in a full-year continuing resolution, the Revised Continuing Appropriations Resolution for FY2007 (P.L. 110-5; February 15, 2007).</p> <p>During the lame-duck session, the Senate considered and passed H.R. 5385, the Military Construction, Military Quality of Life, and Veterans Affairs Appropriations Act, but the two chambers did not take any conference action on the bill.</p>
	<p>Continuing Appropriations Acts</p> <ul style="list-style-type: none"> • P.L. 109-369, Further Continuing Appropriations Act for FY2007 (November 17, 2006) • P.L. 109-383, Further Continuing Appropriations Act for FY2007 (December 9, 2004) 	<p>Continuing Appropriations Acts. One continuing appropriations act was enacted into law before the lame-duck session began.</p> <p>Two further continuing appropriations act for FY2007 were considered and enacted into law during the lame-duck session, (P.L. 109-369 and P.L. 109-383).</p>

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Sources: Prepared by the Congressional Research Service from information provided in the Legislative Information System and the *Status Table of Appropriations* for various fiscal years at the CRS website (<http://www.crs.gov/products/appropriations/appover.shtml>).

- a. The starting and ending dates refer to the first date and the last date that the House, the Senate, or both were in session after election day (the Tuesday after the first Monday in November). In 2002, the House and Senate stayed in session, rather than adjourning prior to the election and then reconvening; November 7 was the first day of session after election day, which was November 5 that year. In 2006, the Senate adjourned sine die after the House, but not until after 4:00 in the morning on December 9.
- b. 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. For purposes of this memorandum, all five acts are regarded as having been enacted during the lame-duck session.
- c. In 2002, the continuing appropriations act for FY2003 considered during the lame-duck session was enacted into law on November 23, the day after the session ended. For purposes of this memorandum, the continuing appropriations act is considered to have been enacted during the lame-duck session.
- d. The number of regular appropriations acts was changed from 13 to 11 during the 109th Congress as a result of reorganization of the House and Senate Appropriations Committees. For further information, see CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920-2007*, by James V. Saturno