



Annual Appropriations Acts: Consideration During Lame-Duck Sessions

Jessica Tollestrup

Analyst on Congress and the Legislative Process

August 25, 2010

Congressional Research Service

7-5700

www.crs.gov

RL34597

Summary

Seven of the past eight Congresses, covering the 103rd Congress through the 110th 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. Although no annual appropriation acts were considered during lame-duck sessions held in 1994, 1998, and 2008, 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.

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. In the past, this has triggered the necessity for continuing resolutions to extend spending authority until the annual appropriations acts have been enacted. Additionally, this has periodically necessitated the consideration of regular appropriations legislation during the last quarter of the calendar year, or even during the following session.

This report provides information on the consideration of annual appropriations acts in the years that lame-duck sessions occurred between 1994 and 2008 (FY1995, FY1999, FY2001, FY2003, FY2005, FY2007, and FY2009). 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.

A total of 131 annual appropriations acts—88 regular appropriations acts and 43 continuing appropriations acts—were enacted into law for FY1995-FY2009 before, during, and after the seven most recent lame-duck sessions. With respect to the 88 regular appropriations acts, 45 were enacted into law before the beginning of the applicable lame-duck session, 14 were enacted during the lame-duck session, and 29 were enacted afterwards. With respect to the 43 continuing appropriations acts, 28 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.

Contents

Background	1
Overview of Action on Appropriations Acts Before, During, and After Lamé-Duck Sessions	2
Regular Appropriations Acts	3
Continuing Appropriations Acts	5
Summary of Action on Appropriations Acts in Lamé-Duck Sessions Held in 1994-2008.....	7
1994 and 1998 Lamé-Duck Sessions	7
2000 Lamé-Duck Session.....	8
2002 Lamé-Duck Session.....	8
2004 Lamé-Duck Session.....	9
2006 Lamé-Duck Session.....	9
2008 Lamé-Duck Session.....	10

Figures

Figure 1. Regular Appropriations Acts Enacted Before, During, and After Lamé-Duck Sessions: 1994-2008	4
---	---

Tables

Table 1. Party Control of Government During Lamé-Duck Sessions: 1994-2008	3
Table 2. Enactment of Regular Appropriations Acts into Law Before, During, and After Lamé-Duck Sessions: 1994-2008	5
Table 3. Enactment of Continuing Appropriations Acts into Law Before, During, and After Lamé-Duck Sessions: 1994-2008	6
Table 4. Annual Appropriations Acts Enacted into Law During Lamé-Duck Sessions: 1994-2008.....	11

Contacts

Author Contact Information	15
Acknowledgments	15

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.¹ In some recent instances, including FY2006 and FY2008, the consideration of regular appropriations acts has carried over to the following session.

Seven of the past eight Congresses, covering the 103rd Congress through the 110th 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. Although no annual appropriation acts were considered during lame-duck sessions held in 1994, 1998, and 2008, 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.

This report provides information on the consideration of annual appropriations acts in connection with lame-duck sessions occurring between 1994 and 2008.

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).²

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.³

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. 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

¹ 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 Jessica Tollestrup.

² 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>.

³ CRS Report RL33677, *Lame Duck Sessions of Congress, 1935-2008 (74th-110th Congresses)*, by Richard S. Beth.

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 the impeachment proceedings against President Bill Clinton by the House.

Seventeen lame-duck sessions occurred between 1935 and 2008.⁴ Ten of the 17 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 seven lame-duck sessions, which occurred in 1994, 1998, 2000, 2002, 2004, 2006, and 2008, covered a span of eight Congresses. 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, 2004, and 2008) 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 2008, 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 88 regular appropriations acts were enacted into law for the fiscal years that coincided with lame-duck sessions, including 32 that were enacted separately and 56 that were included in omnibus measures.

In addition, a total of 43 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.

⁴ CRS Report RL33677, *Lame Duck Sessions of Congress, 1935-2008 (74th-110th Congresses)*, by Richard S. Beth, *ibid.*, identifies 17 lame-duck sessions between 1935 and 2008 (see **Table 1**). 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 I. Party Control of Government During Lame-Duck Sessions: 1994-2008

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
110 th	11/19-01/03 2009	46	R (GW Bush)	D	D

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

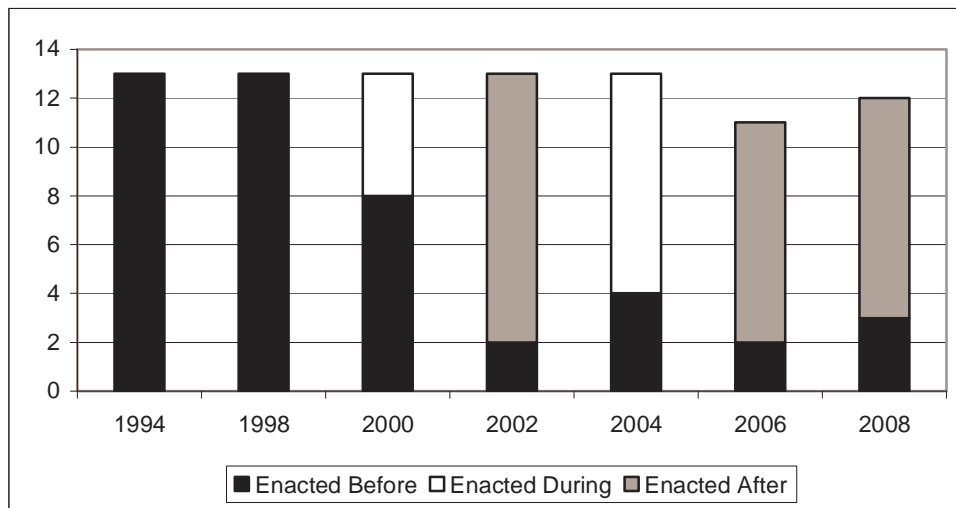
The variation regarding the role of lame-duck sessions in the consideration of regular appropriations acts is shown in **Figure 1** and **Table 2**. As the figure shows, all of the regular appropriations acts for a fiscal year were enacted into law before, during, or after the seven most recent lame-duck 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.⁵ With respect to 2006, two of the 11 regular appropriations acts (for FY2007) were enacted into law before the lame-duck session; the rest

⁵ Although initial consideration of appropriations legislation in the two chambers differed in both the number and substance of the appropriations acts, the final acts that were agreed to numbered 11. For further information on this change, see CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920-2007*, by James V. Saturno.

were funded by a continuing resolution for the entire fiscal year. At the beginning of the 110th Congress, a further reorganization of the appropriations subcommittees, which resulted in an increase in the number of annual appropriations acts to 12, took effect.⁶ For FY2009, three appropriations acts, which were funded as part of a full-year continuing resolution, were completed before the lame-duck session began; the remaining nine appropriations acts were enacted via an omnibus appropriations act at the beginning of the 111th Congress.

In total, 45 of the 88 regular appropriations acts were enacted into law before the beginning of the applicable lame-duck session, 14 were enacted during a lame-duck session, and 29 were enacted afterwards.⁷

Figure I. Regular Appropriations Acts Enacted Before, During, and After Lamé-Duck Sessions: 1994-2008



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 occurrence of lame-duck sessions in 1994, 1998, and 2008 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. In 2008, work on three out of the 12 regular appropriations acts was completed before the end of September. The remaining nine acts were not considered until the beginning of the 111th Congress, where they were combined into an omnibus appropriations act and enacted into law on March 11, 2009.

⁶ Ibid.

⁷ 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.

Table 2. Enactment of Regular Appropriations Acts into Law Before, During, and After Lamé-Duck Sessions: 1994-2008

Calendar Year	Number of Regular Appropriations Acts Enacted Into Law:			Total
	Before Lamé-Duck Session	During Lamé-Duck Session	After Lamé-Duck Session	
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
Total	45	14	29	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 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.⁸

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 1994-2008 period, but not others (see **Table 3**). A total of 43 continuing appropriations acts were enacted into law during this period.

In total, 28 of the 43 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.⁹

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 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. In 2008, a single continuing resolution was enacted before the fiscal year began that contained three regular appropriations acts and extended funding for the remaining FY2009 appropriations acts through March 6, 2009.

Table 3. Enactment of Continuing Appropriations Acts into Law Before, During, and After Lame-Duck Sessions: 1994-2008

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

⁸ For a more detailed discussion of this topic, see CRS Report RL32614, *Duration of Continuing Resolutions in Recent Years*, by Jessica Tollestrup.

⁹ 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.

Calendar Year	Number of Continuing Appropriations Acts Enacted Into Law:			Total
	Before Lamé-Duck Session	During Lamé-Duck Session	After Lamé-Duck Session	
2002	4	1	3	8
2004	1	2	0	3
2006	1	2	1	4
2008	1	0	0	1
Total	28	11	4	43

Source: Prepared by the Congressional Research Service.

Notes: 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 1994-2008

A brief summary of action on the annual appropriations acts considered during each of the five lame-duck sessions that occurred during the period from 1994 through 2008 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.¹⁰ 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 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 Lamé-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.

¹⁰ 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.

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).¹¹ Three more continuing appropriations acts were enacted early in the next Congress.

2004 Lamé-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).

2006 Lamé-Duck Session

The lame-duck session for 2006 was held on November 13-December 9.

Two of the 11 regular appropriations acts for FY2007 were separately enacted before the lame-duck session began. The Defense Appropriations Act (P.L. 109-289) and the 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 continuing resolution enacted on September 29 (P.L. 109-289).

Although a number of the remaining appropriations acts were considered by both the House and the Senate prior to the pre election recess¹², the only act to be considered by either chamber during the lame-duck session was H.R. 5385, the Military Construction, Military Quality of Life, and Veterans Affairs Appropriations Act, which was considered by the Senate and passed on November 14. Action on the nine regular appropriations acts was completed via a full-year continuing resolution (H.J.Res. 20) that was signed into law on February 15, 2007 (P.L. 110-5).

¹¹ 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.

¹² The House recessed on October 3, 2008. The Senate held *pro forma* sessions through the beginning of the lame-duck session on November 19, 2008.

At the beginning of the lame-duck session, a second continuing resolution for FY2007 was enacted (P.L. 109-369) to provide appropriations through December 8. When it became apparent that action on regular appropriations would not be completed, a third continuing resolution was enacted (P.L. 109-383) that extended appropriations through February 15, 2007.

2008 Lame-Duck Session

The lame-duck session for 2008 was held on November 19-January 3. No regular appropriations acts were considered during the session.

Three of the 12 regular appropriations acts for FY2009 (Defense, Homeland Security, and Military Construction/Veteran's Affairs) were enacted before the lame-duck session via the Consolidated Security, Disaster Assistance, and Continuing Appropriations resolution, which became law on September 30 (P.L. 110-329). This continuing resolution 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 Omnibus Appropriations Act, 2009, which was signed by the President on March 11, 2009 (P.L. 111-8).

Table 4. Annual Appropriations Acts Enacted into Law During Lam Duck Sessions: 1994-2008

Dates of Lam Duck Session ^a	Appropriations Acts Enacted Into Law During the Lam 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.
106th Congress		
2000 November 13- December 15	<p data-bbox="422 928 751 954">Regular Appropriations Acts</p> <ul data-bbox="422 954 751 1289" style="list-style-type: none"> <li data-bbox="422 954 751 1065">• P.L. 106-522, District of Columbia Appropriations Act for FY2001 (November 22, 2000) <li data-bbox="422 1081 751 1192">• P.L. 106-553, Commerce-Justice-State Appropriations Act for FY2001 (December 21, 2000) <li data-bbox="422 1208 751 1289">• P.L. 106-554, Consolidated Appropriations Act for FY2001 (December 21, 2000) 	<p data-bbox="800 928 1898 1032">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 data-bbox="800 1049 1898 1159">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 data-bbox="800 1175 1898 1234">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>

Dates of Lame-Duck Session ^a	Appropriations Acts Enacted Into Law During the Lame-Duck Session	Commentary
107th Congress 2002 November 7- November 22	Continuing Appropriations Acts <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.L. 106-539, Further Continuing Appropriations Act for FY2001 (December 7, 2000) • P.L. 106-540, Further Continuing Appropriations Act for FY2001 (December 8, 2000) • P.L. 106-542, Further Continuing Appropriations Act for FY2001 (December 11, 2000) • P.L. 106-543, Further Continuing Appropriations Act for FY2001 (December 15, 2000) 	Continuing Appropriations Acts. Fifteen continuing appropriations acts were enacted into law before the lame-duck session began. Six further continuing appropriations acts were considered and enacted during the lame-duck session.
	Regular Appropriations Acts [none]	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). 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). Continuing Appropriations Acts. Four continuing appropriations acts were enacted into law before the lame-duck session began. One further continuing appropriations act for FY2003 was considered and enacted into law during the lame-duck session (P.L. 107-294). ^c Three more continuing appropriations acts were enacted early in the next Congress.

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 data-bbox="426 355 751 461">Regular Appropriations Acts • P.L. 108-447, Consolidated Appropriations Act for FY2005 (December 8, 2004)</p> <p data-bbox="426 553 751 786">Continuing Appropriations Acts • 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>	<p data-bbox="804 355 1881 433">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 data-bbox="804 456 1881 534">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 data-bbox="804 557 1881 605">Continuing Appropriations Acts. One continuing appropriations act was enacted into law before the lame-duck session began.</p> <p data-bbox="804 628 1881 675">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>
109th Congress		
2006 November 9- December 9	<p data-bbox="426 854 751 902">Regular Appropriations Acts [none]</p> <p data-bbox="426 1146 751 1380">Continuing Appropriations Acts • 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>	<p data-bbox="804 854 1881 902">Regular Appropriations Acts. Two of the 11^d regular appropriations acts for FY2007 were enacted into law before the lame-duck session began (the Defense and Homeland Security Appropriations Acts).</p> <p data-bbox="804 925 1881 1031">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 data-bbox="804 1053 1881 1131">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 data-bbox="804 1154 1881 1203">Continuing Appropriations Acts. One continuing appropriations act was enacted into law before the lame-duck session began.</p> <p data-bbox="804 1226 1881 1271">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>

Dates of Lame-Duck Session ^a	Appropriations Acts Enacted Into Law During the Lame-Duck Session	Commentary
110th Congress		
2008 November 19- January 3	Regular Appropriations Acts [none]	Regular Appropriations Acts. Three of the 12 ^d regular appropriations acts for FY2009 were enacted into law before the lame-duck session began (the Defense, Homeland Security, and Military Construction/Veteran's Affairs Appropriations Acts). The remaining nine regular appropriations acts for FY2009 were considered and enacted into law early in the next Congress via the Omnibus Appropriations Act for FY2009 (P.L. 111-8; March 11, 2009).
	Continuing Appropriations Acts [none]	Continuing Appropriations Acts. One continuing appropriations act was enacted into law before the lame-duck session began that extended appropriations through March 6, 2009 (P.L. 110-329).

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. This number was again changed from 11 to 12 in the 110th Congress due to the further reorganization of the Appropriations Committees that occurred in both chambers. For further information, see CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920-2007*, by James V. Saturno.

Author Contact Information

Jessica Tollestrup
Analyst on Congress and the Legislative Process
jtollestrup@crs.loc.gov, 7-0941

Acknowledgments

The original version of this report was written by Robert Keith, formerly a Specialist in American National Government at CRS. The listed author has revised and updated this report and is available to respond to inquiries on the subject.