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House and Senate Continue Appropriations Sprint for Fiscal Year 2019

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Unlike the typical process of last-minute omnibus appropriations, Congress has taken a renewed approach to the appropriations process this year, passing individual appropriations measures at a pace unheard of in recent memory. Lawmakers have already agreed to the topline spending levels for FY19 as part of the Bipartisan Budget Act of 2018, speeding up the appropriations process. In addition, Senate leaders in both parties have agreed to debate bills on the floor and allow amendments, while abstaining from adding "poison pill" riders, in a departure from the appropriations process of the past decade. At the current rate, Congress may succeed in passing most of the FY19 appropriations bills by the September 30 fiscal year deadline.

On August 1, the Senate voted 92 to 6 to pass a \$154.2 billion, four-bill FY19 spending package in the latest step in a series of bipartisan appropriations measures. The four bills included the Interior-Environment, Financial Services, Transportation-HUD, and Agriculture spending bills. In each case, the bills received committee approval with bipartisan support and without problematic policy riders. The Senate has now passed seven of the 12 annual spending bills on a bipartisan basis; the House has passed six, although with a more partisan slant.

Senate Majority Leader Mitch McConnell (R-KY) indicated that the Senate plans to address a roughly \$857 billion combined Defense and Labor-HHS-Education appropriations measure after returning from its shortened recess the week of August 13. "We hope to be able to conference those bills with the House and send the President a series of conference reports covering those nine of 12 appropriations bills early after we get back from the Labor Day weekend break," McConnell stated on July 31.

President Trump continues to push for funding the border wall and other immigration reforms, including tweeting support for a government shutdown. However, if Congress can maintain McConnell's ambitious timeline for appropriations, only Commerce-Justice Science, State-Foreign Operations, and Homeland Security Measures – the latter serving as a potential vehicle for wall funding and other immigration-related policy changes – would remain to be funded in a stopgap bill at current levels until after the midterm elections. In such a scenario, any potential government shutdown would only affect those particular agencies.

Of course, it remains uncertain whether congressional efforts will be successful in avoiding the need for another omnibus for FY19. Congress has not yet agreed to any conference reports to send final appropriations bills to the President's desk. Any number of factors could delay or derail the ongoing appropriations sprint, forcing Congress to enact a Continuing Resolution at existing spending levels by the September 30 deadline to keep the government operating. For example, lawmakers must address a number of differences in the House and Senate versions of the Energy and Water appropriations bill. The House also added multiple controversial provisions to the Interior-Environment and Financial Services appropriations bills that lawmakers must resolve in conference. Furthermore, Democrats in both the House and Senate will seek assurances that the funding levels contained in the Senate Labor-HHS-Education appropriations bill will be the operative number in the conference report before the Senate approves the combined Defense and Labor-HHS-Education appropriations bundle. In addition, House conservatives who insisted on controversial riders as a price for their vote may object to the bipartisan Senate appropriations bundles. House Democrats have strongly opposed

most of the appropriations bills advanced in the House, though they may react differently to the Senate versions. Finally, the President's funding requests for the border wall will have to be addressed after the midterm elections.

The multi-bill or bundle strategy is very much a creature of the Senate, and the House has yet to buy into it. Yet Congress has adopted this process in part because the President has stated that he will not sign another omnibus funding bill. If Congress does end up needing to enact a Continuing Resolution in late September, the President's reaction will be interesting to watch. We will continue to monitor and report on appropriations as more information becomes available.