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# **Omnibus Appropriations Acts: Overview of Recent Practices**

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## Summary

Omnibus appropriations acts have become a significant feature of the legislative process in recent years as Congress and the President have used them more frequently to bring action on the regular appropriations cycle to a close. Following a discussion of pertinent background information, this report reviews the recent enactment of such measures and briefly addresses several issues raised by their use.

For nearly two centuries, regular appropriations acts were considered by the House and Senate as individual measures and enacted as standalone laws. In 1950, the House and Senate undertook a one-time experiment in improving legislative efficiency by considering all of the regular appropriations acts for FY1951 in a single bill, the Omnibus Appropriations Act of 1950. The following year, the House and Senate returned to the practice of considering the regular appropriations acts individually.

During the 31-fiscal year period covering FY1986-FY2016, a total of 390 regular appropriations acts were enacted or covered by full-year continuing appropriations. Of these, 191 (48.9%) were enacted as standalone measures, 170 (43.6%) were enacted in omnibus measures, and 29 (6.9%) were enacted in other forms (largely full-year continuing appropriations acts). Each year, a median of six regular appropriations acts were enacted as standalone measures, and 5.5 were enacted in omnibus measures.

During this period, 22 different omnibus measures were enacted for 19 different fiscal years. (Two separate omnibus appropriations acts were enacted for FY2001, FY2009, and FY2012.) Each of the omnibus acts funded between two and 13 regular appropriations acts (7.5 median).

Eighteen of the omnibus measures were bills or joint resolutions carrying the designation “omnibus,” “consolidated,” or “omnibus consolidated” appropriations in the title; seven were titled as continuing appropriations acts (FY1986, FY1987, FY1988, FY2009, the first for FY2012, FY2013; and FY2015); and one was the VA-HUD Appropriations Act for FY2001, which also included the Energy and Water Development Appropriations Act for FY2001.

In addition to the customary concern—of sacrificing the opportunity for debate and amendment for greater legislative efficiency—that arises whenever complex legislation is considered under time constraints, the use of omnibus appropriations acts has generated controversy for other reasons. These include whether adequate consideration was given to regular appropriations acts prior to their incorporation into omnibus appropriations legislation, the use of across-the-board rescissions, and the inclusion of significant legislative (rather than funding) provisions.

This report will be updated at the conclusion of the annual appropriations process.

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## Introduction

Omnibus appropriations acts have become a significant feature of the legislative process in recent years as Congress and the President have resorted more frequently to their use to bring action on the regular appropriations cycle to a close. Following a discussion of pertinent background information, this report reviews the recent use of such measures and briefly addresses several issues that their use raises.

## Background

Each year, Congress and the President may enact discretionary spending<sup>1</sup> in the form of regular appropriations acts, as well as continuing and supplemental appropriations acts.<sup>2</sup> The number of regular appropriations bills had been fixed at 13 for several decades,<sup>3</sup> but a realignment of the House and Senate Appropriations subcommittees at the beginning of the 109<sup>th</sup> Congress reduced the number of regular appropriations bills normally considered each year to 11 (starting with the FY2006 cycle).<sup>4</sup> The number of regular appropriations bills was increased to 12 at the beginning of the 110<sup>th</sup> Congress (starting with the FY2008 cycle) due to further subcommittee realignment and has remained at that level through the date of this report.

If action is not completed on all of the regular appropriations acts toward the end of a congressional session, Congress will sometimes combine the unfinished regular appropriations into an omnibus measure. In some instances, action on the unfinished acts carries over into the following session. An omnibus act may set forth the full text of each of the regular appropriations acts included therein, or it may enact them individually by cross-reference.

The House and Senate consider annual appropriations acts (and other budgetary legislation) within constraints established in a yearly budget resolution required by the Congressional Budget Act of 1974, as amended. Budget resolution policies are enforced by points of order that may be raised during House and Senate consideration of spending, revenue, and debt limit legislation.<sup>5</sup> On occasion, budget policies may be modified by agreements reached between congressional leaders and the President; such modifications may be accommodated during legislative action through the use of waivers of points of order, emergency spending designations, and other budgetary or procedural devices.

Discretionary spending has also been subject to statutory limits. These were first implemented between FY1991 and FY2002 by the Budget Enforcement Act (BEA) of 1990, as amended.

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<sup>1</sup> *Discretionary spending*, which accounts for roughly one-third of total federal spending, is spending that is under the jurisdiction of the House and Senate Appropriations Committees. For the most part, discretionary spending funds the routine operations of the federal government. It is distinguished from *direct spending*, which is controlled by the legislative committees in substantive law and funds such mandatory programs as Social Security and Medicare. Discretionary spending and direct spending together make up total federal spending.

<sup>2</sup> For background on the appropriations process, see CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by Jessica Tollestrup.

<sup>3</sup> For information on changes in the number of regular appropriations acts over the years, see CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920 to 2015*, by James V. Saturno and Jessica Tollestrup.

<sup>4</sup> The Senate Appropriations Committee reported a twelfth regular appropriations act, for the District of Columbia, but in final legislative action it was incorporated into another bill.

<sup>5</sup> For a general discussion of budget enforcement procedures, see CRS Report 98-721, *Introduction to the Federal Budget Process*, coordinated by James V. Saturno.

Under this statutory mechanism, separate discretionary spending limits were applied to two different measurements of spending: budget authority and outlays. The discretionary spending limits were enforced by the sequestration process, which involved automatic, largely across-the-board reductions in discretionary spending in order to eliminate any breach of the limits.<sup>6</sup> Pursuant to the Budget Control Act of 2011 (P.L. 112-25), discretionary budget authority for FY2012-FY2021, with some exceptions, is again subject to statutory spending limits on defense and non-defense spending.<sup>7</sup>

For nearly two centuries, regular appropriations bills were considered by the House and Senate as individual measures and enacted by the President as standalone laws. In 1950, the House and Senate undertook a one-time experiment in improving legislative efficiency by considering all of the regular appropriations acts for FY1951 in a single bill, the Omnibus Appropriations Act of 1950 (81<sup>st</sup> Congress, P.L. 759, September 6, 1950).<sup>8</sup> The following year, the House and Senate returned to the practice of considering the regular appropriations acts individually.

Over the past few decades, however, the House and Senate on several occasions have combined multiple regular appropriations acts into “consolidated” appropriations measures, sometimes enacting individual bills by cross-reference. Beginning in the late 1970s, certain omnibus acts have also sometimes been titled by Congress as “continuing appropriations acts,” despite the fact that these acts generally incorporate the texts of multiple regular appropriations acts for full-year funding or enact such texts by reference. This is in contrast to the usual form of continuing appropriations, which provides funding at a rate with anomalies.<sup>9</sup> This report includes only the former type of “continuing appropriations act” in its account of omnibus appropriations acts.

## Omnibus Appropriations Acts: FY1986-FY2016

During the 31-year period covering FY1986-FY2016, 22 different omnibus measures were enacted for 19 different fiscal years. (Two separate omnibus appropriations acts were enacted for FY2001, FY2009, and FY2012.<sup>10</sup>) The 22 omnibus appropriations acts covered a total of 170 regular appropriations acts. Each of the omnibus acts funded between two and 13 regular appropriations acts, on average funding almost eight (7.7) of them.

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<sup>6</sup> The sequestration process is discussed in detail in CRS Report RL31137, *Sequestration Procedures Under the 1985 Balanced Budget Act*, by Robert Keith.

<sup>7</sup> The spending caps and enforcement procedures contained in the Budget Control Act are discussed in detail in CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

<sup>8</sup> See Dalmus H. Nelson, “The Omnibus Appropriations Act of 1950,” *Journal of Politics*, vol. 15, no. 2 (May 1953).

<sup>9</sup> For more information on practices relating to the use of continuing appropriations acts, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

<sup>10</sup> P.L. 106-553 was enacted as an omnibus measure and enacted the Commerce-Justice-State-Judiciary Appropriations Act for FY2001 and the District of Columbia Appropriations Act for FY2001 by cross-reference. However, the District of Columbia appropriations provision was repealed; therefore, P.L. 106-553 is not counted in this report as an omnibus measure.

**Table I. Omnibus Appropriations Acts: FY1986-FY2016**

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| <p><b>1. Further Continuing Appropriations Act, 1986</b><br/>(P.L. 99-190; December 19, 1985)</p> <p><b>2. Continuing Appropriations Act, 1987</b><br/>(P.L. 99-591; October 18, 1986)</p> <p><b>3. Further Continuing Appropriations Act, 1988</b><br/>(P.L. 100-202; December 22, 1987)</p> <p><b>4. Omnibus Consolidated Rescissions and Appropriations Act of 1996</b><br/>(P.L. 104-134; April 26, 1996)</p> <p><b>5. Omnibus Consolidated Appropriations Act, 1997</b><br/>(P.L. 104-208; September 30, 1996)</p> <p><b>6. Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999</b><br/>(P.L. 105-277; October 21, 1998)</p> <p><b>7. Consolidated Appropriations Act, 2000</b><br/>(P.L. 106-113; November 29, 1999)</p> <p><b>8. Consolidated Appropriations Act, 2001</b><br/>(P.L. 106-554; December 21, 2000)</p> <p><b>9. VA-HUD Appropriations Act, 2001</b><br/>(P.L. 106-377; October 27, 2000)</p> <p><b>10. Consolidated Appropriations Resolution, 2003</b><br/>(P.L. 108-7; February 20, 2003)</p> <p><b>11. Consolidated Appropriations Act, 2004</b><br/>(P.L. 108-199; January 23, 2004)</p> <p><b>12. Consolidated Appropriations Act, 2005</b><br/>(P.L. 108-447; December 8, 2004)</p> <p><b>13. Consolidated Appropriations Act, 2008</b><br/>(P.L. 110-161; December 26, 2007)</p> <p><b>14. Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009</b><br/>(P.L. 110-329; September 30, 2008)</p> <p><b>15. Omnibus Appropriations Act, 2009</b><br/>(P.L. 111-8; March 11, 2009)</p> <p><b>16. Consolidated Appropriations Act, 2010</b><br/>(P.L. 111-117; December 16, 2009)</p> <p><b>17. Consolidated and Further Continuing Appropriations Act, 2012</b><br/>(P.L. 112-55; November 18, 2011)</p> <p><b>18. Consolidated Appropriations Act, 2012</b><br/>(P.L. 112-74; December 23, 2011)</p> <p><b>19. Consolidated and Further Continuing Appropriations Act, 2013</b><br/>(P.L. 113-6; March 26, 2013)</p> <p><b>20. Consolidated Appropriations Act, 2014</b><br/>(P.L. 113-76; January 17, 2014)</p> <p><b>21. Consolidated and Further Continuing Appropriations Act, 2015</b><br/>(P.L. 113-235; December 16, 2014)</p> <p><b>22. Consolidated Appropriations Act, 2016</b><br/>(P.L. 114-113; December 18, 2015)</p> |
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**Source:** Prepared by the Congressional Research Service (CRS) using data from the Legislative Information System (LIS).

Eighteen of the omnibus measures were bills or joint resolutions carrying the designation “omnibus,” “consolidated,” or “omnibus consolidated” appropriations in the title; seven were titled as continuing appropriations acts (FY1986, FY1987, FY1988, the first ones for FY2009 and FY2012, FY2013; and FY2015); and one was the VA-HUD Appropriations Act for FY2001, which also included the Energy and Water Development Appropriations Act for FY2001 (see **Table 1**, and, at the end of the report, **Table 3**).

During this period, a total of 390 regular appropriations acts were enacted or covered by full-year continuing appropriations. Of these, 191 (48.9%) were enacted as standalone measures, 158 (43.6%) were enacted in omnibus measures, and 29 (6.9%) were enacted in other forms (largely full-year continuing appropriations acts).<sup>11</sup> Each year, a median of six regular appropriations acts were enacted as standalone measures, and 5.5 were enacted in omnibus measures.

Sixty-five (16.7%) of the 390 regular appropriations acts were enacted on or before October 1, the start of the fiscal year. Nine of these bills were included in omnibus measures (six in FY1997 and three in FY2009), and the rest were enacted as standalone measures. On average, about two (2.1) regular appropriations bills per year were enacted before the start of the fiscal year during this period.

Ten of the 18 omnibus appropriations acts bearing the designation “omnibus,” “consolidated,” or “omnibus consolidated” in their title originated in the House as a regular appropriations bill and were expanded in coverage (and their titles redesignated) at the stage of resolving House-Senate differences. These included the appropriations acts for

- Defense (H.R. 3610) in FY1997;
- Transportation (H.R. 4328) in FY1999;
- District of Columbia (H.R. 3194) in FY2000;
- Labor-HHS-Education (H.R. 4577) in FY2001;
- Agriculture (H.R. 2673) in FY2004;
- Foreign Operations (H.R. 4818) in FY2005;
- State-Foreign Operations (H.R. 2764) in FY2008;
- Transportation, Housing and Urban Development (H.R. 3288) in FY2010;
- Agriculture (H.R. 2112) and Military Construction-VA (H.R. 2055) in FY2012 and
- Military Construction-VA (H.R. 2029) in FY2016.

In the case of the FY1997, FY1999, FY2000, FY2001, FY2004, FY2005, FY2010, and the second FY2012 omnibus appropriations acts, the transformation from a regular appropriations bill into a consolidated appropriations measure occurred as part of the conference proceedings

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<sup>11</sup> In FY1992, funding for activities covered by the Foreign Operations Appropriations bill for that year was provided by a full-year CR in P.L. 102-266, enacted on April 1, 1992. In FY2007, funding for activities covered by nine of the appropriations bills for that year was provided by a full-year CR in P.L. 110-5, enacted on February 15, 2007. Funding for the activities covered by 11 of the FY2011 appropriations bills was provided by a full-year CR in Division B of P.L. 112-10, enacted on April 15, 2011. In addition, the full text of the Department of Defense Appropriations Act for FY2011 was included in Division A of that act. Funding for the activities covered by seven of the FY2013 appropriations bills was provided by a full-year CR in P.L. 113-6, enacted on March 26, 2013. (That law also contained omnibus appropriations for the five remaining regular appropriations acts for that fiscal year.) For further information on full-year continuing resolutions, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

between the House and Senate. For the first FY2012 omnibus, the additional appropriations acts were added as a Senate floor amendment to a House-passed regular appropriations bill before conference occurred. For FY2008, conference procedures were not used and the transformation occurred in connection with an exchange of amendments between the two chambers.

The acts for FY2000 and FY2001 enacted regular appropriations measures by cross-reference instead of including their full text (except for FY2000 appropriations for the District of Columbia).

None of the other seven omnibus appropriations acts bearing such designations involved the transformation of a regular appropriations act. Four of the acts (one for FY1996, two for FY2009, and one for FY2013) originated as omnibus measures and retained this status throughout consideration. In FY2003, the omnibus measure originated in the House as a simple continuing resolution (H.J.Res. 2) but was expanded in coverage and redesignated during Senate floor action. Most recently, the vehicles for the FY2014 and FY2015 omnibus acts were originally non-appropriations measures (H.R. 3547 and H.R. 83, respectively) that were amended to include omnibus appropriations.

## **Selected Issues in the Use of Omnibus Appropriations Acts**

Several issues pertaining to the use of omnibus appropriations have been the focus of debate in recent years. These issues include the extent to which regular appropriations that are enacted in omnibus measures have been passed by the House and Senate prior to final congressional action, the use of across-the-board rescissions, and the inclusion of legislative provisions.

### **Prior Passage of Regular Appropriations Bills**

One of the chief concerns regarding the use of omnibus appropriations acts is that it reduces the opportunities for Members to debate and amend the regular appropriations acts that are incorporated therein. This concern may be lessened if the regular appropriations acts incorporated into omnibus measures have been previously passed by the House and Senate before action on a final version.

During the FY1986-FY2016 period, the House was more likely than the Senate to have passed the regular appropriations on initial consideration that were eventually incorporated into omnibus acts, with the House passing 116 out of the 170 regular appropriations bills, while the Senate passed 72 (see **Table 2**). For both the House and the Senate, between FY1986 and FY2001, the majority of appropriations acts that were ultimately included in omnibus measures were previously passed by the House and Senate each fiscal year. However, during certain fiscal years between FY2003 and FY2016, one or both chambers passed fewer than half of the regular appropriations bills that were ultimately enacted in omnibus form. For the House, this occurred in five different instances over four fiscal years: FY2003, FY2009, FY2012, and FY2014. For the Senate, this occurred in eight different instances over six fiscal years: FY2005, FY2009, and FY2012-FY2016.



**Table 2. Prior Passage of Regular Appropriations Bills That Were Eventually Enacted in Omnibus Acts: FY1986-FY2016**

| <b>Omnibus Appropriations Act</b> |   |  |                            |                             |
|-----------------------------------|---|--|----------------------------|-----------------------------|
| <b>Fiscal Year</b>                | <b>Title</b>  | <b>Number of Regular Appropriations Acts Enacted Therein</b> | <b>House Prior Passage</b> | <b>Senate Prior Passage</b> |
| 1986                              | Further Continuing Appropriations Act, 1986   | 7  | 6                          | 4                           |
| 1987                              | Continuing Appropriations Act, 1987   | 13   | 11                         | 7                           |
| 1988                              | Further Continuing Appropriations Act, 1988   | 13   | 10                         | 10                          |
| 1996                              | Omnibus Consolidated Rescissions and Appropriations Act of 1996                     | 5  | 5                          | 4                           |
| 1997                              | Omnibus Consolidated Appropriations Act, 1997                                       | 6  | 5                          | 1                           |
| 1999                              | Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999            | 8  | 7                          | 5                           |
| 2000                              | Consolidated Appropriations Act, 2000   | 5  | 4                          | 4                           |
| 2001                              | Consolidated Appropriations Act, 2001   | 3  | 3                          | 2                           |
|                                   | VA-HUD Appropriations Act, 2001   | 2  | 2                          | 2                           |
| 2003                              | Consolidated Appropriations Resolution, 2003  | 11   | 3                          | 11 <sup>a</sup>             |
| 2004                              | Consolidated Appropriations Act, 2004   | 7  | 7                          | 6                           |
| 2005                              | Consolidated Appropriations Act, 2005   | 9  | 8                          | 2                           |
| 2008                              | Consolidated Appropriations Act, 2008   | 11   | 11                         | 6                           |
| 2009                              | Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 | 3  | 1                          | 0                           |
|                                   | Omnibus Appropriations Act, 2009  | 9  | 0                          | 0                           |
| 2010                              | Consolidated Appropriations Act, 2010   | 6  | 6                          | 3                           |
| 2012                              | Consolidated and Further Continuing Appropriations Act, 2012                        | 3  | 1                          | 3 <sup>b</sup>              |
|                                   | Consolidated Appropriations Act, 2012   | 9  | 5                          | 1                           |
| 2013                              | Consolidated and Further Continuing Appropriations Act, 2013                        | 5  | 4                          | 0                           |
| 2014                              | Consolidated Appropriations Act, 2014   | 12   | 4                          | 0                           |
| 2015                              | Consolidated and Further Continuing Appropriations Act, 2015                        | 11   | 7                          | 0                           |
| 2016                              | Consolidated Appropriations Act, 2016   | 12   | 6                          | 1                           |
| <b>Total:</b>                     | <b>—</b>  | <b>170</b>   | <b>116</b>                 | <b>72</b>                   |

**Source:** Prepared by the CRS using data from the appropriations status tables for FY1999-FY2016 (available at <http://www.crs.gov/pages/AppropriationsStatusTable.aspx>) and House calendars for the 99<sup>th</sup>-105<sup>th</sup> Congresses.

- a. For FY2003, during the Senate's prior consideration of H.J.Res. 2, a continuing resolution, the Senate amended it to be an omnibus appropriations measure that contained the texts of 11 regular appropriations bills, thereby allowing consideration of such regular appropriations to occur simultaneously. Differences were subsequently resolved through conference proceedings, and final passage of H.J.Res. 2 occurred

through House and Senate adoption of the conference report. Each of these 11 bills is counted as having been previously passed by the Senate for the purposes of this report.

- b. For FY2012, during the Senate's prior consideration of H.R. 2112 (the FY2012 Agriculture Appropriations bill), the texts of two additional appropriations bills were added as an amendment to H.R. 2112, thereby allowing consideration of such regular appropriations to occur simultaneously. Differences were subsequently resolved through conference proceedings, and final passage of H.R. 2112 occurred through House and Senate adoption of the conference report. Each of these three bills is counted as having been previously passed by the Senate for the purposes of this report.

## Across-the-Board Rescissions

To adhere to restraints imposed by congressional budget resolutions, the discretionary spending limits, and ad hoc budget agreements between congressional leaders and the President (or to meet other purposes), Congress and the President from time to time incorporate across-the-board rescissions in discretionary budget authority into annual appropriations acts.<sup>12</sup> During the 15 fiscal years covering FY2000-FY2016, six government-wide, across-the-board rescissions were included in omnibus appropriations acts.<sup>13</sup>

The government-wide across-the-board rescissions included in omnibus appropriations acts ranged in size from 0.032% to 0.80% of covered appropriations:

- 0.38% rescission for FY2000 in P.L. 106-113;
- 0.22% rescission for FY2001 in P.L. 106-554;
- 0.65% rescission for FY2003 in P.L. 108-7;
- 0.59% rescission for FY2004 in P.L. 108-199;<sup>14</sup>
- 0.80% rescission for FY2005 in P.L. 108-447; and
- 0.032% rescission for security budget authority<sup>15</sup> and 0.2% rescission for nonsecurity budget authority for FY2013<sup>16</sup> in P.L. 113-6.<sup>17</sup>

<sup>12</sup> This topic is discussed in more detail in CRS Report RL32153, *Across-the-Board Spending Cuts in End-of-Session Appropriations Acts*, by Robert Keith (available from the authors of this report), and CRS Report R43234, *Across-the-Board Rescissions in Appropriations Acts: Overview and Recent Practices*, by Jessica Tollestrup.

<sup>13</sup> Across-the-board rescissions may also be included in appropriations measures that are enacted in separate vehicles. For example, an across-the-board rescission was included in the Defense Appropriations Act for FY2006, a year in which all of the regular appropriations acts were enacted separately. The act, which became P.L. 109-148 on December 30, 2005, included in Division B, §3801(a), a government-wide spending cut of 1% (118 Stat. 2791-2792). Emergency requirements and spending for the Department of Veterans Affairs were exempted from the cut, which was expected to reduce total budget authority by about \$8.5 billion. For additional information, see OMB Bulletin 06-02, *Guidance on Implementing the Government-wide Across-the-Board Reduction in the Department of Defense Appropriations Act, FY2006 (H.R. 2863)*, January 5, 2006, <http://www.whitehouse.gov/sites/default/files/omb/assets/omb/bulletins/fy2006/b06-02.pdf>.

<sup>14</sup> The 0.59% across-the-board cut in nondefense programs for FY2004 in P.L. 108-199 was accompanied by a requirement that defense appropriations, which were exempt from the 0.59% cut, be reduced by a fixed amount (\$1.8 billion). This requirement was repealed by §9003(c) of the Defense Appropriations Act for FY2005, which President Bush signed into law on August 5, 2004, as P.L. 108-287 (118 Stat. 951 et. seq.).

<sup>15</sup> As defined by §250(c)(4)(A) of the Balanced Budget and Emergency Deficit Control Act (BBEDCA), security budget authority includes discretionary appropriations associated with agency budgets for the Department of Defense, the Department of Homeland Security, the Department of Veterans Affairs, the National Nuclear Security Administration, intelligence community management, and budget function 150.

<sup>16</sup> As defined by §250(c)(4)(B) of the BBEDCA, nonsecurity budget authority includes all discretionary appropriations that are not security budget authority.

<sup>17</sup> The across-the-board rescissions in §3004 of P.L. 113-6 were intended to prevent the possibility that the new budget authority provided in the act would exceed the FY2013 discretionary spending limits in §251(c)(2) of the BBEDCA (continued...)

Omnibus appropriations acts sometimes include other across-the-board rescissions that apply to individual appropriations acts as set forth in separate divisions of the measure. P.L. 108-199, for example, included two requirements for uniform spending cuts in nondefense programs: (1) a 0.465% rescission of budget authority in the Commerce-Justice-State Appropriations division; and (2) a rescission of \$50 million in administrative expenses for the Departments of Labor, Health and Human Services, and Education. Further, P.L. 108-447 included three other provisions requiring across-the-board rescissions focused on particular divisions of the act: (1) a 0.54% rescission in the Commerce-Justice-State Appropriations division, (2) a 0.594% rescission in the Interior Appropriations division, and (3) a rescission of \$18 million in the Labor-HHS-Education Appropriations division, applicable to administrative and related expenses for departmental management (except for the Food and Drug Administration and the Indian Health Service).

More recently, Section 3001 of P.L. 113-6 provided across-the-board rescissions that were applicable to various projects and activities in certain divisions of the act. For security discretionary budget authority in Divisions A through E, 0.1% was rescinded. For nonsecurity discretionary budget authority, 2.513% was rescinded in Divisions A and E, and 1.877% was rescinded in Division B.

The significance of these across-the-board rescissions has differed with regard to budget enforcement. The FY2000 and FY2013 rescissions were an integral component of the plan that successfully avoided a sequester at the end of the session. The FY2001 rescission contributed to overall discretionary spending being below the statutory limits, but the across-the-board rescission proved to be unnecessary in avoiding a sequester. With regard to the FY2003 rescission, the House and Senate did not reach agreement on a budget resolution and the statutory discretionary limits had expired the fiscal year before; nonetheless, the across-the-board rescission was used to adhere to an informal limit reached between congressional leaders and President Bush and to avoid a veto of the omnibus appropriations act. Similarly, the FY2004, FY2005, and FY2008 rescissions were used to keep the costs of the measures under overall limits acceptable to the President.

## **Inclusion of Legislative Provisions**

Although House and Senate rules and practices over the decades have promoted the separate consideration of legislation and appropriations, this separation was created to serve congressional purposes and has not always been ironclad. In many instances, during the routine operation of the annual appropriations process, minor provisions are included in appropriations acts that technically might be regarded under the precedents as legislative in nature but arguably do not significantly undermine the distinction between legislation and appropriations. At other times, however, the legislative provisions included in annual appropriations acts—especially omnibus appropriations acts—have been much more substantial and have represented a deliberate suspension of the usual procedural boundaries.

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(...continued)

due to estimating differences between the Congressional Budget Office and the Office of Management and Budget (OMB). As enacted, §3004 provided two separate across-the-board rescissions—one for nonsecurity budget authority and one for security budget authority—of 0%. The section required that the percentages be increased if OMB estimated that additional rescissions would be needed to avoid exceeding the discretionary spending limits for FY2013. Subsequent to the enactment of P.L. 113-6, OMB announced that it had calculated that these limits would be exceeded. Consequently, the across-the-board rescissions in §3004 were increased by OMB to 0.032% for security budget authority and 0.2% for nonsecurity budget authority.

Both House and Senate rules prohibit the inclusion of legislation in appropriations bills in specified circumstances. Clauses 2(b) and 2(c) of House Rule XXI prohibit the inclusion of legislative provisions on regular appropriations bills reported by the committee or added during the floor process. However, continuing resolutions are not considered by House rules to be regular appropriations bills and thus do not fall under the purview of these restrictions. In the Senate, Rule XVI prohibits the inclusion of legislative provisions in general appropriations legislation but allows exceptions in specified circumstances. The rules in the House and Senate barring the inclusion of legislation in appropriations are not self-enforcing, can be waived, and allow some exceptions. Thus, omnibus appropriations acts have sometimes been used as vehicles to address substantive legislative concerns.

Over the past two decades, there are some instances of the incorporation of significant legislative provisions within omnibus appropriations acts. For example, the Consolidated Appropriations Resolution for FY2003 (P.L. 108-7) included the Agricultural Assistance Act of 2003, amendments to the Price-Anderson Act and the Homeland Security Act, and provisions dealing with the U.S.-China Economic and Security Review Commission, among other legislative matters. The Consolidated Appropriations Act for FY2008 (P.L. 110-161) included such items as the Emergency Steel Loan Guarantee Act of 1999 Amendments, the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 Amendments, the ED 1.0 Act, and the Kids in Disasters Well-being, Safety, and Health Act of 2007. Most recently, Divisions M through P of the Consolidated Appropriations Act, 2016 (P.L. 114-113) contained the texts of a number of significant legislative provisions, reauthorizations, and new laws, including:

- the Intelligence Authorization Act for Fiscal Year 2016;
- the Cybersecurity Act of 2015; and
- the James Zadroga 9/11 Victim Compensation Reauthorization.

**Table 3. Detail on Omnibus Appropriations Acts: FY1986-FY2016**

| Fiscal Year | Regular Appropriations Acts for the Fiscal Year | Regular Appropriations Enacted by Start of Fiscal Year <sup>a</sup> | Form of Enactment of Regular Appropriations |                             |                | Omnibus Appropriations Act  |
|-------------|---|---|---|-----------------------------|----------------|---|
|             |   |   | Enacted as Standalone Measures              | Enacted in Omnibus Measures | Other          |   |
| 1986        | 13  | 0   | 6   | 7                           | 0              | Further Continuing Appropriations Act, FY1986 (P.L. 99-190; December 19, 1985)                            |
| 1987        | 13  | 0   | 0   | 13                          | 0              | Continuing Appropriations Act, FY1987 (P.L. 99-591; October 18, 1986)                                     |
| 1988        | 13  | 0   | 0   | 13                          | 0              | Further Continuing Appropriations Act, FY1988 (P.L. 100-202; December 22, 1987)                           |
| 1989        | 13  | 13  | 13  | 0                           | 0              | [none]  |
| 1990        | 13  | 1   | 13  | 0                           | 0              | [none]  |
| 1991        | 13  | 0   | 13  | 0                           | 0              | [none]  |
| 1992        | 13  | 3   | 12  | 0                           | 1 <sup>b</sup> | [none]  |
| 1993        | 13  | 1   | 13  | 0                           | 0              | [none]  |
| 1994        | 13  | 2   | 13  | 0                           | 0              | [none]  |
| 1995        | 13  | 13  | 13  | 0                           | 0              | [none]  |
| 1996        | 13  | 0   | 8   | 5                           | 0              | Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134; April 26, 1996)            |
| 1997        | 13  | 13  | 7   | 6                           | 0              | Omnibus Consolidated Appropriations Act, 1997 (P.L. 104-208; September 30, 1996)                          |
| 1998        | 13  | 1   | 13  | 0                           | 0              | [none]  |
| 1999        | 13  | 1   | 5   | 8                           | 0              | Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (P.L. 105-277; October 21, 1998) |
| 2000        | 13  | 4   | 8   | 5                           | 0              | Consolidated Appropriations Act, 2000 (P.L. 106-113; November 29, 1999)                                   |

| Fiscal Year | Regular Appropriations Acts for the Fiscal Year | Regular Appropriations Enacted by Start of Fiscal Year <sup>a</sup> | Form of Enactment of Regular Appropriations |                             |                 | Omnibus Appropriations Act  |
|-------------|---|---|---|-----------------------------|-----------------|---|
|             |   |   | Enacted as Standalone Measures              | Enacted in Omnibus Measures | Other           |   |
| 2001        | 13  | 2   | 8   | 5                           | 0               | Consolidated Appropriations Act, 2001 [3 acts] (P.L. 106-554; December 21, 2000), and VA-HUD Appropriations Act, 2001 [2 acts] (P.L. 106-377; October 27, 2000)                           |
| 2002        | 13  | 0   | 13  | 0                           | 0               | [none]  |
| 2003        | 13  | 0   | 2   | 11                          | 0               | Consolidated Appropriations Resolution, 2003 (P.L. 108-7; February 20, 2003)  |
| 2004        | 13  | 3   | 6   | 7                           | 0               | Consolidated Appropriations Act, 2004 (P.L. 108-199; January 23, 2004)  |
| 2005        | 13  | 1   | 4   | 9                           | 0               | Consolidated Appropriations Act, 2005 (P.L. 108-447; December 8, 2004)  |
| 2006        | 11  | 2   | 11  | 0                           | 0               | [none]  |
| 2007        | 11  | 1   | 2   | 0                           | 9 <sup>c</sup>  | [none]  |
| 2008        | 12  | 0   | 1   | 11                          | 0               | Consolidated Appropriations Act, 2008 (P.L. 110-161; December 26, 2007)   |
| 2009        | 12  | 3   | 0   | 12                          | 0               | Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329; September 30, 2008), and Omnibus Appropriations Act, 2009 (P.L. 111-8; March 11, 2009) |
| 2010        | 12  | 1   | 6   | 6                           | 0               | Consolidated Appropriations Act, 2010 (P.L. 111-117; December 16, 2009)   |
| 2011        | 12  | 0   | 0   | 0                           | 12 <sup>d</sup> | [none]  |
| 2012        | 12  | 0   | 0   | 12                          | 0               | Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55; November 18, 2011), and Consolidated Appropriations Act, 2012 (P.L. 112-74; December 23, 2011)                 |
| 2013        | 12  | 0   | 0   | 5 <sup>e</sup>              | 7 <sup>e</sup>  | Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6; March 26, 2013)   |

| Fiscal Year   | Regular Appropriations Acts for the Fiscal Year | Regular Appropriations Enacted by Start of Fiscal Year <sup>a</sup> | Form of Enactment of Regular Appropriations |                             |           | Omnibus Appropriations Act   |
|---------------|---|---|---|-----------------------------|-----------|--|
|               |   |   | Enacted as Standalone Measures              | Enacted in Omnibus Measures | Other     |  |
| 2014          | 12  | 0   | 0   | 12                          | 0         | Consolidated Appropriations Act, 2014 (P.L. 113-76; January 17, 2014)                          |
| 2015          | 12  | 0   | 1   | 11                          | 0         | Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235; December 16, 2014) |
| 2016          | 12  | 0   | 0   | 12                          | 0         | Consolidated Appropriations Act, 2016 (P.L. 114-113; December 18, 2015)                        |
| <b>Total</b>  |   | <b>65</b>   | <b>191</b>                                  | <b>170</b>                  | <b>29</b> | —  |
| <b>Median</b> |   | <b>1</b>  | <b>6</b>                                    | <b>5.5</b>                  | <b>0</b>  | —  |

**Source:** Prepared by CRS using calendars of the U.S. House of Representatives, 99<sup>th</sup>-112<sup>th</sup> Congresses, and the Legislative Information System.

- a. Includes appropriations acts enacted on or before October 1 of the budget year.
- b. Funding for activities covered by the FY1992 Foreign Operations Appropriations bill was provided by a full-year CR in P.L. 102-266, enacted on April 1, 1992.
- c. Funding for activities covered by nine of the FY2007 appropriations bills was provided by a full-year CR in P.L. 110-5, enacted on February 15, 2007.
- d. Funding for the activities covered by 11 of the FY2011 appropriations bills was provided by a full-year CR in Division B of P.L. 112-10, enacted on April 15, 2011. In addition, the full text of the Department of Defense Appropriations Act for FY2011 was included in Division A of that act.
- e. Funding for the activities covered by seven of the FY2013 appropriations bills was provided by a full-year CR in P.L. 113-6, enacted on March 26, 2013. That law also contained omnibus appropriations for the five remaining regular appropriations acts for that fiscal year.

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