

Make Appropriations Great Again: Congress Poised to Pass Some Spending Bills Before Start of Fiscal Year

Due to a remarkable degree of bipartisan cooperation among Senate appropriators and the adoption of a two-year budget deal lifting severe caps on discretionary spending in February, Congress appears to be on a path to enact as many as nine appropriations bills by the start of the new fiscal year on October 1. If Congress is successful in restoring the appropriations process to some semblance of “regular order,” it would represent a major accomplishment. In recent years, the process has become largely [dysfunctional](#), with Congress failing to pass individual, freestanding bills and resorting to long-term continuing resolutions (CR) or massive omnibus bills adopted months after the beginning of the fiscal year.

Achieving such a feat would be unprecedented in the memories of most observers of the appropriations process, but it will require a herculean effort by legislators and their staffs during the six remaining legislative days in session before the end of September. Regardless, **the State Department and Foreign Operations appropriations bill—which funds global health, including international family planning and reproductive health (FP/RH) programs—is one of three bills that will be deferred until after the high-stakes midterm congressional elections on November 6.** As a result, foreign aid will be funded by passage of a CR at current funding levels and under existing policy—along with funds for the Department of Homeland Security and the Departments of Commerce, Justice, Science and Related Agencies—probably through some deadline to be set in December.

How did the appropriations process seemingly get back on track? This spring, Senator Richard Shelby (R-AL), the new chairman of the Senate Appropriations Committee, and Ranking Member Senator Patrick Leahy (D-VT) struck a deal that appropriators of both parties would agree to not attach controversial policy provisions in committee markup and would resist the efforts of their colleagues to add these poison pill riders as amendments when the bills were debated on the Senate floor. As a result, the Senate has passed nine bills so far—all with bipartisan margins. In recent years, the lack of Senate floor action on bills has been the major obstacle to enacting individual bills, to the great frustration of the House. Meanwhile, in a role reversal, the House passed just six spending bills relying largely on Republican support, most laden with ideological policy provisions that are totally unacceptable to Democrats.

With GOP control of both the White House and Congress, the Republican leadership in both chambers recognizes that keeping the government open by passing appropriations legislation is the minimum standard that the party must meet in order to demonstrate their ability to govern to the American public. In the event of a government shutdown, Republicans would be justifiably blamed politically for their failure, just six weeks before the election. Thus, Senate Democrats can exercise tremendous leverage to block extreme House policy proposals in House-Senate negotiations to resolve differences between each chamber's version of the bill.

Under Senate rules, passage of a final conference report, the last step before legislation is presented to the president for his signature or veto, will require 60 votes—an insurmountable hurdle for Republicans in the absence of Democratic support. This bodes well for reaching a pro-family planning outcome in the negotiation to reconcile the diametrically opposite treatment of FP/RH funding and policy in the [House and Senate committee-approved versions](#) of the State-Foreign Operations bill that will take place during the post-election, lame-duck session. **There is no new circumstance that would suggest the final resolution on FP/RH issues will be any different than it has been for the last eight fiscal years—more or less level funding for the bilateral FP/RH programs of the United States Agency for International Development (USAID), an earmarked contribution for the UN Population Fund (UNFPA) under current law restrictions, and no new abortion-related policy provisions, either positive or negative. Status quo—few, if any, changes.**

Responding to President Trump's threat to refuse signing another massive, 12-bill [omnibus spending package](#) as he did back in March, appropriators have produced three, three-bill "minibus" packages with a goal of getting them on the president's desk before the end of the fiscal year on September 30. The three minibus packages divide the bills as follows:

- Energy and Water, Military Construction-Veterans' Administration, and Legislative Branch;
- Defense and Labor-Health and Human Services-Education; and
- Interior and Environment, Financial Services, Transportation-Housing and Urban Development, and Agriculture.

On Monday, House and Senate negotiators agreed on a conference report on the first minibus, which is expected to be approved by the full House and Senate by the end of this week barring disruptions caused by the arrival of Hurricane Florence. Appropriators plan to convene a formal conference committee meeting on the other two packages tomorrow. Prognosticators are forecasting that conference negotiations on the Defense-Labor-HHS-Education minibus, representing more than three-fifths of base discretionary federal spending, may move fairly quickly with less optimism reserved for timely agreement on the third minibus because of controversial environmental riders inserted in the House version of the Interior and Environment bill.

If conferees cannot reach a final agreement on the minibus packages, funding for those federal agencies will be included in the CR that will be necessary to fund the three remaining appropriations bills covering Homeland Security, State-Foreign Operations, and Commerce-Justice-Science beyond September 30.

President Trump remains the wild card in congressional efforts to restore order and efficiency to the appropriations process. Republican congressional leaders have sought to defer contentious debates over Trump's quixotic quest for more border wall funding until after the election, as Trump has publicly mused about his willingness to shut the federal government down over his demands. House Speaker

Paul Ryan and Senate Majority Leader Mitch McConnell are clearly concerned that Trump might precipitate a government shutdown before the election—politically disastrous for Republican incumbents in tough races—reportedly resorting to “[props and flattery](#)” in a meeting at the White House last week. Responsible legislators of both parties should all be on board with the slogan “Make Appropriations Great Again!”