

January 10, 2024

### **Are We There Yet?—Roadblocks to a Smooth Ride to Final Spending Bill**

Remember long car trips as a kid and asking, “Are we there yet?” And the response was usually for you to sit back and be quiet because we’ll get there when we get there. This is good advice to interested observers of congressional efforts to bring the fiscal year (FY) 2024 appropriations process to its final destination. However, the tortured path that Congress has been on for almost a year to finish their work to fund the federal government is not unique in a review of recent years, unfortunately.

On January 19, the president signed a third short-term continuing resolution (CR) ([H.R. 2872](#)) to keep the government open at the same funding levels and maintain the same policy provisions in place during the prior fiscal year ending on September 30, 2023. In the end, there was surprisingly little drama around meeting the previous CR’s Friday midnight expiration deadline—this after House Speaker Mike Johnson (R-LA) had vowed not to push through another CR over the objections of almost exactly half of his Republican caucus. As on the first two CRs, he and his predecessor, Kevin McCarthy (R-CA), had to rely on virtually unanimous Democratic support to offset Republican defections. In this case, 106 Republicans voted no, one less than those who voted to pass the CR. In the end, Speaker Johnson came to recognize that a government shutdown would be damaging to the political fortunes of congressional Republicans, even as it might jeopardize his tenure as Speaker.

The third CR continues the “laddered” approach to appropriations deadlines, with funding for government programs contained in four appropriations subcommittee bills expiring on March 1. The funding in the remaining eight subcommittee bills, including the State Department, Foreign Operations, and Related Programs Act which funds international family planning and reproductive health (FP/RH) programs, expires one week later on March 8, ironically International Women’s Day.

The way forward was set when an agreement on top-line federal spending levels for defense and non-defense discretionary (NDD) spending between Senate Majority Leader Chuck Schumer (D-NY) and Speaker Johnson was unexpectedly announced on Sunday, January 7. The allocations they agreed to are consistent with those contained in the [Fiscal Responsibility Act](#) negotiated between the White House and former Speaker McCarthy to avoid a default on the nation’s debts back in June 2023.

In the lead-up to the announcement of the bicameral agreement, Speaker Johnson argued that even though the debt deal was enacted into law, he was not bound by the allocations for defense and NDD programs since he had not been a party to the earlier agreement. Instead, he pushed for a yearlong CR, which the Democratic leadership and appropriators rejected out of hand because its enactment would decrease defense spending while gutting funding for domestic programs under the funding caps contained in the debt limit deal.

The debt deal was deliberately structured to incentivize the accelerated passage of individual appropriations bills and to avoid CRs funding the government by establishing top-line funding for defense and

NDD spending. The debt deal also set a timetable for action and mandated a reduction of the funding caps through sequestration of funds if Congress failed to complete the FY 2024 appropriations process in a timely fashion. In other words, to reduce the likelihood of Congress ending up in the exact situation in which it now finds itself.

## The Fate of “Poison Pill” Abortion “Riders”

News of the agreement was greeted immediately with hostility from House Freedom Caucus members who have championed deep funding cuts to federal programs and have been waging a right-wing “culture war” through the attachment of extreme policy provisions in all 12 appropriations subcommittee bills. Speaker Johnson sought to assuage their anger by [weakly promising](#) that he had not given up and there was a “path” to getting some of their favored policy “riders” inserted into the final FY 2024 spending package.

But Senate Majority Leader Schumer and House Minority Leader Hakeem Jeffries (D-NY) said in a [January 7th statement](#) that they have “made clear to Speaker Mike Johnson that Democrats will not support including “poison pill” policy changes in any of the twelve appropriations bills put before the Congress.” No new “riders” in the final spending package would be consistent with the bipartisan agreement between Senate Appropriations Chair Patty Murray (D-WA) and Vice Chair Susan Collins (R-ME) that has been honored in the FY 2024 Senate subcommittee bills that have been approved by the committee, including the State Department and foreign operations bill that contains [no new FP/RH policy provisions](#) either positive or negative.

Sticking to the no new “riders” pledge is critical to sexual and reproductive health and rights advocates because the [House-passed](#) State Department and foreign operations bill contains a legislative codification of the Trump iteration of the Global Gag Rule. This expands the eligibility condition to U.S. government support for all global health assistance programs (including HIV/AIDS), and prohibits any U.S. funding to the United Nations Population Fund (UNFPA)—not just the voluntary contribution to UNFPA core programs from within the International and Programs (IO&P) account but any additional funding that might be provided to UNFPA from other accounts in the bill.

In a recent article in [Politico](#), members of the House Freedom Caucus and Republican anti-abortion activists were reported to be coming to the realization that they are likely to be disappointed as anti-abortion policy “riders” contained in a wide spectrum of the subcommittee bills get dropped as the negotiations to reach a final spending deal proceed.

## Hurry Up and Wait

House Speaker Johnson’s initial unwillingness to accept the top-line spending levels contained in the debt deal led to a delay of over a month and a half—from before Thanksgiving and into the new year—preventing any meaningful movement on negotiating the differences between House and Senate versions of the appropriations bills. [Not to absolve the House Republican leadership and its dysfunctional, extremist caucus from blame](#), but lengthy delays in completing the appropriations process and reliance on CRs to keep the federal government operating have become increasingly commonplace in recent years.

Some quick facts on the speed at which Congress has completed the appropriations process for foreign assistance funds since FY 2000, derived from a [more detailed analysis](#) by PAI:

<b>Average delay in final enactment</b>	3.75 MONTHS	Roughly, the third week in January.
<b>Longest delay in final enactment</b>	7 MONTHS	Omnibus was not passed until May 5th in FY 2017—the first Trump administration budget
<b>Average number of CRs required</b>	4 CRs	The highest number required before final enactment was 15 in FY 2001.

Passage of omnibus bills, formally known as consolidated appropriations acts and which contain some or all of the 12 subcommittee bills, has replaced the proper procedural practice of enacting freestanding bills. For example, the last time that a separate State Department and foreign operations subcommittee bill was enacted into law was FY 2006, and since FY 2000, freestanding foreign assistance spending bills have only become law three times in those 24 years.

But the delay in getting to a final FY 2024 spending deal continues to mount. Although there was an agreement on the topline spending numbers on January 7, Senate Appropriations Chair Murray and her House counterpart Kay Granger (R-TX) just finalized the so-called 302(b) allocations, dividing the overall total funding available amongst the 12 subcommittee bills, late Friday evening. Without their 302(b) allocations, the chairs and ranking members of the subcommittees and their staff have been largely unable to begin negotiating final spending levels for the individual programs funded in their bills and the policy provisions that govern them. Some of the delay in setting the subcommittee funding allocations can be attributed to appropriators' preoccupation with high-stakes negotiations over a foreign aid supplemental for Israel, Ukraine, Gaza and the Indo-Pacific that has become enmeshed in the controversy over U.S.-Mexico border security funding and policy.

With valuable time wasting away and a limited number of days when Congress is in session during February before the current CR expires in early March, the FY 2024 appropriations process continues encountering roadblocks that interfere with its timely arrival at its destination. We'll get there when we get there. Stay tuned.