

CRS Report for Congress

Received through the CRS Web

Fiscal Year 1998 Continuing Resolutions

Updated December 1, 1997

Sandy Streeter
Analyst in American National Government, Coordinator
Government Division

Fiscal Year 1998 Continuing Resolutions

Summary

Congress annually considers 13 regular appropriations bills providing funding for agency operations. If any of these bills are not enacted by the start of the fiscal year (October 1), the nonessential activities of the agencies funded in the outstanding bills must cease. In those years in which all 13 bills are not enacted by the deadline, Congress adopts measures continuing funding until the regular bills are enacted. These measures are referred to as *continuing resolutions*.

Enactment of some of the FY1998 regular appropriations bills was delayed for over eight weeks. The delay was primarily due to disputes over certain provisions in the regular appropriations bills and negotiations between Members of Congress and the White House on trade-offs between the appropriations bills and the fast-track trade procedures legislation. This legislation was subsequently withdrawn.

Due to the delay, six short-term FY1998 continuing resolutions were enacted. The first continuing resolution (H.J.Res. 94, P.L. 105-46) provided funding generally at the FY1997 funding levels and expired at midnight October 23. The remaining five continuing resolutions extended the expiration date provided in H.J.Res. 94:

- H.J.Res. 97 (P.L. 105-64) extended funding through midnight November 7;
- H.J.Res. 101 (P.L. 105-68) extended funding through midnight November 9;
- H.J.Res. 104 (P.L. 105-69) extended funding through midnight November 10;
- H.J.Res. 105 (P.L. 105-71) extended funding through midnight November 14;
- and
- H.J.Res. 106 (P.L. 105-84) extended funding through midnight November 26.

The last of the 13 FY1998 regular appropriations bills was enacted on November 26, 1997.

Contents

Status	1
Background	1
Status of FY1998 Regular Appropriations Bills	2
Status of FY1998 Omnibus Appropriations Bill	3
FY1998 Continuing Resolutions	3
Action	3
H.J.Res. 94	6
Securities and Exchange Commission (SEC)	6
Visa Waiver Pilot Program	6
Immigration Adjustment of Status Provision	6
Machine Readable Non-Immigrant Visas	7
District of Columbia	7
Contributions to International Organizations	7
Certain User Fees of the Veterans Health Administration's Medical Care Program	7
National Flood Insurance	7
Overseas Private Investment Corporation (OPIC) and Export-Import Bank (Eximbank)	8
H.J.Res. 97	8
H.J.Res. 101	8
H.J.Res. 104	8
H.J.Res. 105	9
H.J.Res. 106	9
For Additional Reading on FY1998 Appropriations Bills	9

List of Tables

Table 1. Status of FY1998 Continuing Resolutions	5
--	---

Fiscal Year 1998 Continuing Resolutions¹

Status

On November 26, 1997, President Clinton signed the last of the 13 FY1998 regular appropriations bills. On the same day, the final FY1998 continuing resolution (H.J.Res. 106, P.L. 105-84) expired.²

Background

Each year Congress considers 13 regular appropriations bills, which provide funding for agency operations for a fiscal year. Usually, action is not completed on all 13 bills by the start of the new fiscal year on October 1. As a consequence, measures providing for continuing appropriations are enacted to keep the agencies running until all the regular appropriations bills are approved. These measures are usually enacted in the form of joint resolutions, hence the term *continuing resolution*.

If action on one or more regular appropriations measures has not been completed by the October 1 deadline, the agencies funded by these bills must cease nonessential activities due to lack of *budget authority*.³ In November 1995 and again in December 1995 and January 1996, FY1996 continuing resolutions expired and some regular appropriations bills had not been enacted. As a result, nonessential activities stopped and federal workers hired to perform those services were told not to report for duty. In 16 of the past 21 years (FY1977-FY1997), Congress and the

¹ The following analysts contributed to this report: J. Michael Anderson, Keith Bea, Susan Epstein, Ed Knight, William Krouse, James Jackson, Nonna Noto, and Dennis Snook.

² Congress provides funding in appropriations bills by fiscal year, which begin on October 1 and expire the following September 30. Fiscal year 1998 (or FY1998) began on October 1, 1997.

³ Congress provides budget authority (or *BA*) instead of cash to agencies. Budget authority represents the legal authority for federal agencies to make *obligations* requiring either immediate or future expenditures (or *outlays*). These obligations (for example, entering into a contract to construct a ship or purchase supplies) result in outlays, which are payments from the Treasury, usually in the form of checks, electronic funds transfers, or cash disbursements.

For example, an appropriations act might provide \$3 billion in new budget authority for fiscal year 1998 to the Defense Department to construct four ships. That is, the act gives the department legal authority to sign contracts to build the ships. The department cannot commit the government to pay more than \$3 billion. When the contractor is paid, the outlays occur.

President have not completed action on a majority of regular bills by the start of the fiscal year.

Traditionally, continuing resolutions have been used to maintain temporary funding to agencies or programs until all the regular appropriations bills are enacted.⁴ These short-term continuing resolutions provide funding for the outstanding regular appropriations bills until each regular bill is enacted or a specified date is reached.⁵ If all the regular bills are not enacted by the specified date, another continuing resolution is required to continue funding until all are enacted.

The first FY1998 continuing resolution (H.J.Res. 94, P.L. 105-46) covered funding for 12 FY1998 regular appropriations bills and expired on October 23.⁶ By that date, four regular appropriations bills had been enacted and were no longer covered by the continuing resolution. A second continuing resolution (H.J.Res. 97, P.L. 105-64) was enacted to continue funding for the remaining eight outstanding regular appropriations bills through November 7.

Status of FY1998 Regular Appropriations Bills

Enactment of the FY1998 regular appropriations bills was delayed for eight weeks. The delay was primarily due to disputes over certain provisions in the regular appropriations bills, such as school vouchers in the District of Columbia bill, census sampling in the Commerce-Justice-State bill, and family planning in the Foreign Operations bill.⁷ The delay on some of the bills was also the result of negotiations between Members of Congress and the White House on trade-offs between the appropriations bills and the *fast-track trade procedures* legislation.⁸ This legislation was withdrawn from further consideration this year.

On November 26, President Clinton signed the last of the 13 FY1998 regular appropriations bills. The bills are provided below:

- Agriculture (H.R. 2160, P.L. 105-86);
- Commerce-Justice-State (H.R. 2267, P.L. 105-119);
- Defense (H.R. 2266, P.L. 105-56);

⁴ For more information on continuing resolutions, see CRS Report 95-992, *Continuing Appropriations Acts: Brief Overview of Recent Practices*, by Sandy Streeter, and CRS Report 97-611, *Proposals for an Automatic Continuing Resolution*, by Robert Keith.

⁵ The dates may vary.

⁶ One regular appropriations bill (Military Construction, H.R. 2016, P.L. 105-45) was enacted prior to the start of the fiscal year and therefore was not funded by H.J.Res. 94.

⁷ For more information on these issues, see the CRS reports on these bills listed below, *For Additional Reading on the FY1998 Appropriations Bills*.

⁸ This regards congressional procedures for the consideration of non-tariff trade agreements. For more information see, U.S. Library of Congress, Congressional Research Service, *Fast Track for Trade Agreements: Procedural Controls for Congress and Proposed Alternatives*, by Richard S. Beth, CRS Report 97-986 GOV (Washington: October 31, 1997).

- District of Columbia (H.R. 2607, P.L. 105-100);
- Energy and Water Development (H.R. 2203, P.L. 105-62);
- Foreign Operations (H.R. 2159, P.L. 105-118);
- Interior (H.R. 2107, P.L. 105-83);
- Labor-Health and Human Services-Education (H.R. 2264, P.L. 105-78);
- Legislative Branch (H.R. 2209, P.L. 105-55);
- Military Construction (H.R. 2016, P.L. 105-45);
- Transportation (H.R. 2169, P.L. 105-66);
- Treasury, Postal Service, and General Government (H.R. 2378, P.L. 105-61);
and
- Veterans Affairs-Housing and Urban Development (H.R. 2158, P.L. 105-65).

Status of FY1998 Omnibus Appropriations Bill

By November 9, Congress had not completed action on three FY1998 regular appropriations bills: Commerce-Justice-State, District of Columbia, and Foreign Operations. As an alternative to completing action on these individually, the Senate passed an omnibus consolidated regular appropriations bill on November 9.

The Senate adopted a *substitute amendment*⁹ to the House-passed FY1998 District of Columbia regular appropriations bill (H.R. 2607). This substitute amendment included the three bills plus the Foreign Affairs Reform and Restructuring Act of 1997. On November 13, the House adopted amendments to the bill changing certain provisions in the District of Columbia portion of the bill and striking the Foreign Operations, Commerce-Justice-State, and Foreign Affairs Reform Act portions. The three regular appropriations bills were enacted separately, instead of in an omnibus bill.

FY1998 Continuing Resolutions

Action

Since enactment of some of the FY1998 regular appropriations bills was delayed for over eight weeks, six short-term continuing resolutions were enacted to provide time to complete action on the regular bills.

⁹ The substitute amendment replaced the House-passed language with an entirely new text.

The first continuing resolution (H.J.Res. 94, P.L. 105-46) continued funding for the outstanding FY1998 regular appropriations bills at generally the FY1997 funding levels and provided some additional provisions (see below, *H.J.Res 94*). This measure expired at midnight October 23. Five additional short-term continuing resolutions were enacted extending the deadline in H.J.Res. 94:

- H.J.Res. 97 (P.L. 105-64) extended funding through midnight November 7;
- H.J.Res. 101 (P.L. 105-68) extended funding through midnight November 9;
- H.J.Res. 104 (P.L. 105-69) extended funding through midnight November 10;
- H.J.Res. 105 (P.L. 105-71) extended funding through midnight November 14;
and
- H.J.Res. 106 (P.L. 105-84) extended funding through midnight November 26.

For information on congressional and presidential action on these measures, see **Table 1**.

Table 1. Status of FY1998 Continuing Resolutions

Measure	House Report	House Adoption	Senate Report	Senate Adoption	Conference Report	Conf. Report Approval		Public Law
						House	Senate	
H.J.Res. 94	a	9/29/97 (355-57)	—	9/30/97 (99-0)	—	—	—	9/30/97 P.L. 105-46
H.J.Res. 97	b	10/22/97 (Voice)	—	10/23/97 (100-0)	—	—	—	10/23/97 P.L. 105-64
H.J.Res.101	c	11/7/97 (Voice)	—	11/7/97 (UC ^d)	—	—	—	11/7/97 P.L. 105-68
H.J.Res.104	e	11/9/97 (UC ^d)	—	11/9/97 (UC ^d)	—	—	—	11/9/97 P.L. 105-69
H.J.Res.105	f	11/10/97 (UC ^d)	—	11/10/97 (UC ^d)	—	—	—	11/10/97 P.L. 105-71
H.J.Res. 106	g	11/13/97 (UC ^d)	—	11/13/97 (UC ^d)	—	—	—	11/14/97 P.L. 105-84

^a On September 26, the House agreed to Chairman Livingston's unanimous consent request to discharge the Appropriations Committee from further consideration of the measure, instead of the Appropriations Committee reporting the measure to the House.

^b On October 22, the House adopted a special rule (H.Res. 269) that provided for consideration of H.J.Res. 97. This had the effect of discharging the Appropriations Committee from further consideration of the measure.

^c On November 7, the House Appropriations Committee was discharged from further consideration of the measure by unanimous consent.

^d The measure was adopted by unanimous consent.

^e On November 9, the House Appropriations Committee was discharged from further consideration of the measure by unanimous consent.

^f On November 10, the House Appropriations Committee was discharged from further consideration of the measure by unanimous consent.

^g On November 13, the House Appropriations Committee was discharged from further consideration of the measure by unanimous consent.

H.J.Res. 94

On September 26, 1997, House Appropriations Committee Chairman, Representative Bob Livingston, introduced the first FY1998 continuing resolution (H.J.Res. 94). This measure continued the FY1997 appropriations until midnight October 23, or until each appropriations bill was enacted, if earlier. The House adopted the measure without amendment on September 29, as did the Senate on September 30. President Clinton signed it into law on September 30 (P.L. 105-46).

H.J.Res. 94 provided funding at generally FY1997 levels. In those cases in which President Clinton requested funds to continue an FY1997 appropriation and the House- and Senate-passed bills did not provide funding, the spending level was established at either the level requested by the President or the FY1997 level, whichever was lower.¹⁰ In cases in which both President Clinton requested and the House- and Senate-passed bills provided less funding than the FY1997 level, the spending level was the *higher* of the three.

Section 104 of H.J.Res. 94 prohibited new initiatives or projects.¹¹ Section 112 restricted high distribution of funds at the beginning of the fiscal year to states, foreign countries, and grantees. H.J.Res. 94 also included separate provisions on the following subjects.

Securities and Exchange Commission (SEC). Section 113 allowed the SEC to use fee collections in addition to the direct appropriations provided in the formula described above.

Visa Waiver Pilot Program. The Visa Waiver Pilot Program (VWPP) allows aliens traveling from certain designated countries to enter the United States as temporary visitors without having all of the immigration documents that are normally required. This program was scheduled to expire on September 30, 1997; Section 117 extended it to October 23, 1997, or the enactment of applicable legislation, whichever came first.¹²

Immigration Adjustment of Status Provision. Section 245(i) of the Immigration and Nationality Act allows certain aliens who have entered the United States without inspection, overstayed their visa, or worked in the United States without authorization, but who are otherwise eligible for admission, to adjust status to legal permanent residence without leaving the country, provided they pay a \$1,000

¹⁰ The *House- and Senate-passed bills* referred to bills passed of October 1, 1997. In the case of the FY1998 District of Columbia bill, it referred to the bills as reported by the House and Senate Appropriations Committees. Neither the House nor Senate had passed the District of Columbia bill.

¹¹ Section 102 prohibited similar initiatives in the Defense Department.

¹² For further information on pending legislation, see CRS Report 97-309, *Immigration: Visa Waiver Pilot Program*, by Ruth Ellen Wasem.

penalty fee. This program was scheduled to sunset on September 30, 1997. Section 123 extended this program temporarily to October 23, 1997.¹³

Machine Readable Non-Immigrant Visas. Section 116 authorized the State Department to continue to charge a fee for processing machine readable non-immigrant visas and border crossing identification cards, and deposit the fees collected with the State Department. The department may use these fees to fund specified activities. These fees were to remain available until expended.

District of Columbia. The District had planned to receive the full authorized federal contribution of \$190 million on or near October 1 in order to help repay outstanding Treasury advances (of approximately \$223 million for FY1997) that came due on that date. Section 115 provided for the District to receive funding for the programs authorized under the Revitalization Act. This included the federal contribution to the operations of the nation's capital. The base (full-year) amount was the higher of the following three amounts: the President's request and the House and Senate FY1998 District of Columbia regular appropriations bills amounts. The money was to be distributed at the above level, multiplied by the ratio of the number of days (23) divided by 365. To accommodate the cash-flow problem that the partial payment of the federal contribution would cause the District, Section 119 of H.J.Res. 94 also provided that the District government could delay repayment of the 1997 Treasury advances beyond October 1, 1997, until it received the full-year federal contribution.

Contributions to International Organizations. Section 114 provided funding for the State Department's International Organizations and Conferences, Contributions to International Organizations, through October 23, 1997, at the FY1997 level, multiplied by the ratio of the number of days (23) divided by 365. The FY1997 level for the above account was \$1,244.4 million. This number times $23/365 = \$78.4$ million.

Certain User Fees of the Veterans Health Administration's Medical Care Program. The Balanced Budget Act of 1997 (P.L. 105-33) authorized the Veterans Affairs Department (VA) to spend funds it collects from health insurance plans, instead of transferring those funds to the Treasury. The funds reflect the cost of VA medical services given to veterans for nonservice-connected conditions that would have been covered by the plans if the veterans received the services through private health care providers. Previously the VA was required to transfer the funds, after subtracting collection costs. Section 120 of H.J.Res. 94 gave VA the authority to incur administrative expenses that would previously have been subtracted from collections, thereby allowing this new cost recovery program to start at the beginning of the fiscal year.

¹³ For further information on pending legislation and related issues, see CRS Report 97-515, *Immigration and Naturalization Service's FY1998 Budget*, by William J. Krouse, and CRS Report 97-295, *Immigration: New Consequences of Illegal Presence*, by Larry Mark Eig.

National Flood Insurance. The National Flood Insurance Act of 1968, as amended, authorizes the federal government to make insurance available for residents of communities in flood prone areas. Generally, private insurers do not offer flood insurance due to concerns that catastrophic disasters could result in insolvency. Section 118 extended the authority of the Federal Insurance Administration (part of the Federal Emergency Management Agency) to issue flood insurance contracts.

Overseas Private Investment Corporation (OPIC) and Export-Import Bank (Eximbank). Sections 121 and 122 extended the funding authority for the OPIC and the Eximbank, respectively, through October 23, 1997.

H.J.Res. 97

On October 21, Chairman Livingston introduced H.J.Res. 97. On October 22, the House adopted the measure without amendment and the Senate began floor consideration of the House-adopted measure. On October 23, the Senate adopted the measure without amendment and President Clinton signed it (P.L. 105-64).

This measure simply extended funding provided in H.J.Res. 94 through midnight November 7. In addition, H.J.Res. 97 extended the expiration dates to November 7 for the Immigration Adjustment of Status Provisions, National Flood Insurance, and Export-Import Bank.

H.J.Res. 101

On November 7, Chairman Livingston introduced H.J.Res. 101. On the same day, both the House and Senate adopted the measure without amendment and President Clinton signed it (P.L. 105-68).

This measure extended funding originally provided in H.J.Res. 94 through midnight November 9. In addition, H.J.Res. 101 extended the expiration dates to November 7 for the Immigration Adjustment of Status Provisions and Export-Import Bank. It did not extend the expiration date for National Flood Insurance since this issue was addressed in the recently enacted FY1998 Veterans Affairs-Housing and Urban Development regular appropriations bill (H.R. 2158, P.L. 105-65).

H.J.Res. 104

On November 9, Chairman Livingston introduced H.J.Res. 104. On the same day, both the House and Senate adopted the measure without amendment and President Clinton signed it (P.L. 105-69). This measure amended H.J.Res. 94 by extending the expiration dates provided in H.J.Res. 101 through midnight November 10.

H.J.Res. 105

On November 9, Chairman Livingston introduced H.J.Res 105. On November 10, both the House and Senate adopted the measure without amendment and President Clinton signed it (P.L. 105-71). This measure amended H.J.Res. 94 by extending the expiration dates provided in H.J.Res. 101 through midnight November 14.

H.J.Res. 106

On November 13, Chairman Livingston introduced H.J.Res. 106. On the same day, both the House and Senate adopted the measure without amendment and, on November 14, President Clinton signed it (P.L. 105-84). This measure amended H.J.Res. 94 by extending the expiration dates provided in H.J.Res. 101 through midnight November 26.

For Additional Reading on FY1998 Appropriations Bills**Agriculture, Rural Development, Food and Drug Administration, and Related Agencies**

CRS Report 97-201, *Appropriations for FY1998: U.S. Department of Agriculture*, by Ralph M. Chite.

Commerce, Justice, State, the Judiciary, and Related Agencies

CRS Report 97-209, *Appropriations for FY1998: Commerce, Justice, State, the Judiciary, and Related Agencies*, coordinator, Edward Knight.

CRS Report 97-432, *State Department and Related Agencies FY1998 Appropriations*, by Susan B. Epstein.

Defense

CRS Report 97-294, *Defense Budget for FY1998: Data Summary*, by Stephen A. Daggett and Mary T. Tyszkiewicz.

CRS Report 97-205, *Appropriations for FY1998: Defense*, by Stephen A. Daggett.

District of Columbia

CRS Report 97-213, *Appropriations for FY1998: District of Columbia*, by Nonna A. Noto.

Energy and Water Development

CRS Report 97-233, *The Department of Energy FY1998 Research and Development Budget Issues*, by Richard E. Rowberg.

CRS Report 97-207, *Appropriations for FY1998: Energy and Water Development*, by Marc Humphries and Carl Behrens.

Foreign Operations, Export Financing, and Related Agencies

CRS Report 97-211, *Appropriations for FY1998: Foreign Operations, Export Financing, and Related Programs*, by Larry Q. Nowels.

Interior and Related Agencies

CRS Report 97-332, *Department of the Interior Budget Request for FY1998*, by Alfred R. Greenwood.

CRS Report 97-206, *Appropriations for FY1998: Interior*, by Alfred R. Greenwood.

Labor, Health and Human Services, Education, and Related Agencies

CRS Report 97-203, *Appropriations for FY1998: Labor, Health and Human Services, and Education*, coordinator, Paul Irwin.

CRS Report 97-288, *Medicare: FY1998 Budget*, by Jennifer O'Sullivan, Celinda Franco, and Richard Price.

CRS Report 97-446, *Federal Budget: Spending in the 1998 Budget*, by Dawn M. Nuschler.

CRS Report 97-448, *Means Tested Programs in the FY1998 Budget: Historic Perspective*, by Mary Reintsma.

CRS Report 97-492, *Federal Budget: 1996 Social Program Spending*, by Dawn M. Nuschler.

Legislative Branch

CRS Report 97-212, *Legislative Branch Appropriations for FY1998*, by Paul E. Dwyer.

Military Construction

CRS Report 97-210, *Appropriations for FY1998: Military Construction*, by Mary T. Tyszkiewicz.

Transportation

CRS Report 97-208, *Appropriations for FY1998: Department of Transportation and Related Agencies*, co-coordinators, Paul F. Rothberg and Duane Thompson.

Treasury, Postal Service, and General Government

CRS Report 97-202, *Appropriations for FY1998: Treasury, Postal Service, Executive Office of the President, and General Government*, coordinator, Sylvia Morrison.

Veterans Affairs, Housing and Urban Development, and Independent Agencies

CRS Report 97-204, *Appropriations for FY1998: VA, HUD, and Independent Agencies*, coordinator Susan Vanhorenbeck.

CRS Issue Brief 97019, *Environmental Protection Agency: FY1998 Budget*, by Martin R. Lee.

CRS Report 97-634, *The National Aeronautics and Space Administration: An Overview With FY1997 and FY1998 Budget Summaries*, by David P. Radzanowski.

Note: Federal agencies may receive funds from more than one appropriations bill.

