As readers may or may not have noticed, Congress is attempting pass an enormous omnibus spending bill to (a) keep the government open, (b) fund the agencies through September 2023, and (c) stuff as many stray policy cats and dogs as possible into the last legislative train leaving the congressional station. Or, as Gordon Gray says in a more matter-of-fact tone:

- “The fiscal year 2023 Consolidated Appropriations Act (CAA) provides $1.7 trillion in discretionary funding for federal agencies.
- The bill includes just over $85 billion in combined supplemental funding for disaster recovery efforts and support for the defense of Ukraine.
- The bill provides an increase of $69.3 billion for the Department of Defense, and somewhat departs from the practice of matching defense increases with non-defense increases.
- The CAA also includes additional policy changes, including to the process for presidential elections, retirement policy, and most significantly from a budgetary perspective, the deferral of a $138 billion funding cut due to Statutory Pay-As-You-Go.”

The notable policy changes that made it into the CAA begin with the Electoral Count Reform Act, and they clarify some statutory elements of the process of presidential elections. The CAA also has the SECURE 2.0 Act, which has a variety of changes at the edges of retirement savings policy. Finally, the CAA admits failure on the budgetary front by eliminating the need to have a sequestration (across-the-board cut) of $742 billion. As Gray puts it: “There is nowhere near that much funding eligible for sequestration under current law, however, meaning the actual cut would be closer to $138 billion—but even that appears to be too much deficit reduction for congressional appetites. Congress has thus deferred this spending cut until 2025, at which point the theoretical cut would be about $1.5 trillion.”

Perhaps what is even more notable is the of list things that did not get into the CAA. There is no tax policy to extend elements of the 2017 tax act or some variant of the child tax credit. There is no immigration reform of any type. There is no federal law covering the banking rules for those legally participating in the cannabis trade. Trade policy got left on the cutting room floor, as did many other seeming priorities.

It has been widely noted that this is a terrible way to do legislating, and that is correct. Its only virtue is that it is better than failing entirely. Let us all hope that Congress aims a bit higher in the future.