Insight

What's a "CR"?

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Executive Summary

- The federal budget process establishes an orderly pathway for funding the federal government through 12 appropriations acts that are supposed to be considered and enacted separately, with careful and specific funding decisions made therein.
- Congress has completed this process on time only 4 times in over 40 years.
- Congress instead often relies on a stopgap measure known as a continuing resolution, more often than not shorthanded to "CR."
- As legislation, CRs are simple – typically just an across-the-board formulaic adjustment to all federal spending.

Introduction

A continuing resolution (CR) is the legislative equivalent of cruise control – it sets spending levels for federal agencies by essentially just referencing past spending levels and adjusting them, or simply maintaining current spending levels. CRs typically serve as stopgap legislation to keep agencies funded while Congress debates full-year appropriations acts. CRs usually include additional minor programmatic adjustments known as anomalies, and as a rare legislative vehicle that will become law, frequently includes additional program extensions and other congressional priorities.

The Anatomy of a Continuing Resolution

Ideally, the 15 departments and other agencies that comprise the federal government would be funded well in advance of the end of the fiscal year. Indeed, the Congressional Budget Act, which sets forth a nice, orderly timeline beginning with the introduction of the president's budget in February, followed by the timely adoption of a congressional budget

resolution by April, leaving Congress with 5 months to debate, amend, and enact 12 funding bills for executive, legislative, and judicial branch agency operations. This almost never happens; Congress has enacted all stand-alone appropriations bills on time only 4 times in 44 years. Of note, it used to take 13 appropriations acts – a reflection of the 13 subcommittees of the standing House and Senate Appropriations Committees – to fund the federal government. Changes to the structure of these committees in the early and mid-2000s eventually brought the number of subcommittees, and in turn the number of stand-alone appropriations acts, down to 12. Congress has not enacted all 12 appropriations acts since fiscal year (FY) 1997, however. Instead, Congress has relied on CRs to keep agency operations funded. Since FY1998, Congress has enacted 125 CRs to keep federal agencies funded.

In simplest form, a CR merely references expiring appropriations acts for the relevant agencies and essentially extends them. Sometimes the extension can include a percentage increase, or it could simply hold the funding rate steady, as was the case in the most recently enacted CR. Specifically, the CR Congress enacted on September 30 appropriated "Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2021…" followed by the relevant references.[1] Congress usually has to do some housekeeping, however, and often makes changes around the edges to agency budgets by adjusting funding or making other programmatic changes to specific budget accounts. These changes are known as anomalies.

"Must-Pass" Legislation

While not an ironclad rule, members of both parties typically try to avoid government shutdowns. A CR provides a quick-and-dirty legislative solution to keeping federal agencies operating, without delving into the policy debates that presumably makes enacting full appropriations acts a challenge. They are therefore often viewed as "must-pass" legislation. Since congressional legislating is a rare event, policy initiatives are often bundled into legislation that eventually must be signed into law. For example, the congressional majority attempted to enact a debt limit suspension in the most recent CR. Congress tacked on two additional supplemental funding bills – one related to the Afghanistan withdrawal and one providing disaster assistance funding – to the CR. Additionally, Congress often includes program extensions and reauthorizations in CRs. For example, in the most recent CR, Congress extended policies related to federal appointments, school lunches, and fentanyl, among other policies.

Conclusion

The modern Congress serially fails to abide by the federal budget process set forth in the

Congressional Budget Act, and instead often relies on stopgap legislation to avoid (more) federal government shutdowns. While CRs serve a useful purpose in providing Congress with an expeditious avenue for keeping agencies funded, they fall short of the detailed and deliberate policy choices that full agency appropriations acts contain.

[1] https://www.congress.gov/117/bills/hr5305/BILLS-117hr5305enr.pdf