

INDIVISIBLE

Legislative Process 101—Continuing Resolutions (Or “Doing The Bare Minimum”)

The federal government’s funding runs from October 1st through September 30th of the following year. This is called the **fiscal year**. If September 30th comes and Congress hasn’t passed all of its appropriations bills, the federal government shuts down until they get their act together.

If Congress is simply taking too long and the September 30th deadline is looming, MoC’s can give themselves an extension called a **continuing resolution (or “CR”)**, maintaining current funding levels until they can actually pass spending bills. *[Important note: all of this refers to **discretionary** spending, not mandatory spending. You can learn more about this distinction in our appropriations primer found [here](#).]*

SO WHAT IS A CR?

CRs are basically Congress doing the bare minimum: taking the funding levels from the most-recently-passed appropriations bill, and extending them for as long as needed. They can last a few hours, or a few months, or a full year—however long Congress needs in order to reach agreement on appropriations for the rest of the year.

But how do we get to that point? In the best of circumstances (or what’s referred to as “[regular order](#),”) Congress passes 12 appropriations acts every year, each of which funds part of the government for the coming fiscal year.

The problem is, this rarely happens nowadays. In fact, the last time Congress went through ‘regular order’ and passed all of its appropriations bills on time was Fiscal Year 1997. (Yes, 20 years ago!) So when the system breaks down, and Congress can’t agree on funding levels, it uses CRs to keep government open.

ARE CRS A GOOD WAY TO GOVERN?

Not really. Typically, the gist of a CR is this: don’t do anything new; don’t do anything controversial; just keep the lights on until we can make final decisions. But like almost every household, organization, or business, your government functions best when it can plan for the long term.

Federal agencies generally try to budget several years in advance. This helps ensure, among other things, that agencies can negotiate better deals when they enter into contracts. It’s also especially important to agencies that oversee construction or procurement projects—for example, buying fighter jets or building highways. An ill-timed CR can make these best-laid plans go awry.

To illustrate this, imagine for a second that you’re a project manager in charge of building a new Veterans Affairs (VA) clinic. You’ve budgeted several years in advance: this year, all you need is a little money to finish blueprints. Next year, however, you will start construction, and that’s going to cost a lot more. For the project to stay on-track and under budget, you need Congress to appropriate millions of dollars for the project in this year’s appropriations bill.

So what happens when Congress can’t agree, and enacts a CR instead?

CRS: WASTED TIME, WASTED MONEY

Most CRs include a provision intended to prohibit ‘new starts,’ or the initiation of activities that weren’t funded in the past year. This is supposed to preserve Congress’s prerogative to decide the fate of projects while they mull over full-year appropriations bills.

But if you’re the project manager, and your construction project is a “new start,” you might be in big trouble. Unless your agency quietly negotiates with MoCs to secure a special “anomaly” in the CR to appropriate the needed funds, your project probably can’t move forward during the CR period.

That means, depending on how long the CR lasts, construction can’t start. That disrupts your timeline for construction, which disrupts your timeline for purchasing equipment, which disrupts your timeline for hiring. Now, you need to redo all of your price estimates and timelines, and hope Congress follows through next time they try to pass an appropriations bill. Sorry!

ARE CRS ALWAYS THAT BAD?

Fortunately (or unfortunately) agencies have gotten used to CR uncertainty, and typically make Plan Bs in case CRs disrupt their plans. But even this sort of contingency planning is problematic.

For example, a [2009 United States Government Accountability Office \(GAO\) report](#) exposed several instances where CRs disrupted agency operations—delaying contract awards, deferring hiring and training, unnecessarily increasing redundant work, and costing taxpayers more money in the long-term.

This all can sound abstract, but the impacts are very real. In one case cited by GAO, an agency delayed awarding a contract during a CR period in order to reserve money for more pressing needs. After the CR, when the contract was finally awarded, the cost for the work had increased by \$5.4 million—taxpayer dollars, down the drain.

BUT CRS ARE BETTER THAN A SHUTDOWN!

As bad as CRs can be, they are far better, less expensive, and less disruptive than government shutdowns.

As reference, it has been estimated that the 2013 government shutdown resulted in \$24 billion in lost economic output. That’s a lot of money. So if the choice is shutdown or CR, a CR is almost always the better option.

HOW CAN I RESIST THE TRUMP AGENDA WITH THIS KNOWLEDGE?

Congress hasn’t been so good at agreeing to things recently, so it’s likely that we’ll see more than a few CRs in the coming years. As CRs are drafted and come up for votes, it’s critical that you stay vigilant and hold your MoC accountable for what’s in them.

Call your MoC and let them know what programs are important to you. Be persistent, get the facts, and remind them that CRs are a band-aid: OK in the short-term, but not a long-term answer. Government works best when it isn’t lurching from crisis to crisis, and Americans deserve a Congress that can do more than the bare minimum to keep the lights on.

Also, CRs, like any spending bills, are magnets for [policy riders](#)—often-nasty amendments that members try to attach to spending bills, both to enact bad policy and to obstruct the appropriations process. Ask your MoC not to support riders in spending bills and in CRs

What riders should you watch for? There are some common riders that members often try to attach to spending bills. The ones to look out for include:

- » Defunding Planned Parenthood and other family planning initiatives
- » Additional funding for Trump's Deportation Force, including his border wall, detention facilities, and more ICE agents
- » Restricting federal funding for cities that take up sanctuary policies
- » Defunding the EPA and other climate protection programs

You can read more about policy riders [here](#).