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Duration of Continuing Resolutions in Recent Years

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Summary

Continuing appropriations acts, commonly known as *continuing resolutions*, have been an integral component of the annual appropriations process for decades. Whenever action on one or more of the regular appropriations acts for a fiscal year is incomplete as the end of a congressional session nears, one issue that arises is the appropriate duration of any period for which continuing resolutions will be used.

Continuing resolutions may have a relatively short duration in the expectation that action on the regular appropriations acts will be concluded within several days or weeks. Alternatively, continuing resolutions may have a longer duration to postpone final action on appropriations decisions until after elections or into the beginning of the next congressional session. Finally, a continuing resolution may provide funding for the remainder of the fiscal year.

The duration of a continuing resolution refers to the period for which continuing appropriations are made available for the use of agencies. (Legislative provisions, as opposed to funding provisions, contained in a continuing resolution may remain in effect for a longer period, even as permanent law.) The period ends either upon enactment of the applicable regular appropriations act or on an expiration date specified in the continuing resolution, whichever occurs first.

Over the past half century, the timing patterns for congressional action on regular appropriations acts have varied considerably, but tardy enactment has been a recurring problem. Consequently, during the 54-year period covering FY1952-FY2005, Congress enacted continuing resolutions for all but five fiscal years.

Full-year continuing resolutions provide funding for one or more of the regular appropriations acts for the remainder of the fiscal year. They represent a determination by Congress to abandon any further efforts to enact separately any unfinished regular appropriations acts for the fiscal year, and to bring the annual appropriations process for that year to a close (except for the later consideration of supplemental appropriations acts).

While Congress has employed full-year continuing resolutions on many occasions, it has not done so consistently over time. For each of the 11 fiscal years covering FY1978-FY1988, Congress enacted a full-year continuing resolution. Three years later, Congress enacted another full-year continuing resolution, for FY1992. Since that time, no full-year continuing resolutions have been enacted.

During the past eight fiscal years (FY1998-FY2005), Congress provided funding under continuing resolutions for an average each year of nearly three months (81.4 days). The period for which continuing appropriations were provided in these eight years ranged from 21 days to 143 days. On average, each of the 64 continuing resolutions enacted during this period lasted for 10.2 days.

This report will be updated as developments warrant.

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Duration of Continuing Resolutions In Recent Years

Continuing appropriations acts, commonly known as *continuing resolutions*, have been an integral component of the annual appropriations process for decades. Whenever action on the regular appropriations acts for a fiscal year is incomplete as the end of a congressional session nears, one issue that arises is the most appropriate duration of any period for which continuing resolutions will be used.

Continuing resolutions may have a relatively short duration in the expectation that action on the regular appropriations acts will be concluded within several days or weeks. Alternatively, continuing resolutions may have a longer duration to postpone final action on appropriations decisions until after elections or into the beginning of the next congressional session. Finally, a continuing resolution may provide funding for the remainder of the fiscal year.

This report provides information on congressional practices with respect to the duration of continuing resolutions, including the use of full-year measures, and focuses particularly on the period covering FY1997-FY2005.

Features of Continuing Resolutions

The routine activities of most federal agencies are funded by means of annual appropriations provided in one or more of the regular appropriations acts.¹ When action on the regular appropriations acts is delayed, Congress turns to one or more continuing appropriations acts to provide stop-gap funding.² In the absence of regular appropriations, the failure to enact continuing appropriations in a timely manner results in a funding gap. Funding gaps usually require that affected federal agencies shut down and furlough many of their employees.³

Continuing appropriations acts commonly are referred to as *continuing resolutions* (or CRs) because usually they provide continuing appropriations in the form of a joint resolution rather than a bill. Occasionally, however, continuing appropriations are provided in bill form.

¹The number of regular appropriations acts varied between 11 and 14 during the past half century, but was fixed at 13 for the period covering FY1968-FY2005. Realignment of the House and Senate Appropriations subcommittees at the beginning of the 109th Congress is expected to reduce the number of regular appropriations acts beginning with FY2006.

²For general information, see CRS Report RL30343, *Continuing Appropriations Acts: Brief Overview of Recent Practices*, by Sandy Streever.

³Exceptions are made under law so that activities for certain authorized purposes, such as protecting property and the safety of human life, may continue during a funding gap.

In most of the years in which continuing resolutions have been used, a series of two or more have been enacted into law. Continuing resolutions may be designated by their order (e.g., *first* continuing resolution, *second* continuing resolution, and so on) or, after the initial continuing resolution has been enacted, designated merely as a *further* continuing resolution.

The duration of a continuing resolution refers to the period for which continuing appropriations are made available for the use of agencies. (Legislative provisions, as opposed to funding provisions, contained in a continuing resolution may remain in effect for a longer period, even as permanent law.) The period ends either upon enactment of the applicable regular appropriations act or on an expiration date specified in the continuing resolution, whichever occurs first. The duration of a continuing resolution may vary for different agencies covered thereunder as an agency's regular appropriations act is enacted and its coverage under the continuing resolution ceases. In addition, a continuing resolution may contain an expiration date for one or more agencies or programs that differs from the one that applies generally to the covered agencies and programs.

Section 107 of P.L. 108-84 (117 Stat. 1043), the first continuing resolution for FY2004 (which began on October 1, 2003), set the duration of the measure at 31 days:

Sec. 107. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 31, 2003, whichever first occurs.

Oftentimes, subsequent continuing resolutions simply will replace the expiration date in the preceding continuing resolution with a new one. For example, Section 1 of the second continuing resolution for FY2004, P.L. 108-104 (117 Stat. 1200), stated that "Public Law 108-84 is amended by striking the date specified in Section 107(c) and inserting 'November 7, 2003'." This action extended the duration of the preceding continuing resolution by seven days.

Based upon their duration, continuing resolutions may be classified as either partial-year or full-year measures. Partial-year continuing resolutions provide funding for periods usually measured in days or weeks, while full-year continuing resolutions provide funding through September 30 of the next congressional session, the last day of the fiscal year.

By enacting a series of partial-year continuing resolutions, Congress secures increments of time for itself to complete action on some or all of the remaining regular appropriations acts before ending the congressional session. The duration of the continuing resolutions may be shortened, sometimes to a single day, to keep pressure on legislators to conclude their business, or may be lengthened to weeks to accommodate lengthy negotiations or congressional recesses. In some cases,

continuing resolutions have carried over into the next session when Congress wanted to postpone making difficult political or policy decisions. Finally, when it does not seem likely that one or more of the regular appropriations acts for a fiscal year will be enacted separately, a full-year continuing resolution may be used to complete legislative action.

Continuing resolutions usually fund activities under a formula-type approach that provides spending at a restricted level, such as “at a rate for operations not exceeding the current rate” (i.e., generally equivalent to the total amount of appropriations provided for the prior fiscal year). The amount of funding available for particular activities often is increased when the regular appropriations act subsequently is enacted. Congress is not bound by these conventions in determining funding levels, however, and there have been several variations in practice in continuing resolutions over the years.

In addition, continuing resolutions generally do not allow new activities to be initiated. Instead, funding usually is available only for activities conducted during the past year, and existing conditions and limitations on program activity are retained.

Persistent Need for Continuing Resolutions

Over the past half century, the timing patterns for congressional action on regular appropriations acts have varied considerably, but tardy enactment has been a recurring problem. Consequently, during the 54-year period covering FY1952-FY2005, Congress enacted continuing resolutions for all but five fiscal years.

In an effort to reduce the reliance on continuing resolutions, the Congressional Budget Act of 1974 lengthened the time available for Congress to act on annual appropriations measures by moving the start of the fiscal year back three months, from July 1 to October 1.⁴ Procedures under the act first were implemented fully for FY1977. During the preceding 25 fiscal years, covering FY1952-FY1976, Congress did not once enact all of the regular appropriations acts on time. As a result, one or more continuing resolutions were enacted each year during this period, except for FY1953.⁵

The change made by the 1974 act in the start of the fiscal year yielded immediate results — all 13 of the regular appropriations acts for FY1977 were enacted on time. (Despite this achievement, two continuing resolutions were enacted to fund certain unauthorized programs that had been excluded from the regular appropriations acts.) The initial success was short-lived, and congressional reliance on continuing resolutions has persisted in the ensuing years.

⁴Section 501 (88 Stat. 321) of P.L. 93-344; July 12, 1974. This section later was replaced by the Federal Credit Reform Act of 1990, but the start of the fiscal year remains October 1 (see 31 U.S.C. 1102).

⁵Although regular appropriations measures for FY1953 were enacted into law after the start of the fiscal year on July 1, 1952, no continuing appropriations were provided. Section 1414 of P.L. 82-547 (July 15, 1952), a supplemental appropriations measure for FY1953, resolved the legalities arising from the tardy enactment of appropriations for that year.

After FY1977, all of the regular appropriations acts were enacted on time in only three other instances — for FY1989, FY1995, and FY1997. Consequently, one or more continuing resolutions were needed each year during this period, except for these three fiscal years.

In most years, more than one continuing resolution was needed as Congress worked to complete action on the regular appropriations acts. The number of continuing resolutions enacted for a fiscal year during the period covering FY1977-FY2005 ranged from zero to 21. On average, about five continuing resolutions were enacted each year during this interval.

Use of Full-Year Continuing Resolutions

Full-year continuing resolutions provide funding for one or more of the regular appropriations acts for the remainder of the fiscal year (i.e., through June 30 for FY1976 and prior years, and through September 30 for FY1977 and subsequent years). They represent a determination by Congress to abandon any further efforts to enact separately any unfinished regular appropriations acts for the fiscal year, and to bring the annual appropriations process for that year to a close (except for the later consideration of supplemental appropriations acts).

While Congress has employed full-year continuing resolutions on many occasions, it has not done so consistently over time. Prior to the full implementation of the 1974 Congressional Budget Act for FY1977, full-year continuing resolutions were used periodically. Full-year continuing resolutions, for example, were enacted for four of the six preceding fiscal years (FY1971, FY1973, FY1975, and FY1976).⁶

Following the successful completion of action on the regular appropriations acts for FY1977, Congress returned to the use of full-year continuing resolutions for more than a decade. For each of the 11 fiscal years following FY1977, covering FY1978-FY1988, Congress enacted a full-year continuing resolution. Three years later, Congress enacted another full-year continuing resolution, for FY1992. Since that time, no full-year continuing resolutions have been enacted.

Table 1 identifies the 12 full-year continuing resolutions enacted since FY1977.

Nine of the 12 full-year continuing resolutions were enacted in the first quarter of the fiscal year — three in October, two in November, and four in December. Three of them, however, were enacted during the following session, between March 31 and June 5.

As **Table 1** shows, full-year continuing resolutions enacted during the first five years of this period were relatively short measures, ranging in length from one to four pages in the *Statutes-at-Large*. Beginning with FY1983 and extending through

⁶The full-year continuing resolution for FY1976, P.L. 94-254, provided funding through the end of the fiscal year (June 30, 1976) as well as through the end of a “transition quarter” (Sept. 30, 1976) made necessary by the change in the start of the fiscal year from July 1 to October 1.

FY1988, however, the measures became much lengthier, ranging in length from 19 to 451 pages (averaging 244 pages). The number of regular appropriations acts covered by continuing resolutions for the full fiscal year changed as well. Initially, the number of covered acts ranged from one to five (averaging 2.4), but beginning with FY1983 and extending through FY1988, the number of covered acts ranged from four to 13 (averaging 8.7).

Table 1. Full-Year Continuing Resolutions: FY1978-FY1992

Fiscal Year	Public Law Number	Enactment Date	Page Length (Statutes-at-Large)	Number of Regular Appropriations Acts Covered for the Full Year
1978	95-205	12-09-77	2	1
1979	95-482	10-18-78	4	1
1980	96-123	11-20-79	4	2
1981	97-12	06-05-81	2 ^a	5
1982	97-161	03-31-82	1	3
1983	97-377	12-21-82	95	7
1984	98-151	11-14-83	19	4
1985	98-473	10-12-84	363	8
1986	99-190	12-19-85	142	7
1987	99-591	10-30-86	391	13
1988	100-202	12-22-87	451	13
1989	[none]	—	—	—
1990	[none]	—	—	—
1991	[none]	—	—	—
1992	102-266	04-01-92	8	1

a. Full-year continuing appropriations for FY1981 were provided as part of a supplemental appropriations act (H.R. 3512); see Title IV, “Further Continuing Appropriations,” at 95 Stat. 96-97.

The greater page length of full-year continuing resolutions enacted for the period covering FY1983-FY1988 may be explained by two factors. First, full-year continuing resolutions enacted prior to FY1983 generally established funding levels by a formulaic reference to pending regular appropriations acts. With regard to a specific appropriations act, for example, funding levels may have been keyed to the lesser of the amounts provided in the House-passed or Senate-passed versions of the act. Beginning with FY1983, however, Congress largely abandoned the use of formulaic references to establish funding levels. Instead, the full text of some or all

of the covered regular appropriations acts usually was incorporated into the full-year continuing resolution, thereby increasing its length considerably. Secondly, the number of regular appropriations acts covered by full-year continuing resolutions, as mentioned previously, increased significantly during the FY1983-FY1988 period.

The full-year continuing resolution for FY1978, P.L. 96-205, provided funding for activities under the District of Columbia Appropriations Act for the entire year at the “current rate.” Accordingly, the level of funding for FY1978 was maintained under the continuing resolution at the FY1977 level. On the other hand, full-year continuing resolutions after FY1978 generally provided higher funding levels than would have been allowed under the current rate, either by a formulaic reference to pending regular appropriations acts for the new fiscal year or by incorporating the full text of such acts.

Recent Congressional Practices (FY1997-FY2005)

Continuing resolutions were an important element of the annual appropriations process during the last nine fiscal years, covering FY1997-FY2005. As shown in **Table 2**, a total of 64 continuing resolutions were enacted into law during the period. This reflects an average of 8.0 measures enacted per year, excluding FY1997 (when no continuing resolutions were needed). Excluding FY1997, the number of continuing resolutions enacted per year ranged from three (for FY2005) to 21 (for FY2001).

In the eight years for which continuing resolutions were enacted, Congress provided funding by such means for an average each year of nearly three months (81.4 days). The period for which continuing appropriations were provided in these eight years ranged from 21 days to 143 days. On average, each of the 64 continuing resolutions enacted lasted for 10.2 days.⁷ No full-year continuing resolutions were used during this period.

In the first four instances, the expiration date in the final continuing resolution was set in the first quarter of the fiscal year, on a date occurring between October 21 and December 21. The expiration date in the final continuing resolution for the next three fiscal years, however, was set in the following session on a date occurring between January 1 and February 20. The expiration date for the last fiscal year shown in the table, FY2004, was in the first quarter of the fiscal year (December 8).

Figure 1 presents a representation of both the number and duration of continuing resolutions for FY1997-FY2005. As the figure shows, there is no significant correlation between these two variables. Six continuing resolutions were enacted for both FY1998 and FY1999, but the same number of measures lasted for a period of 57 days for FY1998 and only 21 days for FY1999. The largest number of continuing resolutions enacted for a single fiscal year during this period — 21 for FY2001 — covered a period lasting 82 days, at an average duration of 3.9 days per

⁷The fifth continuing resolution enacted for FY2004, P.L. 108-185, did not change the expiration date of Jan. 31, 2004, set in the preceding continuing resolution.

act; the smallest number enacted — five for FY2004 (excluding FY1997) — covered a much longer period of time, 123 days, at an average duration of 24.6 days per act.

**Table 2. Number and Duration of Continuing Resolutions:
FY1997-FY2005**

Fiscal Year	Number of Acts	Duration in Days^a	Average Duration for Each Act	Final Expiration Date
1997	0	0	0	—
1998	6	57	9.5	11-26-1997
1999	6	21	3.5	10-21-1998
2000	7	63	9.0	12-02-1999
2001	21	82	3.9	12-21-2000
2002	8	93	11.6	01-01-2002
2003	8	143	17.9	02-20-2003
2004	5 ^b	123	24.6	01-31-2004
2005	3	69	23.0	12-08-2004
Total	64	651	—	—
Annual average, excluding FY1997	8.0	81.4	10.2	December 21

a. Duration is measured, in the case of the initial continuing resolution for a fiscal year, from the first day of the year (October 1). For subsequent continuing resolutions for a fiscal year, duration is measured from the expiration date of the preceding continuing resolution.

b. The fifth continuing resolution for FY2004 did not change the expiration date of January 31, 2004, established in the preceding continuing resolution.

Figure 1 also shows considerable mix in the use of shorter-term and longer-term continuing resolutions for a single fiscal year. For FY2001, for example, 21 continuing resolutions covered the first 82 days of the fiscal year. The first 25 days were covered by a series of four continuing resolutions lasting between five and eight days each. The next 10 days, a period of intense legislative negotiations leading up to the national elections on November 7, 2000, were covered by a series of 10 one-day continuing resolutions.

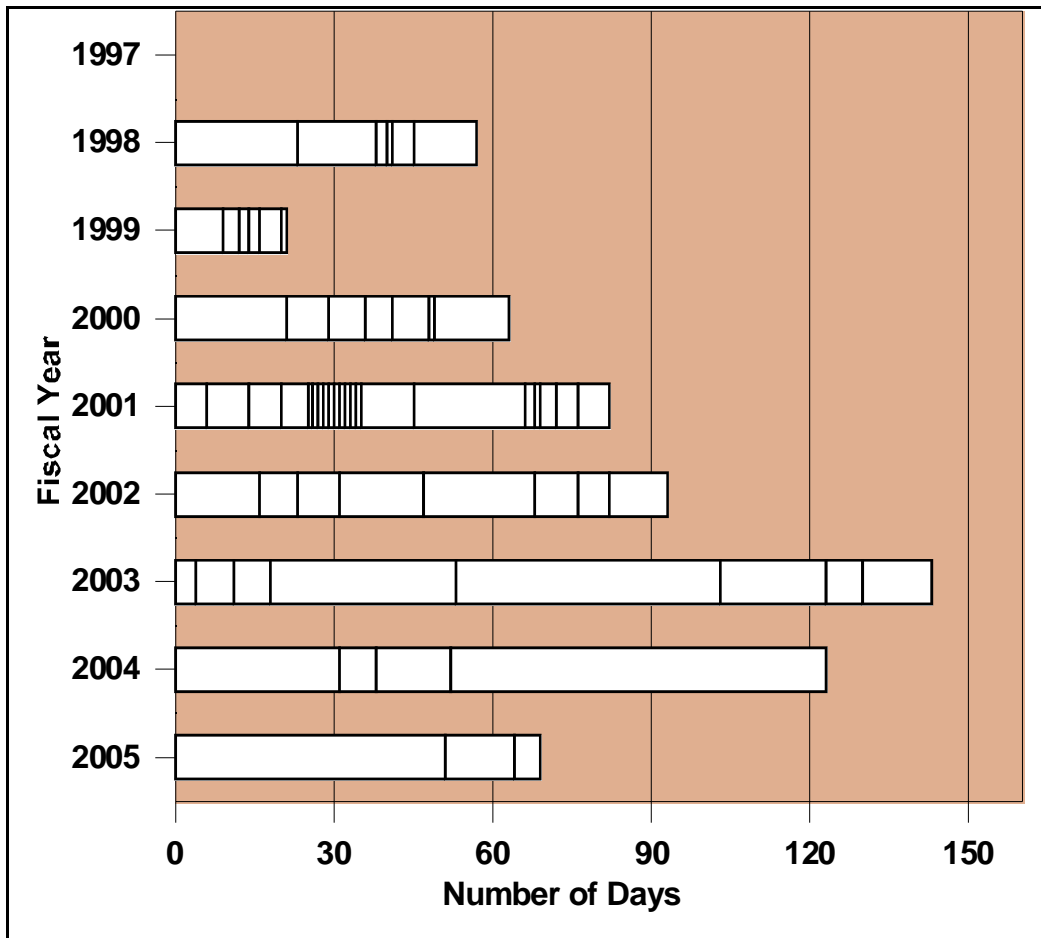
The next 31 days were covered by only two continuing resolutions, the first lasting 10 days and the second lasting 21 days. The first continuing resolution was enacted into law on November 4, the Saturday before the election, and extended through November 14, the second day of a lame-duck session. The second

continuing resolution was enacted into law on November 15; it expired on December 5, 10 days before the lame-duck session ended.

The remaining five continuing resolutions, which ranged in duration from one to six days, covered the remainder of the lame-duck session and several days beyond (as the final appropriations legislation passed by Congress was processed for the President’s approval).

Table 3 provides more detailed information on the number and duration of continuing appropriations acts enacted for FY1997-FY2005.

Figure 1. Duration of Continuing Resolutions: FY1997-FY2005



Note: Each segment of a bar for a fiscal year represents the duration of one continuing resolution. The left-most segment represents the first continuing resolution, effective beginning on October 1 (the start of the fiscal year). For FY1997, no continuing resolutions were necessary; therefore, the duration is zero days. Duration is measured, in the case of the initial continuing resolution for a fiscal year, from the first day of the year. For subsequent continuing resolutions for a fiscal year, duration is measured from the expiration date of the preceding continuing resolution.

**Table 3. Detailed Information on Continuing Resolutions:
FY1997-FY2005**

Fiscal Year	Public Law No.	<i>Statutes-at-Large</i> Citation	Enactment Date	Expiration Date	Duration in Days^a
1997	[none]	—	—	—	—
1998	105-46	111 Stat. 1153-1158	09-30-97	10-23-97	23
	105-64	111 Stat. 1343	10-23-97	11-07-97	15
	105-68	111 Stat. 1453	11-07-97	11-09-97	2
	105-69	111 Stat. 1454	11-09-97	11-10-97	1
	105-71	111 Stat. 1456	11-10-97	11-14-97	4
	105-84	111 Stat. 1628	11-14-97	11-26-97	12
1999	105-240	112 Stat. 1566-1571	09-25-98	10-09-98	9
	105-249	112 Stat. 1868	10-09-98	10-12-98	3
	105-254	112 Stat. 1888	10-12-98	10-14-98	2
	105-257	112 Stat. 1901	10-14-98	10-16-98	2
	105-260	112 Stat. 1919	10-16-98	10-20-98	4
	105-273	112 Stat. 2418	10-20-98	10-21-98	1
2000	106-62	113 Stat. 505-509	09-30-99	10-21-99	21
	106-75	113 Stat. 1125	10-21-99	10-29-99	8
	106-85	113 Stat. 1297	10-29-99	11-05-99	7
	106-88	113 Stat. 1304	11-05-99	11-10-99	5
	106-94	113 Stat. 1311	11-10-99	11-17-99	7
	106-105	113 Stat. 1484	11-18-99	11-18-99	1
	106-106	113 Stat. 1485	11-19-99	12-02-99	14
2001	106-275	114 Stat. 808-811	09-29-00	10-06-00	6
	106-282	114 Stat. 866	10-06-00	10-14-00	8
	106-306	114 Stat. 1073	10-13-00	10-20-00	6
	106-344	114 Stat. 1318	10-20-00	10-25-00	5
	106-358	114 Stat. 1397	10-26-00	10-26-00	1
	106-359	114 Stat. 1398	10-26-00	10-27-00	1
	106-381	114 Stat. 1450	10-27-00	10-28-00	1

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Fiscal Year	Public Law No.	<i>Statutes-at-Large</i> Citation	Enactment Date	Expiration Date	Duration in Days^a
	106-388	114 Stat. 1550	10-28-00	10-29-00	1
	106-389	114 Stat. 1551	10-29-00	10-30-00	1
	106-401	114 Stat. 1676	10-30-00	10-31-00	1
	106-403	114 Stat. 1741	11-01-00	11-01-00	1
	106-416	114 Stat. 1811	11-01-00	11-02-00	1
	106-426	114 Stat. 1897	11-03-00	11-03-00	1
	106-427	114 Stat. 1898	11-04-00	11-04-00	1
	106-428	114 Stat. 1899	11-04-00	11-14-00	10
	106-520	114 Stat. 2436-2437	11-15-00	12-05-00	21
	106-537	114 Stat. 2562	12-05-00	12-07-00	2
	106-539	114 Stat. 2570	12-07-00	12-08-00	1
	106-540	114 Stat. 2571	12-08-00	12-11-00	3
	106-542	114 Stat. 2713	12-11-00	12-15-00	4
	106-543	114 Stat. 2714	12-15-00	12-21-00	6
2002	107-44	115 Stat. 253-257	09-28-01	10-16-01	16
	107-48	115 Stat. 261	10-12-01	10-23-01	7
	107-53	115 Stat. 269	10-22-01	10-31-01	8
	107-58	115 Stat. 406	10-31-01	11-16-01	16
	107-70	115 Stat. 596	11-17-01	12-07-01	21
	107-79	115 Stat. 809	12-07-01	12-15-01	8
	107-83	115 Stat. 822	12-15-01	12-21-01	6
	107-97	115 Stat. 960	12-21-01	01-01-02	11
2003	107-229	116 Stat. 1465-1468	09-30-02	10-04-02	4
	107-235	116 Stat. 1482	10-04-02	10-11-02	7
	107-240	116 Stat. 1492-1495	10-11-02	10-18-02	7
	107-244	116 Stat. 1503	10-18-02	11-22-02	35
	107-294	116 Stat. 2062-2063	11-23-02	01-11-03	50
	108-2	117 Stat. 5-6	01-10-03	01-31-03	20
	108-4	117 Stat. 8	01-31-03	02-07-03	7

Fiscal Year	Public Law No.	<i>Statutes-at-Large</i> Citation	Enactment Date	Expiration Date	Duration in Days^a
	108-5	117 Stat. 9	02-07-03	02-20-03	13
2004	108-84	117 Stat. 1042-1047	09-30-03	10-31-03	31
	108-104	117 Stat. 1200	10-31-03	11-07-03	7
	108-107	117 Stat. 1240	11-07-03	11-21-03	14
	108-135	117 Stat. 1391	11-22-03	01-31-04	71
	108-185	117 Stat. 2684	12-16-03	[n/a] ^b	—
2005	108-309	118 Stat. 1137-1143	09-30-04	11-20-04	51
	108-416	118 Stat. 2338	11-21-04	12-03-04	13
	108-434	118 Stat. 2614	12-03-04	12-08-04	5

- a. Duration is measured, in the case of the initial continuing resolution for a fiscal year, from the first day of the year (October 1). For subsequent continuing resolutions for a fiscal year, duration is measured from the expiration date of the preceding continuing resolution.
- b. P.L. 108-185 contained provisions affecting funding levels for two specified programs, but did not contain a provision affecting the expiration date of January 31, 2004, established in the preceding continuing resolution (P.L. 108-135).