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In Brief: CRS Resources on the FY2014 Funding Gap, Shutdown, and Status of Appropriations

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Contents

Introduction.....	1
Congressional Research Service Products on Funding Gaps.....	1
CRS Products on Shutdowns, Generally	2
CRS Products Regarding the Potential Effects of a Shutdown on a Specific Policy Area or Agency.....	2
CRS Reports on Continuing Resolution Measures.....	4
CRS Report on Legislative Procedure	4

Contacts

Author Contact Information.....	5
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Introduction

When federal government agencies and programs lack budget authority, they experience a “funding gap” (sometimes referred to as funding lapses). Under the Antideficiency Act (31 U.S.C. § 1341 et seq.), they must cease operations, except in certain circumstances. When there is a funding gap that affects many federal entities, the situation is often referred to as a government shutdown.

This report provides an annotated list of Congressional Research Service (CRS) resources and analyses relevant to

- the funding gap that commenced on October 1, 2013, and terminated on October 17, 2013, with the enactment of P.L. 113-46, a continuing appropriations measure providing appropriations through January 15, 2014;
- historical funding gaps; and
- continuing appropriations measures.

On the subject of government shutdowns, congressional staff who wish to contact CRS experts should refer to CRS Report R41723, *Funding Gaps and Government Shutdowns: CRS Experts*.

Status information on pending regular appropriations and continuing appropriations measures and links to related CRS analytical products is available via the FY2014 CRS Status Table of Appropriations at <http://www.crs.gov/Pages/AppropriationsStatusTable.aspx>. Information on FY2014 Continuing Resolution measures are available by clicking on the “Continuing Resolutions” tab in the table.

CRS reports on regular appropriations measures and component reports on particular programs and agency appropriations are available at <http://crs.gov/Pages/clis.aspx?cliid=73&preview=False>.

Congressional Research Service Products on Funding Gaps

The following CRS products include information related to federal funding gaps. Federal funding gaps without a “shutdown” may be distinguished from actual shutdown events that occur when federal agencies are required to shut down their activities. For example, if a funding gap occurs, but is likely to be resolved over a weekend and federal agencies do not implement contingency plans or take actions to furlough employees, no shutdown would take place.

- **Funding Gaps History.** CRS Report RS20348, *Federal Funding Gaps: A Brief Overview*, by Jessica Tollestrup.

Brief Description: This report briefly covers funding gaps that have occurred since FY1977, including those related to the two shutdowns in FY1996 as well as the current FY2014 government shutdown.

- **Historical Contexts for Funding Gaps.** CRS Congressional Distribution Memorandum, *The Historical Policy Context for the FY1977-FY1996 Funding Gaps: Excerpts from Government and Media Sources*, co-coordinated by Jessica Tollestrup and Jared Nagel, October 7, 2013. This memorandum is available on request from the authors, either Jessica Tollestrup at 7-0941 or via e-mail at jtollestrup@crs.loc.gov, or Jared Nagel at 7-2468 or via e-mail at jnagel@crs.loc.gov.

Brief Description: This memorandum provides background on the historical policy context for the 17 funding gaps that occurred between FY1977 and FY1996.

CRS Products on Shutdowns, Generally

The following CRS reports include information related to the current government shutdown and previous federal funding gaps and shutdowns.¹

- **CRS Subject Matter Experts Listing.** CRS Report R41723, *Funding Gaps and Government Shutdowns: CRS Experts*, coordinated by Clinton T. Brass.

Brief Description: In the event of a funding gap, the potential impacts of a government shutdown would depend on a program's or agency's specific circumstances and, furthermore, how relevant law is interpreted. This report provides a listing of CRS experts who cover major programs and agencies normally funded by regular appropriations bills.

- **Shutdown Overview.** CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by Clinton T. Brass.

Brief Description: This report discusses the causes, processes, and effects of federal government shutdowns, including potential issues for Congress.

- **Past Government Shutdowns.** CRS Report R41759, *Past Government Shutdowns: Key Resources*, by Jared C. Nagel and Justin Murray.

Brief Description: This report provides an annotated list of historical documents and other resources related to several past government shutdowns.

CRS Products Regarding the Potential Effects of a Shutdown on a Specific Policy Area or Agency

- **Affordable Care Act (ACA) Implementation.** CRS Report R43246, *Affordable Care Act (ACA) and the Appropriations Process: FAQs Regarding Potential Legislative Changes and Effects of a Government Shutdown*, coordinated by C. Stephen Redhead.

¹ OMB has a website with links to agency shutdown contingency plans arranged by agency. This website, entitled Agency Contingency Plans, is available at <http://www.whitehouse.gov/omb/contingency-plans>.

Brief Description: This report specifically discusses the impact of a government shutdown on ACA implementation.

- **Department of Defense (DOD) Operations.** CRS Report R41745, *Government Shutdown: Operations of the Department of Defense During a Lapse in Appropriations*, by Amy Belasco and Pat Towell.

Brief Description: This report takes into account the unanimous passage on September 30, 2013, of the Pay Our Military Act, P.L. 113-39. The act provides appropriations that would pay all active-duty military and activated reservists, as well as those DOD civilians and contractor personnel whom the Secretary of Defense determines provide support to active-duty military personnel.

- **Department of Homeland Security (DHS) Operations.** CRS Report R43252, *FY2014 Appropriations Lapse and the Department of Homeland Security: Impact and Legislation*, by William L. Painter.

Brief Description: This report examines the DHS contingency plan and the potential impacts of a lapse in annual appropriations on DHS operations, focusing primarily on the emergency furlough of personnel, and then discusses several legislative vehicles that have mitigated or have the potential to mitigate those impacts.

- **Department of State Operations.** CRS Congressional Distribution Memorandum, *Potential Impacts of a Lapse in Appropriations on the Department of State*, by Alex Tiersky, October 3, 2013. The memorandum is available on request from the author at 7-7367 or via e-mail at atiersky@crs.loc.gov.

Brief Description: This memorandum focuses on the Department of State contingency plan and the potential impacts of a shutdown on Department of State operations.

- **Federal Emergency Management Agency (FEMA) Operations.** CRS Congressional Distribution Memorandum, *FEMA Disaster Response During a Government Shutdown*, by Fran McCarthy, October 7, 2013. This memorandum is available on request from the author at 7-9533 or via e-mail at fmccarthy@crs.loc.gov.

Brief Description: This memorandum discusses FEMA's past practices during federal shutdowns and current agency guidance, including how the current situation could potentially affect disaster operations.

- **Federal Judiciary Operations.** CRS Congressional Distribution Memorandum, *Government Shutdown: Possible Effects on Federal Judiciary Operations*, by Barry McMillion and Matt Glassman, September 26, 2013. This memorandum is available on request from the authors, either Barry McMillion at 7-6025 or via e-mail at bmcmillion@crs.loc.gov, or Matt Glassman at 7-3467 or via e-mail at mglassman@crs.loc.gov.

Brief Description: This memorandum discusses potential effects of a shutdown on the federal judiciary.

- **Government Procurement.** CRS Report R42469, *Government Procurement in Times of Fiscal Uncertainty*, by Kate M. Manuel and Erika K. Lunder.

Brief Description: This report analyzes the government's contractual rights and how it could use these rights during a shutdown.

CRS Reports on Continuing Resolution Measures

The following CRS reports include information and procedural analysis of continuing resolution measures and automatic continuing resolutions, which would include P.L. 113-39, the Pay Our Military Act, enacted on September 30, 2013.

- **Overview of Continuing Resolution (CR) Components.** CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

Brief Description: This report provides overview information on the frequency, structure, and content of continuing appropriations measures. Data in this report cover the period FY1997 to FY2013, but not the current fiscal year.

- **Automatic CRs.** CRS Report R41948, *Automatic Continuing Resolutions: Background and Overview of Recent Proposals*, by Jessica Tollestrup.

Brief Description: This report provides an analysis of measures formulated to provide spending authority under specified conditions, such as a funding gap. It includes information on P.L. 113-39, the measure enacted in the 113th Congress to provide funding to pay certain personnel in the Armed Forces, Department of Defense, and Department of Homeland Security.

CRS Report on Legislative Procedure

A complete listing of CRS products on legislative procedure is available via the CRS Congressional Operations website at <http://www.crs.gov/Analysis/CongOps.aspx>.

The following CRS report may be helpful in providing overview information on the legislative process and aspects of the process that may be relevant to the current situation for FY2014 appropriations.

- *Congressional Appropriations Process.* CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by Jessica Tollestrup.

Brief Description: This report provides a general description of the appropriations process and addresses such topics as the annual nature of the budget cycle, the distinction between regular and continuing appropriations, and House and Senate rules that apply to the consideration of appropriations measures.

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