

WebMemo



Published by The Heritage Foundation

No. 1633

September 24, 2007

Budget Delays Should Not Cause Government Shutdowns

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With Congress once again set to miss the October 1 deadline for funding the government for the next fiscal year, Senator Jim DeMint (R-SC) and Representative Jeb Hensarling (R-TX) have proposed the Government Shutdown Prevention Act.¹ The bill would ensure that delays in passing spending bills would not result in a government shutdown. The current system of relying on continuing resolutions wastes time and tax dollars and jeopardizes important government services.

Problems with the Current System. Congress has enacted all required spending bills by the fiscal new year in only three of the past 30 years; in only 8 of the past 30 years did Congress complete on time one-quarter of the bills.² When Congress misses the deadline, it must pass continuing resolutions to keep the government running at current spending levels until the final bills are passed. This system has several problems.

First, continuing resolutions are time consuming. In the 27 years that Congress missed its deadline, Members ended up having to write, debate, and vote on an average of 5 separate continuing resolutions over a matter of weeks. In 2001, Congress enacted 21 continuing resolutions. This time would be better spent completing the actual bills.

Second, failure to pass continuing resolutions can lead to government shutdowns. In the winter of 1995/1996, President Clinton and the Republican Congress could not agree on the terms of a continuing resolution. Without any appropriated money to spend, several federal agencies were forced to tem-

porarily shut down. The media focuses much attention on the closing of national parks, but shutdowns can also jeopardize government benefits and services for those who depend on them.

Third, congressional leaders use the mere threat of government shutdowns to manipulate lawmakers into supporting whatever spending bills are brought to the floor before the annual deadline. Over the past few years, this tactic has eased the passage of several large, wasteful, pork-laden omnibus bills. Frustrated lawmakers feared that taking the time to amend (or even read) these important bills would risk a government shutdown.

The Automatic Continuing Resolution. The Government Shutdown Prevention Act is simple. It would mandate that, for any spending bills not completed by October 1, the affected agencies would stay open and operate at the lowest of three funding levels—the previous year's budget, the current House-passed spending bill, and the current Senate-passed bill. With such a rule in place, gimmicks, games, or riders could not be used to manipulate the process or force a government shutdown. Congress could get on with its business of passing a budget, and Americans who depend on government

This paper, in its entirety, can be found at:
www.heritage.org/Research/Budget/wm1633.cfm

Produced by the Thomas A. Roe Institute
for Economic Policy Studies

Published by The Heritage Foundation
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Washington, DC 20002-4999
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services would not be held hostage to Congress's annual spending debates.

Remarkably, some Democratic lawmakers oppose the bill. Senate Majority Whip Dick Durbin (D-IL) asserted that the threat of government shutdowns speeds up the budget process, saying, "If there is anything we need, it is the pressure to finish on time. If we are under pressure, it is more likely we will respond to it."³ He does not explain why, despite the perennial threat of government shutdowns, Congress has missed its deadline for 27 of the past 30 fiscal years.

The more likely reason for Democratic opposition is that congressional leaders could no longer use the threat of a government shutdown to force through bloated spending bills. This year, the Democratic-led House has passed spending bills that would increase non-war discretionary spending by a steep 9.5 percent. President Bush has threatened to veto these bills, which exceed his proposed 6.8 percent spending increase by \$22 billion. With only

a few days left before the October 1 fiscal new year, not a single spending bill has made it through the conference committee and arrived on the President's desk; most likely, the process will take months to resolve. Opposition to an automatic continuing resolution reveals a willingness on the part of the Democratic majority to keep the government shutdown option open in order to force through bloated spending bills.

Conclusion. This legislation should not be controversial. Lawmakers on both sides of the aisle should never be told that having the time to improve—or even read—vital spending legislation is too much to ask. An automatic continuing resolution would help lawmakers rationally complete spending bills, cut down on bloat, and prevent Americans who rely on government services from becoming victims of congressional gridlock.

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1. These bills have not had numbers assigned to them as of yet.
 2. Sandy Streever, "The Congressional Appropriations Process: An Introduction" CRS Report 97-684 GOV, Updated September 8, 2006.
 3. Alexander Bolton, "Republican Legislation Would Prevent Another Shutdown," *The Hill*, September 19, 2007.