

CRS Report for Congress

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Federal Funding Gaps: A Brief Overview

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The routine activities of most federal agencies are funded annually by one or more of the 13 regular appropriations bills. When action on the regular appropriations bills is delayed, a *continuing resolution* (CR) is used to provide interim funding. During the past 48 years, CRs have been enacted for all but four fiscal years (FY1953, 1989, 1995, and 1997). For some fiscal years, a series of as many as six CRs have been enacted.

The Antideficiency Act (31 *U.S.C.* 1341-1342, 1511-1519) generally bars agencies from continued operation in the absence of appropriations. Exceptions are made under the act for activities involving “the safety of human life or the protection of property.” The interval during the fiscal year when agency appropriations are not enacted into law, either in the form of a regular appropriations act or a CR, is referred to as a *funding gap*. Although funding gaps may occur at the start of the fiscal year (on October 1), they also may occur any time a CR expires and another CR (or the regular appropriations bill) is not enacted immediately thereafter. Also, multiple funding gaps may occur for a fiscal year.

In 1980 and 1981, Attorney General Benjamin Civiletti issued opinions clarifying the need for federal agencies to begin terminating regular activities immediately upon the occurrence of a funding gap. Consequently, when a funding gap occurs, the federal government begins a *shutdown* of the affected agencies. A shutdown entails the prompt furlough of nonemergency personnel and curtailment of agency activities, including the provision of most services to the public. The general practice of the federal government over the years has been to pay furloughed employees, after the shutdown has ended, for time missed, even when no work was performed.

As **Table 1** shows, there were 17 funding gaps during the 23 fiscal years from FY1977-1999, ranging in duration from one to 21 full days. Six of the seven lengthiest funding gaps, lasting between 8 and 17 days, occurred between FY1977 and FY1980, before the Civiletti opinions were issued. After the issuance of these opinions, the duration of funding gaps shortened considerably (ranging from one to three days, with the longer gaps occurring over the weekend). However, a five-day and a 21-day funding gap for FY1996 occurred in late 1995 and early 1996, due to unusually difficult and protracted negotiations between the President and Congress over budget and appropriations issues.

Table 1. Appropriations Funding Gaps: FY1977-1999

Fiscal year	Date gap commenced¹	Full day(s) of gaps	Date gap terminated²
1977	Thursday, 09-30-76	10	Monday, 10-11-76
1978	Friday, 09-30-77 Monday, 10-31-77 Wednesday, 11-30-77	12 8 8	Thursday, 10-13-77 Wednesday, 11-09-77 Friday, 12-09-77
1979	Saturday, 09-30-78	17	Wednesday, 10-18-78
1980	Sunday, 09-30-79	11	Friday, 10-12-79
1981	---	---	---
1982	Friday, 11-20-81	2	Monday, 11-23-81
1983	Thursday, 09-30-82 Friday, 12-17-82	1 3	Saturday, 10-02-82 Tuesday, 12-21-82
1984	Thursday, 11-10-83	3	Monday, 11-14-83
1985	Sunday, 09-30-84 Wednesday, 10-03-84	2 1	Wednesday, 10-03-84 Friday, 10-05-84
1986	---	---	---
1987	Thursday, 10-16-86	1	Saturday, 10-18-86
1988	Friday, 12-18-87	1	Sunday, 12-20-87
1989	---	---	---
1990	---	---	---
1991	Friday, 10-05-90	3	Tuesday, 10-09-90
1992	---	---	---
1993	---	---	---
1994	---	---	---
1995	---	---	---
1996	Monday, 11-13-95 Friday, 12-15-95	5 21	Sunday, 11-19-95 Saturday, 01-06-96
1997	---	---	---
1998	---	---	---
1999	---	---	---

¹ Gap commenced at midnight of the date indicated.

² Gap terminated during the date indicated due to the enactment of further continuing resolutions or regular appropriations acts.