

Sample Negative Brief

NEG: Don't Pass Government Shutdowns Act

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Strategy Notes

Government shutdowns frequently hit the news and spark widespread fear. However, this brief attempts to temper this reaction by demonstrating two facts:

1. The impact of government shutdowns is often short and inconsequential; and
2. The affirmative team's solution to this problem, creating automatic continuing resolutions (ACRs), would remove power from the hands of the American people's elected legislators, thus harming responsible and representative government.

To this end, a negative team has many available arguments:

First, government shutdowns are relatively rare and usually minor affairs. While national parks may be closed for a weekend, the vast majority of government services continue operating as usual in the absence of an appropriations bill. Only four shutdowns of any consequence have occurred over the past forty years, and the effects of those on federal employees, while momentarily disruptive, were temporary.

Second, the status quo ensures that the appropriations process is controlled by Congress, which already possesses all of the necessary mechanisms to avoid a shutdown. The budget process is controlled by the people's representatives, and, if they struggle to agree, they can vote to pass a CR to prolong the budgetary deadline. However, ACRs are likely to disincentivize Congress from bothering to take responsibility for discretionary spending and thus allow taxpayers' dollars to be spent with little congressional oversight.

Third, ACRs are a nightmare for financial responsibility. If funding continues at the same levels as the previous fiscal year, then temporary programs and positions which are no longer needed could continue to be funded to the tune of hundreds of billions of taxpayer dollars. Worse, agencies may lack the necessary resources to tackle new problems that arise in the upcoming fiscal year. Government agencies will be largely static, hindered in their abilities to adapt to constantly changing situations.

While the affirmative team may argue that shutdowns are costly and disruptive to federal employees, remind the audience that long shutdowns are an anomaly—most are short and partial—and that undermining Congress's constitutionally mandated duty is not an appropriate solution to congressional partisanship and dysfunction.

To augment this brief, further research into the unnecessary rigidity caused by ACRs, the deeper causes of budgetary disagreements, and the importance of congressional oversight for the budget (e.g. the principle of no taxation without representation) would be a good place to start.



Significance

Essential Services Continue Amid Shutdowns

1. Public Safety Programs Untouched by Shutdowns

According to the Committee for a Responsible Federal Budget on September 18, 2024, “Government Shutdowns Q&A: Everything You Should Know.” Committee for a Responsible Federal Budget. https://www.crfb.org/sites/default/files/media/documents/QAShutdowns_Sept_2024.pdf. Accessed March 11, 2025. (The Committee for a Responsible Federal Budget is a nonpartisan, non-profit organization committed to educating the public on issues with significant fiscal policy impact.)

“Essential services – many of which are related to public safety – continue to operate, with payments covering any obligations incurred only when appropriations are enacted. In prior shutdowns, border protection, in-hospital medical care, air traffic control, law enforcement, and power grid maintenance have been among the services classified as essential, while some legislative and judicial staff have also been largely protected. Mandatory spending not subject to annual appropriations, such as for Social Security, Medicare, and Medicaid, also continues. Other examples of activities that continue are those funded by permanent user fees that are not subject to appropriations, such as immigration services funded by visa fees. Certain programs that are funded through advance appropriations, such as those within the Veterans Health Administration, have been minimally affected during recent shutdowns.”

2. Mandatory Spending Remains During a Shutdown

The Bipartisan Policy Center wrote on September 17, 2024, “What Happens if the Government Shuts Down?” Bipartisan Policy Center. <https://bipartisanpolicy.org/explainer/what-happens-if-the-government-shuts-down/>. Accessed March 11, 2025. (The Bipartisan Policy Center is a Washington, D.C.–based think tank that promotes bipartisanship. The organization aims to combine ideas from both the Republican and Democratic parties to address challenges in the United States such as those around energy and the national debt.)

“Not all parts of the federal government are affected by a shutdown. Major programs and benefits like Social Security and Medicare are generally unaffected because Congress has approved these programs to spend without an expiration date—what is known as ‘mandatory spending.’ Mandatory spending makes up \$7 of every \$10 spent by the federal government.”

Impact: Almost 70% of federal spending is entirely unaffected by all shutdowns, even if all 12 appropriations bills lapse. Thus, the important services from the federal government that affect most Americans in their day-to-day lives are not significantly disrupted.



Shutdowns Are Rare and Short

3. Not All Shutdowns Are Full

David Wessel, a senior fellow in Economic Studies at the Brookings Institute, argued on March 23, 2024, “What is a government shutdown?” The Brookings Institute.
<https://www.brookings.edu/articles/what-is-a-government-shutdown-and-why-are-we-likely-to-have-another-one/>. Accessed March 11, 2025. (David Wessel is a senior fellow in Economic Studies at Brookings and director of the Hutchins Center on Fiscal and Monetary Policy, the mission of which is to improve the quality of fiscal and monetary policies and public understanding of them. He joined Brookings in December 2013 after 30 years on the staff of *The Wall Street Journal* where, most recently, he was economics editor and wrote the weekly Capital column.)

“Under the Antideficiency Act (initially passed in 1884 and amended in 1950), federal agencies cannot spend or obligate any money without an appropriation (or other approval) from Congress. When Congress fails to enact the 12 annual appropriation bills, federal agencies must cease all non-essential functions until Congress acts. This is known as a government shutdown. If Congress enacts some but not all of the 12 appropriations bills, only agencies without appropriations have to shut down; this is known as a partial shutdown.”

Impact: If Congress passes 11 out of 12 appropriations bills but has trouble with 1, this would still be considered a government shutdown. Many shutdowns do occur in this partial manner and thus not all are equally impactful. Some are relatively minor affairs, and avoiding the lapse of 1-2 appropriations bills accomplishes little.

4. Only 4 Significant Federal Shutdowns

According to the Committee for a Responsible Federal Budget on March 5, 2025, “Government Shutdowns Q&A: Everything You Should Know.”
<https://www.crfb.org/papers/government-shutdowns-qa-everything-you-should-know#howmanytimes>. Accessed March 11, 2025. (The Committee for a Responsible Federal Budget is a nonpartisan, non-profit organization committed to educating the public on issues with significant fiscal policy impact.)

“There have now been four ‘true’ shutdowns where operations were affected for more than one business day. The first two happened in the winter of 1995-1996, when President Bill Clinton and the Republican Congress were unable to agree on spending levels, causing the government to shut down twice, for a total of 26 days. The third was in 2013, when a House and Senate standoff over funding for the Affordable Care Act (ACA) resulted in a 16-day shutdown. The fourth shutdown in December 2018 and January 2019 – technically only a partial shutdown because five of the 12 appropriations had previously been enacted – centered on a dispute over border wall funding and was the longest-lasting shutdown at 35 days.”

Impact: Very few government shutdowns lasted long enough to have any negative impact other than fear-mongering. Even the worst of those that did last that long was only partial, with almost half of the discretionary funding already appropriated.



Short Shutdowns have Minimal Costs

5. Short Shutdowns Cost Little

David Wessel, a senior fellow in Economic Studies at the Brookings Institute, argued on March 23, 2024, “What is a government shutdown?” The Brookings Institute.
<https://www.brookings.edu/articles/what-is-a-government-shutdown-and-why-are-we-likely-to-have-another-one/>. Accessed March 11, 2025. (David Wessel is a senior fellow in Economic Studies at Brookings and director of the Hutchins Center on Fiscal and Monetary Policy)

“A shutdown of a few days is a hassle—and undermines public confidence in the capacity of U.S. politicians to do the people’s business—but is unlikely to have a significant impact on the economy.”

6. Short Shutdowns Have Little Practical Impact

Andrew Sullivan, reporting for Reuters on March 6, 2025, noted that, “Explainer: Why would the US government shut down?” Reuters.
<https://www.reuters.com/world/us/why-would-us-government-shut-down-2025-03-06/>. Accessed March 11, 2025. (Andy Sullivan is a reporter at Reuters who covers politics and policy in Washington. His work has been cited in Supreme Court briefs, political attack ads and at least one *Saturday Night Live* skit.)

“Shutdowns that last only a few days have little practical impact, particularly if they occur over a weekend, but the broader economy could suffer if federal employees begin missing paychecks after two weeks.”

Effects of Shutdowns are Temporary

7. Furloughed Employees Receive Back Pay

David Ditch, a Former Senior Policy Analyst for the Heritage Foundation, wrote on September 29th, 2023, “4 Key Things You Need To Know About Government Shutdowns.” The Heritage Foundation.
<https://www.heritage.org/budget-and-spending/commentary/4-key-things-you-need-know-about-government-shutdowns>. Accessed March 11, 2025. (David Ditch was a Senior Policy Analyst in the Grover M. Hermann Center for the Federal Budget at The Heritage Foundation.)

“Even if there is a funding lapse, federal activities (and employees) deemed “essential” will continue to draw from the national treasury. Examples include national security, border patrol, law enforcement, disaster response and more. In addition, funding for many benefits (such as Social Security) along with some agencies (such as the Postal Service) are independent of the annual spending process. A lapse of under two weeks would have even less effect since federal employees would get their paychecks on time. However, longer shutdowns are typically coupled with providing back pay to bureaucrats and congressional staffers. Accordingly, the real-world effect of a shutdown would be much less than the apocalyptic rhetoric that often characterizes press coverage of the issue.”



8. The Economy Recovers After a Shutdown

Andrew Sullivan, reporting for Reuters on March 6, 2025, noted that, “Explainer: Why would the US government shut down?” Reuters.

<https://www.reuters.com/world/us/why-would-us-government-shut-down-2025-03-06/>. Accessed March 11, 2025. (Andy Sullivan is a reporter at Reuters who covers politics and policy in Washington. His work has been cited in Supreme Court briefs, political attack ads and at least one *Saturday Night Live* skit.)

“A shutdown would directly reduce GDP growth by around 0.15 percentage point for each week it lasts, according to Goldman Sachs, but growth would rise by the same amount after the shutdown was resolved.”



Defense of SQ

Congress Has the Tools to Avoid Shutdowns

9. Congress Already Uses CRs

The Government Accountability Office explained on November 3, 2022, “What is a Continuing Resolution and How Does It Impact Government Operations?” Government Accountability Office. <https://www.gao.gov/blog/what-continuing-resolution-and-how-does-it-impact-government-operations>. Accessed March 11, 2025. (GAO is an independent, non-partisan agency that works for Congress. GAO examines how taxpayer dollars are spent and provides Congress and federal agencies with objective, non-partisan, fact-based information to help the government save money and work more efficiently.)

“The federal budget is a proposal by the President outlining spending goals and priorities during a given year. Congress debates this funding, and then votes to appropriate funding. However, Congress has only completed this process before the beginning of the fiscal year 3 times in the last 47 years, most recently for FY1997. CRs generally continue the level of funding from the prior year’s appropriations or the previously approved CR from the current year. Full-year CRs provide appropriations for the remainder of the fiscal year and are functionally similar to final appropriations..”

Impact: Right now, Congress can approve targeted appropriations that continue funding in certain agencies to avoid shutdowns. This ensures that, even if Congress is slow on a broad budget, it can still ensure that all of the necessary agencies are getting essential resources.



10. Congress Should Just Do Its Job, Not Avoid It

Daisy Thornton, writing for the Federal News Network on January 30, 2019, reported on the perspective of Steve Ellis, vice president of Taxpayers for Common Sense, “Is an Automatic CR the Answer to Government Shutdowns?” Federal News Network. Accessed April 7, 2025. <https://federalnewsnetwork.com/government-shutdown/2019/01/is-an-automatic-cr-the-answer-to-government-shutdowns/>. (Daisy Thornton is the digital managing editor for Federal News Network. She oversees the team responsible for editing reporters’ stories for AP and Federal News Network style, curating the website, posting stories to social media, and sending email newsletters and alerts.) [brackets in original]

“But Steve Ellis, vice president of Taxpayers for Common Sense, a non-partisan independent federal budget watchdog organization, has a different perspective. “What I would say about these [bills], to sum up all of them in a word, is pathetic,” he said. “This is Congress’ job, and they’re trying to find a way to force them to do their job. It’s pretty clear, when you look back at shutdowns, nobody really wins. They’re costly and wasteful and you would think that just knowing that, Congress would avoid these in the future.” An automatic CR is unlikely to be a game-changer, he said, noting that Congress has failed to pass a budget on time for more than 20 years, and CRs are already the rule rather than the exception. An automatic CR would just make it easier for Congress to further avoid its constitutionally mandated responsibility to appropriate funds for government operations. “Shutdowns are wasteful and stupid, not to put too fine a point on it. But this is just an abdication of responsibility. Rather than just protect themselves from legislative stupidity, they should just simply do their job,” Ellis said.”

Impact: Despite its frequent reliance upon CRs, Congress has continued to struggle to get its act together and pass a budget on time. An automatic continuing resolution would only further insulate Congress from having to do its responsibilities instead of tackling the root issues of dysfunction.



Shutdowns Incentivize Congressional Negotiations

11. Shutdowns Pressure Congress to Act

Erich Wagner, a senior correspondent for the Government Executive, writing about a smaller version of the affirmative team's plan that would automatically renew funding for just the FAA in October 28, 2021, explained that, "House Panel Advances Bill Protecting FAA Operations During Shutdowns." Government Executive.

<https://www.govexec.com/workforce/2021/10/house-panel-advances-bill-protecting-faa-operations-during-shutdowns/186465/>. Accessed March 11, 2025. (Erich Wagner is a senior correspondent covering pay, benefits, organized labor and other federal workforce issues. He joined Government Executive in the spring of 2017 after extensive experience writing about state and local issues in Maryland and Virginia, most recently as editor-in-chief of the *Alexandria Times*. He holds a bachelor's degree in journalism from the University of Maryland.)

"But Rep. Scott Perry, R-Pa., argued that bills that seek to minimize the negative impacts of lapses in appropriations actually make it harder for lawmakers to pass spending bills. 'This is yet another bill to put the government on autopilot and dilute congressional authority,' he said. 'While shutdowns can have severe impacts on the aviation community, it is completely unacceptable to abandon regular order and the appropriations process. The more of government that we put on autopilot—no pun intended—the less reason we ever have to come to an agreement on funding packages.'"

Requiring Allocation Is a Common Sense Policy

12. Simple Principle: No Budget, No Spending

Robin Levinson King and Anthony Zurcher wrote for the BBC on December 19, 2024, "Why Government Shutdowns Seem to Only Happen in US." <https://www.bbc.com/news/world-us-canada-66965637>. Accessed March 11, 2025. (King and Zurcher are reporters for the BBC).

"America's federal system of government allows different branches of government to be controlled by different parties. It was a structure devised by the nation's founders to encourage compromise and deliberation, but lately it has had the opposite effect. That's because in 1980, the attorney general under President Jimmy Carter issued a narrow interpretation of the 1884 Anti-Deficiency Act. The 19th Century spending law banned the government from entering into contracts without congressional approval; for almost a century, if there was a gap in budgets, the government had allowed necessary spending to continue. But after 1980, the government took a much stricter view: no budget, no spending."

Impact: You can't run on autopilot forever. For Congress to really do its job, it needs to pass a budget, not just keep spending without any oversight. "No budget, no spending" is a common sense principle that many people apply to their personal and corporate finances. We shouldn't allow Congress to ignore its budgetary job by passing the affirmative plan.



Disadvantages

Impairs New Programs and Needs

13. Outdated Funding Neglects New Developments

According to the Committee for a Responsible Federal Budget on September 18, 2024, “Government Shutdowns Q&A: Everything You Should Know.” Committee for a Responsible Federal Budget. https://www.crfb.org/sites/default/files/media/documents/QAShutdowns_Sept_2024.pdf. Accessed March 11, 2025. (The Committee for a Responsible Federal Budget is a nonpartisan, non-profit organization committed to educating the public on issues with significant fiscal policy impact.)

“Continuing resolutions have several negative implications for the budget’s overall efficiency. CRs usually continue funding at the past year’s level without any regard for changing policy needs or the value of each program within an agency. Using a CR wastes hundreds of hours of careful consideration and program evaluation incorporated into each agency’s budget submission. For instance, the President’s annual budget proposes a list of eliminations and reductions of programs that are duplicative or ineffective; a CR will continue to fund these unwanted programs. Finally, the use of CRs disrupts activities within agencies, makes it difficult to plan or start future projects, and costs staff time to revise work plans every time the budget changes.”

Impact: Because ACRs renew funding at the previous fiscal year’s levels, they fail to account for changing circumstances and needs, continuing funding for unwanted programs and leaving agencies without the resources to deal with new problems.

14. ACRs Hamstring New Programs and Needs

According to the Peter G. Peterson Foundation last updated on March 25, 2025, “Continuing Resolutions Are Stopgap Measures — But Now We Average Five a Year.” Peter G. Peterson Foundation. <https://www.pgpf.org/article/continuing-resolutions-were-designed-to-be-stopgap-measures-but-now-we-average-five-a-year/>. Accessed March 25, 2025. (Founded by Pete Peterson and led by Chairman and CEO Michael Peterson, the Foundation works with leading policy experts, elected officials, and the public to build support for solutions to put America on a sustainable fiscal path. The Foundation engages in grant-making, partnerships and research to educate and involve Americans from a variety of perspectives.)

“While CRs help policymakers avoid costly government shutdowns, they undermine the budget process by potentially ignoring new resource needs and by introducing uncertainty to government agencies because of the limited duration of the funding. In fact, a 2018 study by the Government Accountability Office found that CRs can cause a number of inefficiencies and challenges for government agencies, such as: Delayed contracts and grants, which could decrease the level of services provided and increase costs of administration Delayed hiring, which could affect an agency’s ability to provide services in a timely manner Added work, which can reduce productivity or force shorter-term contracts and grants to reflect the duration of the CR.”



Increases Irresponsible Spending

15. ACRs Waste Money Where it's Not Needed

Richard Kogan, a senior fellow at the Center for Budget and Policy Priorities, and Paul N. Van de Water, wrote on January 30, 2019, "Automatic Continuing Resolutions Not a Good Solution for Government Shutdowns." The Center for Budget and Policy Priorities.
<https://www.cbpp.org/research/federal-budget/automatic-continuing-resolutions-not-a-good-solution-for-govern-ment>. Accessed March 11, 2025. (Paul Van de Water is a former staffer at the Center for Budget and Policy Priorities. Richard Kogan rejoined the Center in May 2011 as a senior fellow after having served as a Senior Adviser at the Office of Management and Budget since January 2009. Kogan is also an expert in the congressional and executive budget processes and budget accounting concepts. Kogan graduated from Yale with a B.A. in political science, and then served for five years in the Congressional Research Service, specializing in budgetary conflict between the Executive and Legislative Branches.)

"Automatic CR proposals would automatically extend funding whenever Congress and the President fail to enact full-year or temporary funding for a fiscal year. Many of these proposals set the automatic CR's funding levels equal to the prior year's level, though some automatic CR proponents would have funding levels decrease if an automatic CR remains in place for several months, while others would increase funding with inflation or economic growth. Most important, it likely would significantly increase the instances in which the previous year's appropriation levels and priorities remain in place for a year or more while pressing, new needs go unattended and areas that no longer need as much funding are overfunded. In addition, by freezing funding at last year's levels (as an automatic CR would likely do), it would strengthen the hand of those who want to shrink the size of government."



16. ACRs Promulgate Hundreds of Billions of Dollars in Waste

The Center for Renewing America wrote on August 24, 2023, “Primer: Unauthorized Spending and a Weaponized Bureaucracy,” Center for Renewing America.

<https://americarenewing.com/issues/primer-unauthorized-spending-and-a-weaponized-bureaucracy/>. Accessed March 11, 2025. (The Center for Renewing America is a right-leaning nonprofit organization created by Russell Vought, director of the Office of Management and Budget. The organization’s work focuses on opposing censorship of conservatives by big tech companies, opposing the spread of critical race theory, and advocating for stricter security measures in U.S. elections.)

“Indeed, the last year that Congress passed all of its appropriations bills on time and as part of so-called “regular order” (a phrase emphasizing the requirement that Congress pass a budget resolution and then all of the appropriations bills before the end of the fiscal year) was in fiscal year 1997—nearly three decades ago. This breakdown has given rise to a new and cynical method of doing the people’s ‘business’—namely running out the clock on spending measures to pass a Continuing Resolution (CR) to maintain existing funding levels and avoid a government ‘shutdown.’ This pressure creates favorable timelines that provide the necessary leverage for enacting a massive omnibus appropriations spending bill, usually during the Christmas holidays when few Americans are paying attention and the strong allure of jet fumes percolates throughout the House and Senate chambers. The result is the promulgation of hundreds of billions in spending on unauthorized appropriations without the appropriate oversight of Congress. From a budget perspective, unauthorized appropriations are federal funds appropriated for specific programs, agencies, or departments that have lapsed and not been reauthorized with specific congressional approval. In FY 2022, Congress spent over \$460 billion on unauthorized programs and laws, with nearly half of such spending going to programs that expired a decade ago. This constituted nearly 30 percent of the discretionary budget during that fiscal year—a percentage that has increased drastically since the turn of the century.”

Impact: When funding is appropriated without careful Congressional oversight, programs that have already expired or been completed get refunded, allowing for hundreds of billions of dollars in waste.



17. No Mechanism to End Unnecessary Funding

Richard Kogan, a senior fellow at the Center for Budget and Policy Priorities, and Paul N. Van de Water, wrote on January 30, 2019, “Automatic Continuing Resolutions Not a Good Solution for Government Shutdowns.” The Center for Budget and Policy Priorities. <https://www.cbpp.org/research/federal-budget/automatic-continuing-resolutions-not-a-good-solution-for-government>. Accessed March 11, 2025. (Paul Van de Water is a former staffer at the Center for Budget and Policy Priorities. Richard Kogan rejoined the Center in May 2011 as a senior fellow after having served as a Senior Adviser at the Office of Management and Budget since January 2009. Kogan is also an expert in the congressional and executive budget processes and budget accounting concepts.)

“In addition to prolonging appropriations negotiations, an automatic CR could lead to some appropriation bills never being enacted in some years, as it would remove the threat of a significant disruption to government operations if policymakers battling over one or more appropriations bills failed to come to agreement. The threat would be greatest for those bills that have been the most contentious, such as the Interior and State-Foreign Operations bills, which fund programs critical for addressing climate change and maintaining diplomatic relations around the world. Congress would have less compelling need to pass annual appropriation bills, and the President would have less compelling need to sign them. If that happened, policymakers would have no mechanism to increase funding for high-priority needs, end funding for projects that are completed and shift resources to new projects, or reform or end poorly performing activities. The previous year’s programs, funding allocations, and priorities would remain fixed in place.”

18. ACRs Incentivize Emergency Spending

Justin Bogie, former senior policy analyst for the Heritage Foundation, explained on February 8, 2019, “Shut Down This Shutdown ‘Solution.’” The Heritage Foundation. <https://www.heritage.org/budget-and-spending/commentary/shut-down-shutdown-solution>. Accessed March 11, 2025. (Justin Bogie was a senior policy analyst in fiscal affairs at The Heritage Foundation.)

“The results could be bad news for taxpayers, because a third downside is increased spending. With an auto-CR in place, it could mean that Congress turns to uncapped emergency spending to boost funding outside of the normal appropriations process. There is no clear definition of what ‘emergency’ spending is, so Congress can appropriate emergency funding for any purposes deemed too important to wait until the next regular appropriations bill. To avoid spending caps, Congress could simply let an auto-CR go into effect and then pass an unlimited amount of emergency funding to supplement the continuing resolutions spending levels. From FY 2013-2018 Congress authorized \$255 billion in emergency spending for domestic programs. Much of that, however, didn’t go toward legitimate emergencies. In the absence of normal, full-year appropriations legislation, emergency spending could become a means for even more waste.”

Impact: Since ACRs would allocate funding at outdated levels, Congress would have to resort to emergency spending to account for annual changes. However, emergency spending is theoretically unlimited—as was shown clearly in the federal response to COVID-19—and thus encourages congressional overspending.



Excuses Negligence of Constitutional Duties

19. Background: Money Must Be Allocated By Congress

According to Article I, Section 9 of the U.S. Constitution, “Constitution of the United States.” The Library of Congress. <https://constitution.congress.gov/constitution/article-1/>. Accessed March 11, 2025. (The Library of Congress is the largest library in the world, with millions of books, films and video, audio recordings, photographs, newspapers, maps and manuscripts in its collections. The Library is the main research arm of the U.S. Congress and the home of the U.S. Copyright Office.)

“No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.”

Impact: Per the Constitution, Congress is supposed to be in control of the budgetary process. The Founders clearly did not mean for this control to be merely nominal, putting spending on autopilot for bureaucratic agencies. They intended Congress to have actual oversight. The affirmative plan allows Congress to bypass its constitutional duty.

20.ACRs Would Likely Become the Default Funding Process

Richard Kogan, a senior fellow at the Center for Budget and Policy Priorities, and Paul N. Van de Water, wrote on January 30, 2019, “Automatic Continuing Resolutions Not a Good Solution for Government Shutdowns.” The Center for Budget and Policy Priorities. <https://www.cbpp.org/research/federal-budget/automatic-continuing-resolutions-not-a-good-solution-for-government>. Accessed March 11, 2025. (Paul Van de Water is a former staffer at the Center for Budget and Policy Priorities. Richard Kogan rejoined the Center in May 2011 as a senior fellow after having served as a Senior Adviser at the Office of Management and Budget since January 2009. Kogan is also an expert in the congressional and executive budget processes and budget accounting concepts. Kogan graduated from Yale with a B.A. in political science, and then served for five years in the Congressional Research Service, specializing in budgetary conflict between the Executive and Legislative Branches.)

“Yet if legislation made CRs automatic, they would likely become the default approach, with an automatic CR remaining in place unless Congress and the President enacted something else. Given the highly contentious nature of appropriation debates in recent years, with major disagreements over funding levels and legislative “riders” that would change underlying laws, long delays in enacting full-year appropriations are already common even though the looming expiration of short-term CRs pressures policymakers to come to agreement and creates definite deadlines for doing so. An automatic CR with no deadline, and no votes needed to create or extend it, would have no such action-forcing event. Negotiations over difficult funding issues might drift along indefinitely, as those who prefer inaction would face no pressure to resolve appropriations disputes.”



21. ACRs Would Disincentivize Congressional Negotiations

Bill Heniff and James Saturno wrote for the Congressional Research Service on July 1, 2002,

“Federal Budget Process Reform: Analysis of Five Reform Issues.”

<https://crsreports.congress.gov/product/pdf/RL/RL31478/4>. Accessed March 11, 2025. (Bill Heniff is an analyst on Congress and the Legislative Process in the Government and Finance Division of the CRS. James V. Saturno is an Adjunct Professor at the Department of Government at American University.)

“Opponents of an automatic continuing resolution counter by suggesting that an automatic funding mechanism would be a strong disincentive for lawmakers to reach an agreement on new appropriations. They assert that, while a government shutdown is an undesirable outcome, it provides all sides with an incentive to reach agreement. Therefore, by eliminating the threat of a shutdown, an automatic continuing resolution could undercut that incentive, and budget agreement might be more difficult to achieve.”

Impact: ACRs remove a key incentive for legislators to actually fulfill their constitutionally prescribed duties and take charge over the allocation process.

22. ACRs Undermine Congressional Oversight

Former U.S. Senator Mike Enzi, writing for The Fiscal Times on July 13, 2016, explained that,

“How to Break Through America's Budget Gridlock.” The Fiscal Times.

<https://www.budget.senate.gov/chairman/newsroom/how-to-break-through-americas-budget-gridlock>. Accessed March 13, 2025. (Michael Enzi was an American politician who served in the United States Senate from Wyoming as a member of the Republican Party from 1997 to 2021. The Fiscal Times (TFT) is a digital news, news analysis and opinion publication based in New York City and Washington, D.C.)

“The truth is America's budget process is broken, and this dysfunction is preventing Congress from tackling the pressing fiscal challenges facing our country. The current budget process is designed only to spend, which fails hardworking taxpayers. Each year, nearly \$3 trillion is spent by Washington without any meaningful congressional review.”

Later, the same article goes on to say:

“Today, 70 percent of federal spending is essentially on auto-pay, year after year, without congressional review or approval. In 15 years, this runaway spending and interest will consume all of the taxes and revenues the federal government collects, crowding out spending on the functions we normally associate with good government, including national defense and border security.”

Impact: The majority of federal spending is automatically appropriated already and so the affirmative team's plan won't impact most federal services. However, by expanding the extent of this automated spending, the affirmative plan further removes Congress's oversight and accountability over the operations of the federal government.

