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An Automatic Continuing Resolution Is Not a Good Solution for Government Shutdowns

The Senate may soon consider a proposal to provide for an automatic continuing resolution (CR), which would extend funding at the prior year's level whenever the President and Congress fail to enact full-year or temporary funding for a fiscal year. Government shutdowns impose substantial costs on individuals and families in general and federal employees in particular.[1] And with shutdowns occurring more frequently and lasting longer, there is heightened interest in finding a way to avoid them. But while seeking to prevent shutdowns is a laudable goal, this automatic CR legislation raises significant concerns and is likely to empower some of the very destructive forces it hopes to address, even allowing a president to pick and choose which programs to effectively shut down indefinitely, without any input from Congress. And these concerns are only heightened with the current Administration, which has shown a willingness to exercise executive powers in extreme (and sometimes unlawful) ways.

Here are some of the major problems with this Senate proposal (S. 4632, introduced by Senators James Lankford and Maggie Hassan[2]). It would:

- **Significantly reduce pressure to reach agreement on full-year appropriation bills, effectively locking in funding levels that are often inadequate.** An automatic CR freezes funding at the prior-year level for every program, with no adjustments for changing circumstances, including inflation. And by allowing the government to keep operating without any action or agreement by the President and Congress, it is likely that an automatic CR would stay in effect for extended periods, possibly the entire fiscal year or longer.
- **Greatly strengthen the President's hand in the annual appropriations process.** The President could repeatedly and indefinitely veto any appropriations bill that provides more funding than he supports or includes legislative language aimed at ensuring he is complying with congressional intent in funding matters, without concern that it would result in a disruptive shutdown of key government operations.
- **Give the President powers when an automatic CR is in effect that allow him to pick and choose which programs he wants to maintain and which he wants to shut down.** Provisions in the bill effectively allow the President to operate programs at the prior year's levels or

effectively shut them down — both based only on his choosing — for the duration of the CRs, which could easily be very late in the fiscal year, the entire year, or even longer.

- **Impose new rules on congressional action that create pressure only on Congress**, effectively giving President Trump and future presidents the power to hold Congress hostage to achieve their desired outcome.

Shutdowns cause substantial damage. But as painful as shutdowns are, automatic CRs could cause a longer-term unraveling of the annual appropriations process and inflict damage that, while possibly less immediately evident than a shutdown, could have more severe long-term consequences. If automatic CRs become the norm for significant parts of the federal government, they would likely yield funding levels that would become less adequate and less efficiently allocated over time. This in turn would result in critical funding priorities being unmet, less funding for medical research to save lives, and millions of families left without the help they need to afford the growing cost their basic needs.

Automatic Mechanism Could Prolong Disruptive, Inefficient Funding Bills

Congress employs continuing resolutions when it has failed to enact all the regular annual appropriations needed to fund government operations before the fiscal year begins on October 1. CRs provide temporary authority for agencies to continue operating at some specified rate of spending, usually based on the prior year's funding level. CRs have specific expiration dates, typically lasting no more than two to three months and sometimes as little as one day. In addition, they are automatically superseded when regular appropriations are enacted. Often, successive CRs are needed before Congress finishes regular appropriations.

CRs typically include "anomalies": spending increases above the prior year's level to pay for pressing needs in particular programs or spending reductions reflecting reduced funding needs. Even short-term CRs typically include a number of anomalies. When Congress has enacted CRs for a full fiscal year, those measures included many pages of upward and downward adjustments to reflect changes in needs.[3] Indeed, even the temporary CRs enacted by the start of the fiscal year, October 1, have averaged 11 pages over the past decade.[4]

In contrast, automatic CRs would be a mechanical, hard freeze at the prior year's level on a program-by-program basis, with none of the anomalies to adjust funding to address pressing needs. For instance, anomalies have been included to ensure sufficient funding to prevent households from losing their rental assistance, and to maintain participation for all eligible applicants in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) — neither of which would have been possible at frozen levels due to inflation or other factors. Under the Lankford-Hassan proposal's hard freeze, the most a program would get is current funding, and even that's not a given, since the bill grants the President leeway to reduce or perhaps zero out funding for programs he doesn't like (discussed more below).

The levels set by an automatic CR would be less problematic if they were only in effect for a short period, as is often the case with regular CRs. But once legislation makes CRs automatic, they would likely become the default approach, with an automatic CR remaining in place for extended periods.

Today, long delays in enacting full-year appropriations are already common, given the increasingly contentious nature of appropriation debates, with major disagreements over both funding levels and legislative “riders” that would change underlying laws. And this is the case 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. Further, it would free the President to veto any appropriations that he dislikes, with little repercussions.

The Lankford-Hassan proposal, which would put in place a 14-day CR that renews automatically, attempts to create pressure to finish appropriations bills by restricting members’ paid travel and requiring Congress to address only appropriations while an automatic CR is in effect. But all of this pressure is on Congress — it *reduces* pressure on the President to negotiate in good faith. Indeed, the main pressure the proposal creates, by preventing a government shutdown, is for Congress to accede to the President’s demands.

Without the often-painful disruptions caused by government shutdowns, those who oppose the appropriations bills being negotiated — whether the President or a determined minority in Congress — would face no pressure to resolve appropriations disputes, leaving funding levels for every program frozen at the prior year level or lower.

Automatic CRs Would Shift Power to the Executive

Enacting an automatic CR would shift power from Congress to the executive branch. In particular, the President would be able to veto appropriations bills he does not support without causing the disruption associated with a government shutdown. For a president looking to cut programs, there is little incentive to agree to any new bills without significant concessions.

Further, the current version of the Lankford-Hassan proposal includes two provisions that were not in previous versions of this bill (or any automatic CR bill) before this Congress. These provisions would allow the President to withhold or limit funding for a program covered by an automatic CR to avoid “impinging on final funding prerogatives.”[5] This kind of language is typical in *short-term* CRs to prevent significant program spending prior to Congress setting final levels in a full-year appropriations bill. But under an ongoing set of rolling 14-day automatic CRs, the President could simply withhold nearly all funds for programs he wants to eliminate, leaving those programs on life support; if he continues to veto bills for the entire fiscal year, he could effectively close down such programs.

> “This bill would essentially allow President Trump and any future president to hold Congress hostage to get the changes they want.”

All of the pressure created by the Lankford-Hassan proposal would fall on Congress. This bill would essentially allow President Trump and any future president to hold Congress hostage to get the changes they want: the President, by continually vetoing appropriations bills and triggering an automatic CR, could keep Congress stuck in Washington, reduce or zero out funding for targeted programs, and face little or no political pressure to reach an agreement.

These concerns are heightened with the current Administration, which has routinely proposed deep cuts in non-defense appropriations that Congress has largely rejected on a bipartisan basis. In 2026, for instance, the Trump Administration proposed a 21 percent cut relative to the 2025 level for non-defense programs. But the final appropriation bills provided a slight increase (1.1 percent) in overall funding, with some receiving increases and others declining, reflecting updated funding priorities. Notably, the Administration proposed more than a 34 percent cut for the departments of Transportation and Housing and Urban Development. But Congress' appropriations bill provided them an increase of nearly 7 percent, primarily to accommodate the rising cost of rents so that rental assistance could continue serving the same number of families (even though that is still only 1 in every 4 eligible households).[6]

Further, the President could veto an appropriations bill for reasons beyond just the funding levels. Congress appropriates money often for broad budget accounts (for example, "Aircraft Procurement, Air Force") and then provides more explicit instructions in the accompanying committee and conference reports. During the second Trump Administration, Congress has gone a step further to try to address the Administration's brazen interference with federal funding, placing report language directly in the text of 2026 appropriations bills, as well as including other targeted guardrails to ensure that the Administration follows congressional intent.[7] And it seems that Congress will need to pursue even more robust, government-wide guardrails in 2027 appropriations to contain the Administration's ongoing abuses — efforts the Administration will surely resist.[8] Indeed, a president could use his power to continually veto appropriations bills and so impose an indefinite automatic CR to pressure Congress to enact legislation he favors that has nothing to do with annual appropriations.

Finally, it is worth noting that the Lankford-Hassan proposal also creates imbalances in the legislative process that give more power to a determined minority. For instance, the proposal would prohibit the Senate from acting on business other than appropriations while an automatic CR is in place unless the prohibition is waived by a two-thirds vote. This two-thirds requirement would apply in the Senate even when the fundamental cause of a lack of appropriations is the failure of the *House* to act — or a deliberate choice by the House not to act. And when the two-thirds majority requirement is in effect, a determined minority can effectively grind the entire legislative process to a halt — on both appropriations and other matters as well. That is particularly true when that minority is of the same party as the President, who can support them by vetoing appropriations.

Automatic CRs Would Make It Easier to Shrink Government

Automatic CRs would give a powerful new tool to those who want to cut funding for programs and services. If a freeze under an automatic CR became the default, policymakers opposed to funding increases for particular agencies or programs could prevail simply by blocking any appropriations bill providing those increases (such as by filibustering it or refusing to bring it to the floor). Similarly, if the President preferred a funding freeze to a regular appropriation bill, a simple veto would do the trick and the bill's opponents would only have to sustain the veto. The longer a freeze is in effect, the larger the reduction in purchasing power (as inflation and a growing population push up the cost of providing federal services and benefits). This fundamental flaw applies even if an automatic CR does not include provisions such as those in the Lankford-Hassan proposal that grant a president additional power to cut below a freeze level.

Currently, appropriation levels are set through the give and take of the legislative process. But with an automatic CR, policymakers could bring about freezes without ever actually voting for them, simply by voting against the alternatives. Opponents of funding increases could take a "hands off" approach to shrinking government, with little incentive to reach agreement on appropriations.

While design changes to an automatic CR might moderate some of the problems with this mechanism,[9] the biggest problems would remain. An automatic CR would make it more difficult to revise program-by-program discretionary funding levels each year to respond to pressing national needs and would diminish Congress' role in establishing national priorities.

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[1] A "government shutdown" affects only a portion of federal programs — those funded by annual appropriations and where funding has lapsed because regular appropriations bills or a continuing resolution has not been enacted. Almost three-quarters of federal programs are financed outside the annual appropriations process. For an explanation of government shutdowns, see Center on American Progress, "What Happens During a Government Shutdown?" September 21, 2023, https://www.americanprogress.org/article/what-happens-during-a-government-shutdown/.

[2] Prevent Government Shutdowns Act of 2026, S. 4632, https://www.congress.gov/bill/119th-congress/senate-bill/4632.

[3] The full-year continuing appropriation for fiscal year 2011 (P.L. 112-10) contained 94 pages of anomalies and other adjustments and covered all of the government except the Department of Defense. See https://www.congress.gov/112/plaws/publ10/PLAW-112publ10.pdf. The full-year continuing appropriation for fiscal year 2013 (P.L. 113-6) covered seven appropriation bills and included 23 pages of anomalies. See https://www.congress.gov/113/plaws/publ6/PLAW-113publ6.pdf. And the full-year continuing appropriation for fiscal year 2025 (P.L. 119-4) covered the entire government and contained 31 pages of anomalies. See https://www.congress.gov/119/plaws/publ4/PLAW-119publ4.pdf.

[4] Those start-of-year CRs have been the vehicles for other provisions as well, such as extensions of expiring health or transportation provisions or, on occasion, enactment of the full text of regular appropriations for one or a few appropriations subcommittees. This can aid Congress in the enactment of other legislation that might instead have been vetoed — another reason that an automatic CR might weaken Congress and strengthen a president. Counting the additional material, those start-of-year CRs have averaged 60 pages of text over the last decade.

[5] Section 1311(f) states that "no grants" shall be made "that would impinge on final funding prerogatives." This language is not limited to congressional prerogatives, and could affect education and housing grants, or the Low Income Home Energy Assistance Program, for example. Section 1311(g) states that "only the most limited funding

action … shall be taken in order to provide for continuation of programs, projects, and activities." This language would allow a president to fund *any program* below the freeze level while an automatic CR is in effect. See Prevent Government Shutdowns Act of 2026, https://www.govinfo.gov/content/pkg/BILLS-119s4632pcs/pdf/BILLS-119s4632pcs.pdf.

[6] Joel Friedman *et al.*, "Tight 2026 Non-Defense Funding Rejects Trump's Proposed Deep Cuts, But Congress Will Need to Continue to Guard Against Administration Abuses," CBPP, revised April 9, 2026, https://www.cbpp.org/research/federal-budget/tight-2026-non-defense-funding-rejects-trumps-proposed-deep-cuts-but.

[7] Sonali Master, Sam Berger, and Devin O'Connor, "Congress Should Include Robust Government-wide Guardrails in 2027 Appropriations to Halt Unprecedented Interference by Trump Administration," CBPP, May 18, 2026, https://www.cbpp.org/blog/congress-should-include-robust-government-wide-guardrails-in-2027-appropriations-to-halt.

[8] *Ibid.*

[9] An alternative approach to an automatic CR, for instance, would set funding at the previous year's level adjusted for inflation or economic growth. While this would reduce the problems caused by a funding freeze, it wouldn't solve the other problems that an automatic CR poses. Funding priorities wouldn't adjust to reflect new realities, and opponents of new investments could simply hold out for an automatic CR rather than negotiate new levels and funding priorities.