

## insights

TYPES NOT MAPPED YET October 10, 2019 | TTR not mapped yet | Christopher T. Murray

# Anomalies

Provisions in a continuing resolution that can change the duration, amount, or purpose of appropriated funds.

### Spellbound

With the erosion of [regular order](#) in appropriations, Congress no longer manages to pass all 12 appropriations bills [on time](#). In fact, a good year these days is for Congress to partially complete appropriations by the beginning of the new federal fiscal year on October 1.

In the absence of new spending bills having been signed into law, one common path to avoid a government shutdown is for Congress to pass a continuing resolution - a "CR." CRs extend funding from the prior fiscal year to a later date in order for Congress to give itself more time to finish deciding how it will spend taxpayer dollars.

### Lifeboat

Congress has used [continuing resolutions](#) in all but three of the last 43 federal fiscal years, and CRs have provided funding for an average of almost five months per fiscal year since 1997. CRs generally cannot be used to fund activities that were not funded in the prior year. But Congress can insert anomalies into a CR that [increase or decrease](#) funding for certain programs. Anomalies can also either prohibit funds for otherwise allowed activities or, conversely, specifically fund previously-prohibited programs. Anomalies exist to preserve Congress' Article I constitutional authority to appropriate funds as they see fit, and it is the only mechanism in a CR through which Congress can change an agency funding. Anomalies are distinct from legislative provisions in a continuing resolution that create new law or extend expiring laws.

### Notorious

Congress passed and President Trump recently [signed](#) a [continuing resolution](#) that funds federal agencies through November 21. The White House had [requested](#) a number of anomalies, ranging from farm subsidies to financing an exhibit at the World Expo in Dubai. Of the 35 requests, fewer than half were incorporated into the final CR. These included disaster relief, local funds for the District of Columbia, and reauthorization of the Department of Education's National Advisory Committee on Institutional Quality and Integrity (NACIQI), which provides recommendations of accrediting agencies that monitor postsecondary institutions. The CR did not contain any [anomalies for NASA](#), which could delay its lunar program. Keep an eye out for how lawmakers will continue to use anomalies to push their policy priorities.

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