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Senate Committee Funding: Description of Process and Analysis of Disbursements

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Summary

Funding for Senate committees (except for the Committee on Appropriations and the Select Committee on Ethics) follows a two-step process of authorization and appropriation. Operating budgets for all standing and select committees of the Senate (except for the Committee on Appropriations and the Select Committee on Ethics) are authorized pursuant to a simple resolution, and funding is provided in the Legislative Branch Appropriations bill and other appropriation acts.

On February 28, 2017, the Senate agreed by unanimous consent to S.Res. 62, which authorized a total of $198.2 million for committee expenses, including $57.8 million for the March 2017-September 2017 period, $99.1 million for the October 2017-September 2018 period, and $41.3 million for the October 2018-February 2019 period. Additionally, the resolution authorized up to 7% of the total appropriation for committees to be available as special reserves.

The Senate Committee on Rules and Administration has jurisdiction over committee funding resolutions and issues regulations governing committee expenditures and staff. Committee expenditures and staff are also regulated by Senate rules, especially Rule XXVI, paragraph 9, and Rule XXVII, as well as by statute. Information on individual committees' spending is published semi-annually in the *Report of the Secretary of the Senate*.

This report is organized in three sections. The first provides an overview of the committee funding process in the Senate and analyzes funding levels since 2001. The second reviews Senate floor and committee action on committee funding in the 115th Congress. The final section analyzes committee expenditure patterns during five previous Congresses.

Contents

Introduction 1
Senate Committee Funding: Process 1
Authorization 1
Appropriation 2
Majority / Minority Funding 3
Additional Funding and Special Reserves 3
Authorization Trends 3
Senate Committee Funding: 115th Congress 4
Committee Action 4
Senate Floor Action 4
Funding 5
Majority / Minority Distribution 5
Senate Committee Funds: Usage 6
Regulations 6
Committee Funding in Practice 6
Methodology 6
Expenditures as a Percentage of Authorization 7
Spending by Budget Category 8
Spending Over Time 8
Discussion 9

Figures

Figure 1. Aggregate Senate Committee Funding Authorization 4
Figure 2.Expenditures by Category, as a Percentage of Committee Spending 8

Tables

Table 1. Percentage of Authorization Expended 7
Table 2. Expenditures by Senate Committees 9

Contacts

Author Information 9

Introduction

Funding for Senate committees (except for the Committee on Appropriations and the Select Committee on Ethics) follows a two-step process of authorization and appropriation. Operating budgets for all standing and select committees of the Senate (except for the Committee on Appropriations and the Select Committee on Ethics) are authorized pursuant to a chamber funding resolution, and funding is provided by annual appropriations in the Legislative Branch Appropriations bill and other appropriations acts.

On February 28, 2017, the Senate agreed by unanimous consent to S.Res. 62, which authorized a total of $198.2 million for committee expenses, including $57.8 million for the March 2017-September 2017 period, $99.1 million for the October 2017-September 2018 period, and $41.3 million for the October 2018-February 2019 period. Additionally, the resolution authorized up to 7% of the total appropriation for committees to be available as special reserves.

The Senate Committee on Rules and Administration has jurisdiction over committee funding resolutions and issues regulations governing committee expenditures and staff. Committee expenditures and staff are also regulated by Senate rules, especially Rule XXVI, paragraph 9, and Rule XXVII, as well as by statute. Information on individual committees' spending is published semi-annually in the *Report of the Secretary of the Senate*.

This report is organized in three sections. The first provides an overview of the committee funding process in the Senate and analyzes funding levels since 2001. The second reviews Senate floor and committee action on committee funding in the 115th Congress. The final section analyzes committee expenditure patterns during the previous five Congresses.

Senate Committee Funding: Process

The Senate biennial committee funding process applies to all Senate committees except Appropriations[1] and Ethics,[2] which have permanent authorizations for their staff and operating expenses. The Senate Committee on Rules and Administration has jurisdiction over committee funding resolutions and issues regulations governing committee expenditures and staff. The funds authorized and allocated by resolution are appropriated in the Legislative Branch Appropriations Acts.[3]

Authorization

Under Senate Rule XXVI, paragraph 9, each Senate committee (except Appropriations and Ethics) is required to report a funding resolution providing for its expenses for March 1 of that year through February 28 of the following year. The rule allows the Committee on Rules and Administration to mandate a process by which funds may be authorized for a two-year period. The Senate took several steps in 1999 to move to a biennial funding process that more clearly reflects a fiscal year orientation. In the two-year funding resolution agreed to at the beginning of

[1] P.L. 79-601, Legislative Reorganization Act of 1946, Section 202(b), 60 Stat. 834, grants the Committee on Appropriations authorization to appropriate funds for its own activities.

[2] S.Res. 290, 96th Congress, adopted November 29, 1979; and S.Res. 425, 97th Congress, adopted August 12, 1982.

[3] The funds are contained under the heading "Contingent Expenses of the Senate; Inquiries and Investigations." For example, see P.L. 114-113.

subsequent Congresses, the aggregate authorization for each committee was apportioned among three calendar periods—from March 1 to September 30 of the first year of a Congress, from October 1 to September 30 of the following year, and from October 1 to the following February 28. This permits the Senate to identify the amounts authorized for each fiscal year and the subsequent appropriations required.

Each committee supports its request by submitting supplementary materials, including those specified by the Committee on Rules and Administration. In recent Congresses, that panel has advised committees on the permissible increase, or required decrease, it hopes to impose on Senate committees, compared to the funding level in the previous Congress. Committees requesting funds in excess of these guidelines have been asked to include a justification in their budget submissions.[4]

The Rules and Administration Committee may then hold hearings at which committee chairs, ranking minority Members, and other Senators may testify. In recent Congresses, however, the committee has held hearings only on certain requests, or has not held hearings. The Rules and Administration Committee chair will normally introduce an omnibus resolution incorporating the amounts requested by each of the Senate committees in their individual resolutions. The Rules and Administration Committee will usually then meet to mark up the resolution and, after final approval by the committee, report it to the Senate. In some Congresses, the committee has issued an accompanying written report.[5] On occasions where both parties have been in agreement on the funding resolution, the Senate has discharged the committee from the consideration of the resolution by unanimous consent, without a formal committee markup or written report. In recent Congresses, the Senate agreed to the funding resolution by unanimous consent with little, if any, floor discussion.

Appropriation

Funding for Senate committees is provided in the Legislative Branch Appropriations bill. Line-item appropriations are not made for individual committees, except the Committee on Appropriations. Instead, funding is provided as a single total amount for all committees, under the heading "Contingent Expenses of the Senate" and the subheading "Inquiries and Investigations." Consequently, the amount appropriated for committee funding places a ceiling on *total* committee expenditures, but not on any *individual* committee's expenditures. The expenditures of individual committees are constrained instead by their authorization.

In addition, authorizations for committee funds are made biennially beginning March 1 and appropriations are made annually beginning October 1. Therefore, for any individual biennial funding resolution, funds may be drawn from money appropriated in three different fiscal years.[6]

[4] The guidelines the Committee on Rules and Administration provides to Senate committees are not publicly available.

[5] For example, see U.S. Congress, Senate Committee on Rules and Administration, *Authorizing Expenditures by Committees of the Senate*, report to accompany S.Res. 73, 114th Cong., 1st sess., S.Rept. 114-112 (Washington: GPO, 2015).

[6] For example, during the 114th Congress, appropriations for committee funding were included in FY2015 (October 1, 2014-September 30, 2015), FY2016 (October 1, 2015-September 30, 2016), and FY2016 (October 1, 2016-September 30, 2017) bills.

Majority / Minority Funding

Senate Rule XXVII requires that each committee's staff reflect the ratio of majority and minority committee members and that the minority receive "fair consideration" in the appointment of staff. A majority of the minority party members of a committee may request at least one-third of the personnel funds for hiring minority staff. This ratio is calculated after excluding funds for staff that perform administrative and clerical functions for the committee as a whole, if any, as agreed to by the chair and ranking minority Member.

In practice, in recent Congresses, the distribution of committee staff and resources was determined through negotiation by the majority and minority leadership.[7] Committee staff may also be supplemented by consultants and staff detailed to the committee from federal agencies, subject to such restrictions as the Committee on Rules and Administration may impose.

Additional Funding and Special Reserves

If a committee requires additional funds after the omnibus resolution has been agreed to, funds may be requested essentially in the same way as they were for its two-year budget. Since the 106th Congress, the omnibus funding resolution has contained a special reserve from which unexpected funding needs by a Senate committee could be met, upon the request of its chair and ranking Member and upon the approval of the chair and ranking Member of the Rules and Administration Committee.

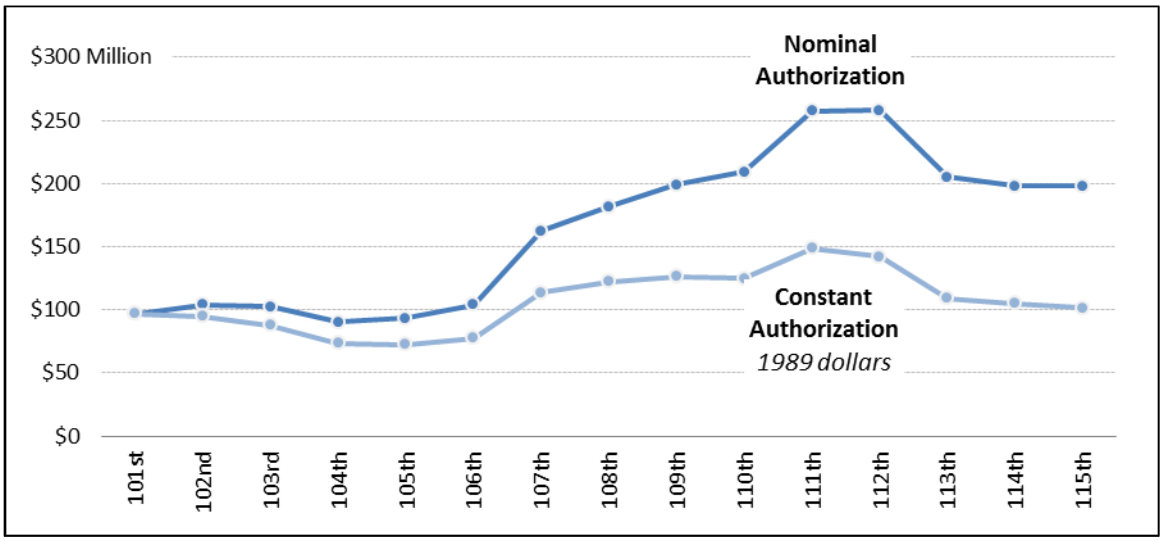
Authorization Trends

Figure 1 reports the aggregate Senate committee funding authorization level from the 101st through the 115th Congresses, in both nominal and constant (1989) dollars. Since the 101st Congress, nominal aggregate Senate committee funding has increased by about 104%, from $97.1 million to $198.2 million in the 115th Congress, for an average increase of 7% per Congress. In constant dollars, however, aggregate funding has increased by only 4.3% during the same period, for a biennial average real increase of less than one-half of 1%.

[7] For example, see U.S. Congress, Senate Committee on Rules and Administration, *Authorizing Expenditure by Committees of the Senate*, report to accompany S.Res. 81, 112th Cong., 1st sess., March 31, 2011, S.Rept. 112-9 (Washington: GPO, 2011), p. 3.

Figure 1. Aggregate Senate Committee Funding Authorization

101st-115th Congresses (not including Committees on Appropriations and Ethics)



Source: CRS calculations based upon biennial committee funding authorizations. Constant dollars based on Consumer Price Index for All Urban Consumers (CPI-U, Bureau of Labor Statistics, U.S. Department of Labor). Base year = 1989.

Senate Committee Funding: 115th Congress

Committee Action

From January 24 to February 7, 2017, funding resolutions were reported by each of the Senate's standing, special, and select committees,[8] in conformance with the Standing Rules of the Senate.[9] The Senate Rules and Administration Committee considered these resolutions as a consolidated original omnibus resolution.

On February 16, 2017, the Rules and Administration Committee held a markup on a resolution authorizing expenditures by committees of the Senate, for the periods of March 1, 2017, through September 30, 2017, October 1, 2017, through September 30, 2018, and October 1, 2018, through February 28, 2019. The resolution was agreed to by the Rules and Administration Committee by voice vote, and was reported favorably for consideration by the full Senate.

Senate Floor Action

On February 28, 2017, the Senate agreed to S.Res. 62 by unanimous consent. The resolution authorized a total of $198.2 million for committee expenses including $57.8 million for the March 2017-September 2017 period, $99.1 million for the October 2017-September 2018 period,

[8] See S.Res. 20, S.Res. 21, S.Res. 22, S.Res. 24, S.Res. 30, S.Res. 31, S.Res. 32, S.Res. 33, S.Res. 34, S.Res. 36, S.Res. 37, S.Res. 39, S.Res. 42, S.Res. 46, S.Res. 48, S.Res. 52, and S.Res. 53.

[9] See *Standing Rules of the Senate* (115th Congress), Rule XXVI, paragraph 9.

and $41.3 million for the October 2018-February 2019 period. Additionally, the resolution authorized up to 7% of the total appropriation for committees to be available as special reserves.[10]

Funding

Appropriations for Senate committees are typically included annually in the Legislative Branch Appropriations bill. For FY2017, $133.3 million was appropriated for Senate committees (except for the Committee on Appropriations and the Select Committee on Ethics) in the Consolidated Appropriations Act, 2017.[11] For FY2016, $133.3 million was appropriated for Senate committees (except for the Committee on Appropriations and the Select Committee on Ethics) in the Consolidated Appropriations Act, 2016.[12]

Majority / Minority Distribution

Beginning in the 112th Congress, the majority and minority leaders agreed to a new, standardized approach to the distribution of committee funding, which they also agreed should be adopted by future Congresses.[13]

The formula for determining the distribution is as follows, as described by the chairman's statement in S.Rept. 112-9: First, 10% of the total salary baseline, after excluding non-designated staff, is apportioned to the majority for administrative expenses. The remaining 90% of the total salary baseline is to be apportioned based on the party division of the Senate. However, regardless of the party division of the Senate, under the current arrangement the minority share shall never be less than 40% of the total committee funding.[14]

At the beginning of the 115th Congress, the party division of the Senate was 52 Republicans and 48 Democrats.[15] As once again agreed to by the majority and minority leaders, the majority party was first apportioned the 10% of the total salary baseline, after excluding non-designated staff, for administrative expenses. The remaining 90% of the salary baseline was to be distributed at a ratio of 52% for the majority party and 48% for the minority party.[16]

[10] For specific authorization levels of individual committees, see CRS Report R40424, *Senate Committee Expenditures Resolutions, 115th Congress, and Funding Authorizations Since 1999*, by Matthew E. Glassman.

[11] P.L. 115-31.

[12] P.L. 114-113.

[13] See S.Rept. 112-9, "Colloquy" and "Joint Leadership Letter," p. 2. In his colloquy with Senator McConnell, Senator Reid explained that over the past decade, the distribution of committee funding was determined during biennial negotiations. Prior to that, during the 1990s, committee funding was distributed by a fixed proportion of two-thirds for the majority and one-third for the minority.

[14] Ibid.

[15] This included two independent Senators, Angus King and Bernard Sanders, who caucused with the Democratic Party.

[16] Senators McConnell and Schumer, remarks in the Senate, *Congressional Record*, daily edition, vol. 163, January 5, 2017, p. S107.

Senate Committee Funds: Usage

Regulations

The Senate Committee on Rules and Administration has jurisdiction over committee funding resolutions and issues regulations governing committee expenditures and staff. Committee expenditures and staff are also regulated by Senate rules, especially Rule XXVI, clause 9, and Rule XXVII, as well as by statute.

Committee Funding in Practice

The following sections provide an analysis of committee expenditures during the 107th through 112th Congresses. Total expenditures of individual committees were examined to ascertain aggregate committee costs and the percentage of the annual authorization expended. Data were also examined on individual expenditures across budget categories to better understand how committees had used their authorized funds.

Methodology

Data

Data on committee expenditures were compiled using the semi-annual *Report of the Secretary of the Senate*, which reports Senate expenditures disbursed during the previous six months.[17] The *Report of the Secretary of the Senate* aggregates expenditures for individual committees across standard budget object classes used by the federal government. Data were examined for five Congresses: 108th (2003-2005), 109th (2005-2007), 110th (2007-2009), 111th (2009-2011), and 112th (2011-2013), for a total of 10 years of expenditures. The universe of data includes over 3,600 observations.[18] For each year analyzed, multiple out-year disbursement reports were examined, since, pursuant to law, late-arriving bills may be paid for up to two years following the end of the fiscal period that funds were appropriated.[19]

[17] The *Report of the Secretary of the Senate* is published as a Senate document. Beginning with the 6-month period ending September 30, 2011, reports are available on the Senate website, at http://www.senate.gov/legislative/common/generic/report_secsen.htm.

[18] The data provide only a snapshot of committee expenditures in particular years, which may be used to assess the general contours of committee spending patterns. They do not predict future spending, either by individual committees or in aggregate.

[19] Pursuant to law, late-arriving bills may be paid for up to two years following the end of an appropriation. The permissibility of payment for late-arriving bills does not provide flexibility in the timing of the obligation. The two-year period for late receipts for Congress is shorter relative to annual appropriations for much of the rest of the federal government, which is subject to a five-year period (31 U.S.C. §1551 *et al.*). This subject is discussed in the *Principles of Federal Appropriations Law*, which states: "For appropriations of the House and Senate, unobligated balances more than two years old cannot be used short of an act of Congress. Instead, obligations chargeable to appropriations that have been expired for more than 2 years 'shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement." 2 U.S.C. §102a. United States General Accounting Office, *Principles of Federal Appropriations Law*, Third Edition, vol. I, January 2004, at http://www.gao.gov/special.pubs/3rdEditionVol1.pdf, page 5-76 – 5-77.

Categories of Spending

Senate spending is categorized by standard budget object classes used for the federal government.[20] These include

- Net Payroll Expenses;
- Travel and Transportation;
- Rent, Communications, and Utilities;
- Printing and Reproduction;
- Other Contractual Services;
- Supplies and Materials; and
- Acquisition of Assets.

The disbursement volumes also contain data on supplemental funding from further authorizations or special reserves.[21]

Expenditures as a Percentage of Authorization

Table 1 demonstrates that most committees have not used all of the funds authorized to them. Across all years, about 27% of committees spent less than 80% of their authorization, whereas about 50% of committees spent between 80% and 90% of their authorization, and about 27% of committees spent more than 90% of their authorization.

Table 1. Percentage of Authorization Expended

Senate Standing and Select Committees (excluding Appropriations and Ethics Committees)

Congress	< 80%	80-85%	85-90%	90-95%	>95%	Total Number
108th (2003-2005)	5	2	4	8	0	18
109th (2005-2007)	2	2	6	8	1	18
110th (2007-2009)	1	2	11	3	2	18
111th (2009-2011)	9	6	1	3	0	18
112th (2011-2013)	7	8	3	0	0	18
Total	**24 (27%)**	**20 (22%)**	**25 (28%)**	**22 (24%)**	**3 (3%)**	**90 (100%)**

Source: CRS analysis of *Report of the Secretary of the Senate*.

[20] This classification system is derived from U.S. Office of Management and Budget, *OMB Circular A-11*, 2009 edition, http://www.whitehouse.gov/omb/Circulars_a11_current_year_a11_toc/.

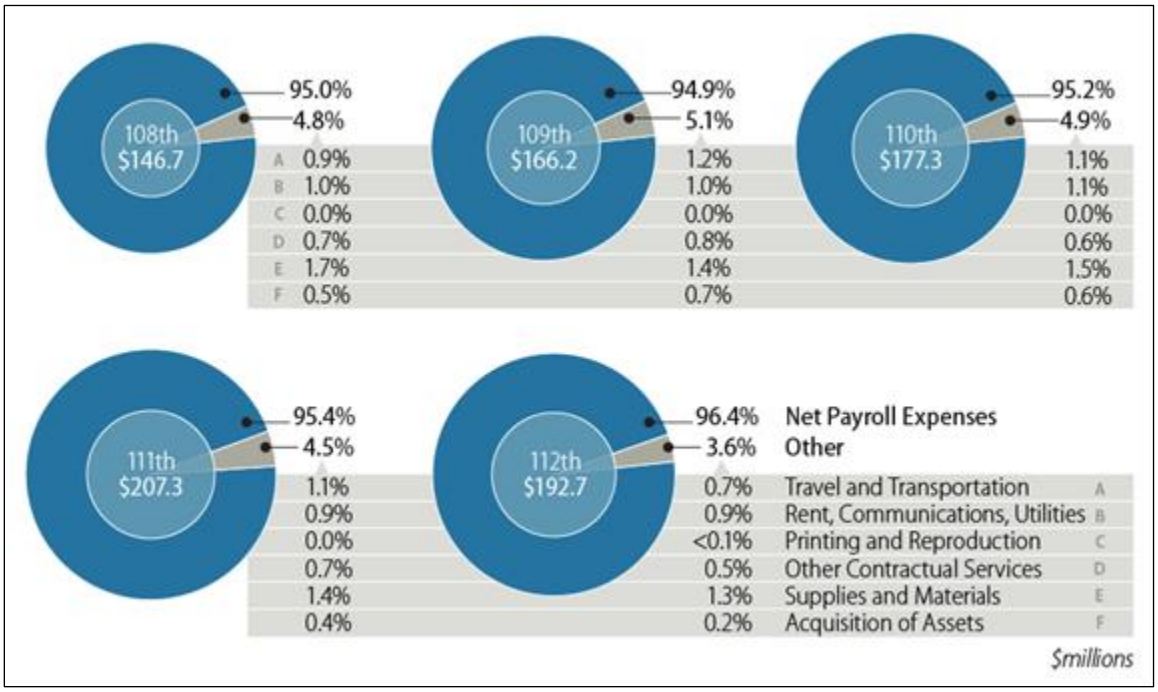
[21] Certain expenses are not included in committee expenditures and are not reflected in these totals. These include the salaries of Members and certain benefits—including health and life insurance and retirement—for both Members and staff.

Spending by Budget Category

Figure 2 shows that the largest category of spending in the five observed Senates, accounting for just over 95% of total committee spending, was for "Net Payroll Expenses." Beyond these staff expenses, committees spent an aggregate of 1.6% of their expenditures on "Supplies and Materials," 1% on "Travel and Transportation," and 1% on "Rent, Communications, and Utilities." The use of most committee funds on personnel was true both across time and across individual committees. Only one committee—the Indian Affairs Committee in the 110th Senate—spent less than 90% of its funds on net payroll expenses.

Figure 2. Expenditures by Category, as a Percentage of Committee Spending

Millions of current dollars (excluding Appropriations and Ethics Committees)



Source: CRS calculations based on the *Report of the Secretary of the Senate* for 2001-2013.

Notes: The figures represent only spending supported by committee funds. For example, this spending does not include Member salaries, government contributions for employee benefits, the cost of DC office space, or various services provided by Senate administrative offices.

Spending Over Time

Table 2 reports the aggregate Senate committee expenditures from the 108th to the 112th Congresses, in both nominal and constant 1999 dollars, and includes the annual percentage increase in total expenditures. Since the 108th Congress, aggregate Senate committee expenditures increased by 31.6%, from $146.7 million to $192.7 million in the 112th Senate, for an average increase of slightly less than 8% per Congress. In constant dollars, however, aggregate expenditures increased by only 7.1% during the same period, for a biennial average real increase of 1.8%.

Table 2. Expenditures by Senate Committees

(excluding Appropriations and Ethics Committees)

Senate	Nominal	% change from previous Senate	Constant	% change from previous Senate
108th	146.7	-	141.2	-
109th	166.2	13.29%	150.7	6.74%
110th	177.3	6.68%	151.4	0.48%
111th	207.3	16.92%	171.1	13.00%
112th	193.0	-6.76%	152.0	-11.19%

Source: CRS calculations based on the *Report of the Secretary of the Senate* for 2001-2013.

Notes: The table represents only spending supported by committee funds. For example, this spending does not include Member salaries, government contributions for employee benefits, the cost of DC office space, and various services provided by Senate administrative offices.

Discussion

The data presented here show that most committee resources went to personnel expenses, with approximately 95% of committee expenditures going toward net payroll expenses. This finding was stable across the 108th through 112th Congresses. The data also show that aggregate authorizations over these Congresses were somewhat larger than aggregate committee expenditures, leaving most individual committees with spending flexibility.

The reduction in aggregate authorization for the 113th through 115th Congresses, however, suggests that the total excess resources of committees may be less than in the past if typical committee expenditure levels remain the same as in previous Congresses. If future authorization levels continue to decline, individual committees could see a projected shortfall in resources. Given the large proportion of resources that go to personnel expenses, such a shortfall would likely require a reduction of staff or reduction of staff salaries, as well as a reduction of committee activities relative to previous Congresses.

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