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Senate Committee Funding: Description of Process and Analysis of Disbursements

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SUMMARY

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Senate Committee Funding: Description of Process and Analysis of Disbursements

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 typically provided in the annual Legislative Branch Appropriations Act and other appropriations bills.

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 authorizations since 1989. The second reviews Senate floor and committee action on committee funding in the 115th Congress. The final section analyzes committee expenditure patterns during several previous Congresses.

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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 annual Legislative Branch Appropriations Act and other appropriations bills.

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.

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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 several previous Congresses.

Senate Committee Funding: Process

Funding for Senate committees (except for the Committee on Appropriations and the Select Committee on Ethics) follows a two-step process for authorization and appropriation.[1] During the first months of a new Congress, the Senate authorizes two-year funding levels for each committee. The funds authorized and allocated by resolution are appropriated in the Legislative Branch Appropriations Acts.[2] The Senate Committee on Rules and Administration has jurisdiction over committee funding resolutions and issues regulations governing committee expenditures and staff.

Authorization

Authorization of funding for Senate committees (except the Committee on Appropriations and Select Committee on Ethics) is governed by Senate Rule XXVI, paragraph 9.[3] In recent practice,

[1] The Senate Committee on Appropriations and Select Committee on Ethics have permanent authorizations for their staff and operating expenses. See P.L. 79-601, Legislative Reorganization Act of 1946, §202(b), 60 Stat. 834, and 2 U.S.C. §4336, which grant the Committee on Appropriations authorization to appropriate funds for its own activities; and Section 77 of the Senate Manual (U.S. Congress, Senate, *Senate Manual*, S.Doc 113-1, 113th Cong., 1st sess., compiled by the Senate Committee on Rules and Administration, Washington: GPO, 2014), which outlines the authority of the Select Committee on Ethics to "make such expenditures … as it deems advisable."

[2] The funds are contained under the heading "Contingent Expenses of the Senate; Inquiries and Investigations." For example, see P.L. 114-113, 129 Stat. 2656.

[3] Specifically, Senate rule XXVI, paragraph 9(a) provides for each committee to annually report a funding resolution authorizing the committee to make expenditures during the period from March 1 of the current year through the last

during the first few months of a new Congress, each Senate committee (except Appropriations and Ethics) typically reports a two-year funding resolution providing for their expenses. These resolutions are then incorporated by the Committee on Rules and Administration into a single, omnibus committee funding resolution.

The omnibus committee funding resolution typically specifies a dollar amount limit for each committee that shall be available for its expenses (divided between the three calendar periods noted below), in addition to a special reserve. This resolution does not appropriate funds; the actual appropriation for Senate committee expenses is provided in the annual Legislative Branch Appropriations Act. In effect, the dollar amounts specified in the omnibus committee funding resolution limit how much of the amount appropriated for committee expenses will be available for any particular committee during the specified calendar periods.

Each committee typically supports its funding request by submitting supplementary materials, including those specified by the Committee on Rules and Administration. Funding requests may be developed in consultation with the Senate Committee on Rules and Administration. The Rules and Administration Committee may hold hearings at which committee chairs, ranking minority Members, and other Senators may testify. In recent Congresses, the committee has held hearings only on certain requests, or has not held hearings.

The Rules and Administration Committee chair will typically introduce an omnibus resolution incorporating the amounts requested by each of the Senate committees in their individual resolutions. The 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.[4] 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.

Since the 106th Congress, committee funding resolutions have divided funds between 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 end of the following February—to align with the fiscal calendar. This permits the Senate to identify the amounts authorized for each fiscal year and the subsequent appropriations required.

Appropriation

Funding for Senate committees is typically provided in the annual Legislative Branch Appropriations Act. 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

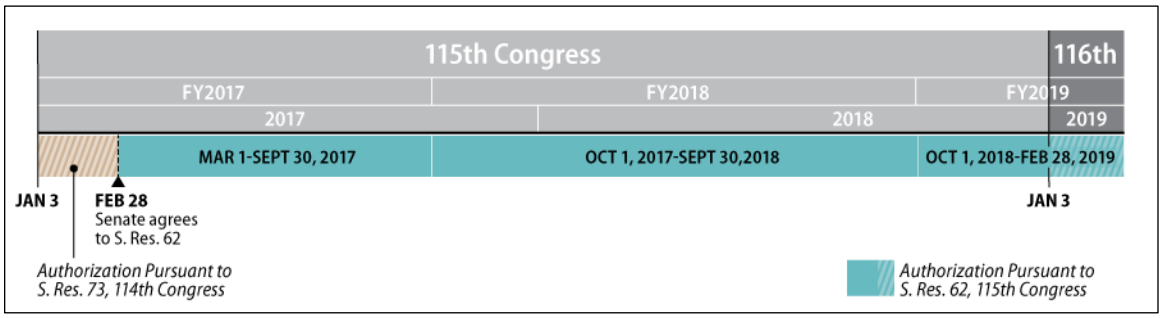
day of February in the following year. Rule XXVI, paragraph 9(b) provides for a process that may be employed in lieu of the process outlined in paragraph 9(a); specifically, it permits the Committee on Rules and Administration to direct each committee to report an authorization resolution covering a two-year period; and for the Committee on Rules and Administration to report an authorization resolution providing for the expenditures of multiple committees over either a one- or two-year period.

[4] 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).

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.[5] The overlapping timelines of the 115th Congress, fiscal years, calendar years, and committee funding authorization periods is displayed in **Figure 1.**

Figure 1. Senate Committee Funding Timeline, 115th Congress



Source: S.Res. 62**,** Authorizing expenditures by committees of the Senate for the periods March 1, 2017, through September 30, 2017; October 1, 2017, through September 30, 2018; and October 1, 2018, through February 28, 2019.

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.

As discussed in greater detail below, in recent practice, the distribution of committee staff and resources has been determined through negotiation by the majority and minority leadership.[6] 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

Recent omnibus funding resolutions have typically authorized a special reserve from which unexpected funding needs by a Senate committee could be met, upon the request of its chair and

[5] 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 FY2017 (October 1, 2016-September 30, 2017) bills.

[6] 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.

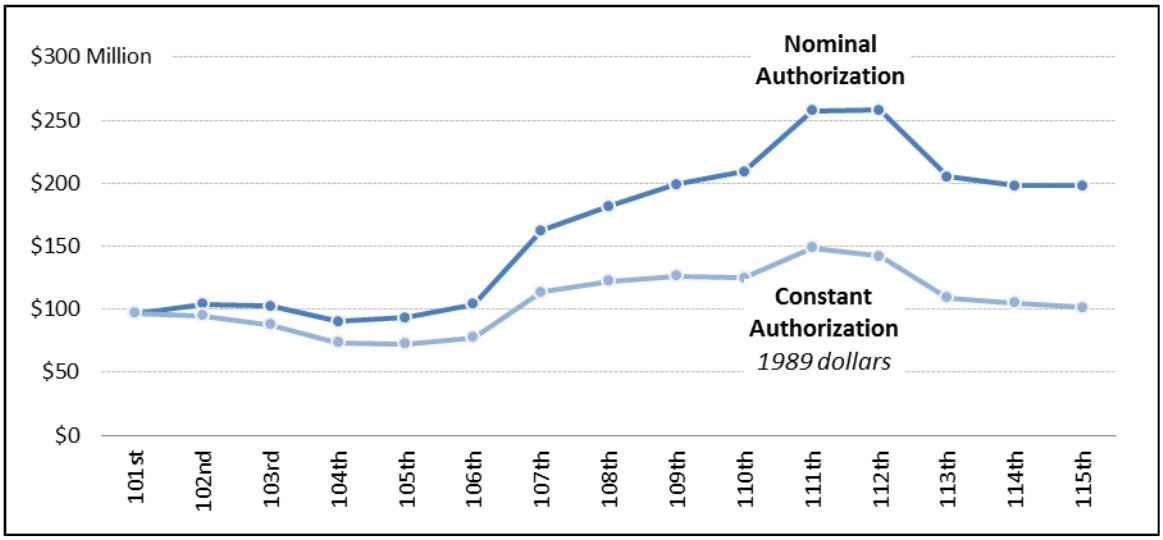
ranking Member and upon the approval of the chair and ranking Member of the Rules and Administration Committee.

Authorization Trends

Figure 2 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%.

Figure 2. 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).

Note: 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,[7] in conformance with the Standing Rules of the Senate.[8] 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

[7] 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.

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

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, 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.

Funding

Appropriations for Senate committees are typically included annually in the Legislative Branch Appropriations Act. Funding has been steady in recent fiscal years; approximately $133.3 million was appropriated for Senate committees (except for the Committee on Appropriations) in appropriations bills for each of FY2019,[9] FY2018,[10] FY2017,[11] and FY2016.[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 nondesignated 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 nondesignated 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]

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[9] P.L. 115-244.

[10] P.L. 115-141.

[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 Sen. McConnell, Sen. 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] Sens. 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, paragraph 9, and Rule XXVII, as well as by statute.

Committee Funding in Practice

To better understand how committees have used their authorized funds, the following sections provide an analysis of committee expenditures during the 108th through 113th Congresses. Specifically, committee expenditures are analyzed to determine (1) the percentage of each committee's annual authorization that is expended, and (2) major categories of committee spending.

Data

Data on committee expenditures were compiled using the semiannual *Report of the Secretary of the Senate*, which reports Senate expenditures disbursed during the previous six months.[17] The following analysis calculates total expenditures made by Senate committees in each Congress, except Appropriations and Ethics, for the 108th (2003-2005) through the 113th (2013-2014) Congress.[18]

Expenditures as a Percentage of Authorization

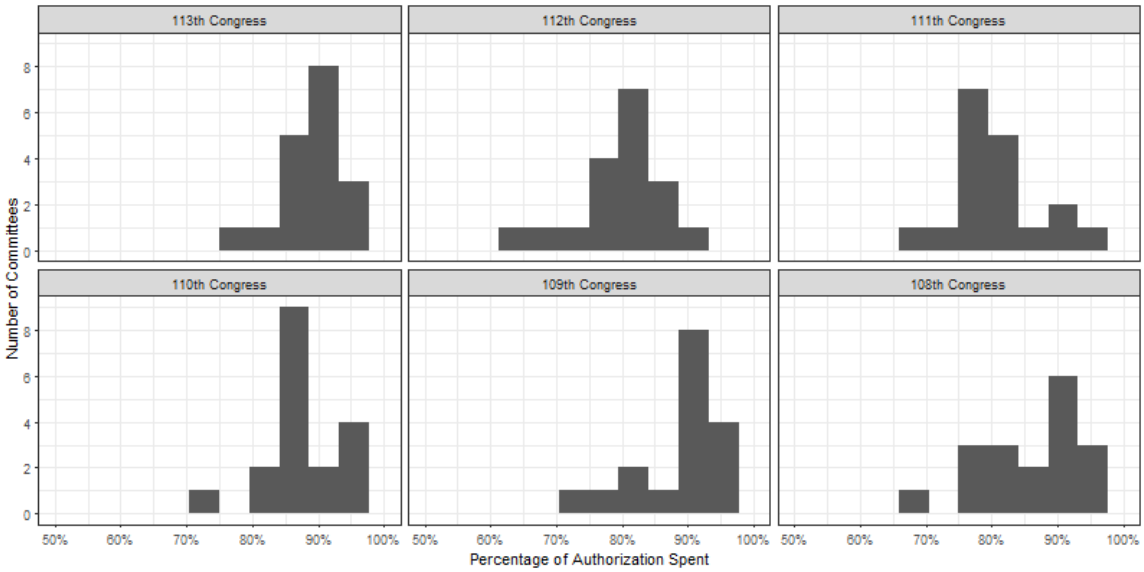
As shown in **Figure 3**, the majority of committees during the period analyzed used most of the funds authorized to them. Across the years analyzed, the median percentage spent of a committee's authorization is approximately 86%. The median percentage spent increased from 81% in the 112th Congress to 89% in the 113th Congress.

[17] The *Report of the Secretary of the Senate* is published as a Senate document. Beginning with the six-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] Because late-arriving bills for committee expenses may be paid for up to two years following the end of an appropriation, total committee expenditures for a given Congress are calculated using data both from the *Reports of the Secretary of the Senate* covering the period in which the committee operated, as well as *Reports of the Secretary of the Senate* from subsequent Congresses. While 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. U.S. General Accounting Office, *Principles of Federal Appropriations Law*, Third Edition, vol. I, January 2004, at http://www.gao.gov/special.pubs/3rdEditionVol1.pdf, pages 5-76 – 5-77.

Figure 3. Percentage of Authorization Expended

Senate Standing and Select Committees (excluding Appropriations and Ethics), 108th-113th Congresses



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

Spending by Budget Category

Senate spending, as reported in the *Report of the Secretary of the Senate*, is categorized by standard budget object classes used for the federal government.[19] 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.[20]

Table 1 shows that the largest category of spending, accounting for just over 95% of total committee spending across all years analyzed, was for "Net Payroll Expenses." Beyond these staff expenses, committees spent approximately 1.5% of their expenditures on "Supplies and Materials," approximately 1% on "Rent, Communication, and Utilities," and on "Travel and Transportation," and less than 1% on each of the remaining categories. The use of most

[19] 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/.

[20] 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.

committee funds on personnel compensation is consistent both across time and across individual committees.

Table 1. Committee Expenditures by Category, 108th-113th Congresses

Senate Standing and Select Committees (excluding Appropriations and Ethics)

Congress	Total Committee Expenditures	%						
		Net Payroll Expenses	Travel and Transportation of Persons	Rent, Communications, and Utilities	Printing and Reproduction	Other Contractual Services	Supplies and Materials	Acquisition of Assets
113th (2013-2014)	$180,484,457	95.5%	0.7%	0.9%	0.0%	0.6%	1.6%	0.6%
112th (2011-2012)	$196,667,847	96.3%	0.8%	0.9%	0.1%	0.5%	1.3%	0.2%
111th (2009-2010)	$207,582,522	95.3%	1.1%	0.9%	0.0%	0.7%	1.4%	0.5%
110th (2007-2008)	$177,335,196	95.2%	1.1%	1.1%	0.0%	0.6%	1.5%	0.6%
109th (2005-2006)	$166,245,922	94.9%	1.2%	1.0%	0.0%	0.8%	1.4%	0.7%
108th (2003-2004)	$146,740,751	95.0%	0.9%	1.0%	0.0%	0.7%	1.7%	0.5%

Source: CRS calculations based on the *Report of the Secretary of the Senate*.

Notes: 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.

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