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# Legislative Branch Appropriations: Frequently Asked Questions

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# Summary

This report responds to frequently asked questions about legislative branch appropriations. Frequently asked questions include the items that are funded within this bill; development, presentation, and consideration of the legislative branch budget requests; the legislative branch budget in historical perspective; and recent actions.

The FY2018 legislative branch budget request of $4.865 billion was submitted on May 23, 2017.

On June 29, 2017, the House Appropriations Committee ordered reported by voice vote the FY2018 legislative branch appropriations bill (H.R. 3162). It would provide $3.580 billion, not including Senate items (H.Rept. 115-199, July 6, 2017).

On July 18, 2017, the text of H.R. 3162 was included in a print issued by the House Rules Committee. The print was referred to as the Make America Secure Appropriations Act, 2018, and was short titled the "Defense, Military Construction, Veterans Affairs, Legislative Branch, and Energy and Water Development National Security Appropriations Act, 2018" (Committee Print 115-30, which also contains the text of H.R. 3219, H.R. 2998, and H.R. 3266).

The House Rules Committee met on July 24 and 25, 2017, to consider a special rule for consideration of H.R. 3219, which included legislative branch funding as Division B. A total of 34 proposed amendments were considered by the committee (including 7 the committee considered late or late revised). Ten amendments were made in order (printed in H.Rept. 115-259). The rule for consideration (H.Res. 473) was agreed to in the House on July 26, 2017 (232-192, Roll no. 415).

The House proceeded to consideration of H.R. 3219 on July 26. Of the 10 amendments to Division B made in order by H.Res. 473, 9 were offered:

- 4 which were agreed to by voice vote,
- 2 which failed by voice vote, and
- 3 which failed by roll call vote.

H.R. 3219 was passed in the House the next day (235-192, Roll no. 435).

Also on July 27, the Senate Appropriations Committee reported S. 1648 (S.Rept. 115-137), which would provide $3.171 billion, not including House items.

For additional information, including information on the most recent legislative branch appropriations bills, see CRS Report R44899, *Legislative Branch: FY2018 Appropriations*, by Ida A. Brudnick.

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# Frequently Asked Questions

## In addition to the Senate and House of Representatives, what is funded by the legislative branch appropriations bill?

In addition to the Senate and House of Representatives, the legislative branch bill typically funds Joint Items, including the Joint Economic Committee, Joint Committee on Taxation, Office of the Attending Physician, and Office of Congressional Accessibility Services; Capitol Police; Office of Compliance (OOC); Congressional Budget Office (CBO); Architect of the Capitol (AOC); Library of Congress (LOC), including the Congressional Research Service (CRS); Government Publishing Office (GPO); Government Accountability Office (GAO); and Open World Leadership Center.

## How has funding for the legislative branch changed in recent years in current and constant (inflation adjusted) dollars?

**Table 1** provides information on the enacted funding levels provided for the legislative branch from FY2007 to FY2017. The table includes annual and supplemental appropriations, rescissions, and the FY2013 sequestration.

**Table 1. Legislative Branch Funding, FY2007-FY2017: Current and Constant Dollars**

(in billions of dollars)

| Fiscal Year | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Current Dollars | 3.852 | 3.970 | 4.501 | 4.669 | 4.543 | 4.307 | 4.061 | 4.259 | 4.300 | 4.363 | 4.440 |
| Constant (2017) Dollars | 4.532 | 4.517 | 5.106 | 5.218 | 4.969 | 4.613 | 4.287 | 4.430 | 4.441 | 4.467 | 4.440 |

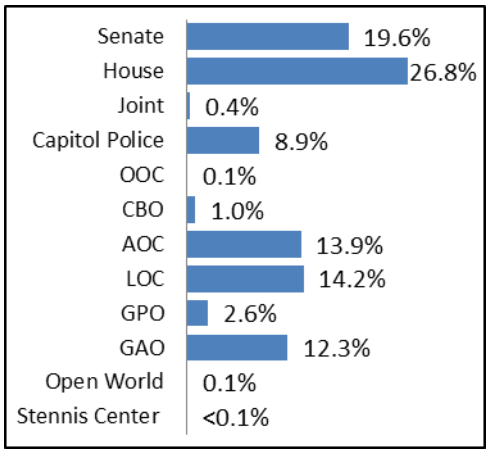
**Source:** CRS analysis of legislative branch appropriations acts and related budget documents.

**Notes:** These figures exclude permanent budget authorities, including funding for Member pay, that are not included in the annual legislative branch appropriations bill. Totals include supplementals and rescissions. Constant 2017 dollars calculated using the "Total Non-Defense" deflator in *Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables: 1940–2022* in the President's FY2018 budget request.

## How is funding divided across the legislative branch?

**Figure 1** shows the distribution of budget authority across the legislative branch in FY2017.

**Figure 1. Legislative Branch Funding: Distribution in FY2017**




**Source:** CRS analysis of legislative branch appropriations acts and related budget documents.

**Notes:** These figures exclude permanent budget authorities and contain supplementals and rescissions. Total does not include permanent budget authorities, including funding for Member pay, that are not included in the annual legislative branch appropriations bill. Total also excludes offsetting collections and authority to spend receipts.

## What funding has been provided in recent years for the Senate, House of Representatives, and legislative branch agencies, and what is the status of FY2018 funding?

**Table 2** provides information on funding levels for the Senate, House of Representatives, and legislative branch agencies in recent years as well as the requested, House-passed, and Senate-reported levels for FY2018.

Consideration of FY2018 funding began almost immediately after the enactment of FY2017 funding on May 5, 2017:

- The FY2018 legislative branch budget request of $4.865 billion was submitted on May 23, 2017.
- On June 23, 2017, the House Appropriations Committee Legislative Branch Subcommittee held a markup of the draft FY2018 bill. The bill was ordered reported to the full committee by voice vote.
- On June 29, the House Appropriations Committee held a markup of the bill, which was ordered reported by voice vote. H.R. 3162 would provide $3.580 billion, not including Senate items, an increase of 2.8%, or $100 million, from the comparable FY2017 enacted level (H.Rept. 115-199, July 6, 2017).
- On July 18, 2017, the text of H.R. 3162 was included in a print issued by the House Rules Committee referred to as the Make America Secure Appropriations Act, 2018, and short titled the "Defense, Military Construction, Veterans Affairs, Legislative Branch, and Energy and Water Development National Security

Appropriations Act, 2018" (Committee Print 115-30).[1] An announcement regarding the amendment process was issued.[2]

- The House Rules Committee met on July 24 and 25, 2017, to consider a special rule for consideration of this bill, H.R. 3219, which included legislative branch funding as Division B. A total of 34 amendments were considered by the committee for Division B (including 7 the committee considered late or late revised).[3]
- Ten amendments to Division B were made in order under the rule reported by the House Rules Committee (H.Res. 473, amendments printed in H.Rept. 115-259).
- H.Res. 473 was agreed to in the House on July 26, 2017 (232-192, Roll no. 415; see also H.Res. 478).
- The House proceeded to consideration of H.R. 3219 on July 26. Of the 10 amendments to Division B made in order, 9 were offered. Of these
  - 4 were agreed to by voice vote (H.Amdt. 214, relating to the use of the Members' Representational Allowance for Member security; H.Amdt. 215, increasing funding for the House Wounded Warrior Program; H.Amdt. 218, related to the provision of designated baby changing stations in the Capitol Complex; and H.Amdt. 221, prohibiting the delivery of printed copies of the *Federal Register* to Representatives unless specifically requested);
  - 2 failed by voice vote (H.Amdt. 213, related to funding for the Government Accountability Office; and H.Amdt. 220, related to mass mailings); and
  - 3 failed by roll call vote (H.Amdt. 216 and H.Amdt. 217, which would have reduced funding for the Congressional Budget Office; and H.Amdt. 219, which would have provided funding for the reestablishment of the Office of Technology Assessment).
- H.R. 3219 was passed in the House the next day (235-192, Roll no. 435).
- Also on July 27, the Senate Appropriations Committee met to mark up its version of the FY2018 legislative branch appropriations bill. It ordered reported its bill (S. 1648, S.Rept. 115-137) by recorded vote (31–0) and reported the bill on the same day. S. 1648 would provide $3.171 billion, not including House items, an increase of $122.4 million (4.0%) from the comparable FY2017 enacted level.

[1] Available at http://docs.house.gov/billsthisweek/20170724/BILLS%20-115HR3219HR3162HR2998HR3266-RCP115-30.pdf.

[2] Available at https://rules.house.gov/news/announcement/amendment-process-hr-3219.

[3] For a list and a link to text of the proposed amendments, see https://rules.house.gov/bill/115/hr-3219.

**Table 2. Legislative Branch Appropriations: Recent Levels and FY2018 Action**

(in thousands of dollars)

| Entity | FY2014 Enacted | FY2015 Enacted | FY2016 Enacted | FY2017 Enacted | FY2018 Requested | FY2018 House-Passed | FY2018 Senate-Reported |
|---|---|---|---|---|---|---|---|
| Senate | $859,293 | $864,286 | $870,159 | $871,177 | $948,258 | —[a] | $899,774 |
| House of Representatives | 1,180,908 | 1,180,735 | 1,180,909 | 1,189,223[b] | 1,223,187 | 1,194,049 | —[a] |
| Joint Items[c] | 18,994 | 19,056 | 20,732 | 19,565 | 20,654 | 19,940 | 19,565 |
| Capitol Police | 338,459 | 347,959 | 375,000 | 393,300 | 422,307 | 422,500 | 422,500 |
| Office of Compliance | 3,868 | 3,959 | 3,959 | 3,959 | 4,056 | 3,959 | 3,959 |
| Congressional Budget Office | 45,700 | 45,700 | 46,500 | 46,500 | 49,945 | 48,500 | 48,100 |
| Architect of the Capitol[a] | 602,030 | 600,261 | 612,904 | 617,887 | 782,956 | 581,837[a] | 454,015[a] |
| Library of Congress, Including CRS | 578,982 | 590,921 | 599,912 | 631,958 | 703,420 | 648,027 | 638,873 |
| *CRS* | *105,350* | *106,945* | *106,945* | *107,945* | *119,279* | *111,474* | *112,698* |
| Government Publishing Office | 119,300 | 119,993 | 117,068 | 117,068 | 117,068 | 117,068 | 117,068 |
| Government Accountability Office | 505,383 | 522,000 | 531,000 | 544,506 | 590,678 | 544,506 | 562,772 |
| Open World Leadership Center | 6,000 | 5,700 | 5,600 | 5,600 | 5,800 | 5,600 | 5,600 |
| Stennis Center for Public Service | 430 | 430 | 430 | 430 | 430 | 430 | 430 |
| Other Adjustments | -1,000 | -1,000 | -1,000 | -1,000 | -4,000 | -6,000 | -2,000 |
| **Total Legislative Branch** | **$4,258,347** | **$4,300,000** | **$4,363,172** | **$4,440,173** | **$4,864,759** | **$3,580,416**[a] | **$3,170,656**[a] |

**Sources:** P.L. 113-76, P.L. 113-235, P.L. 114-113, P.L. 115-31, explanatory materials for FY2014, FY2015, FY2016, and FY2017 inserted into the *Congressional Record*, the *Budget for Fiscal Year 2018*, H.Rept. 115-199, S.Rept. 115-137, and CRS calculations.

**Notes:**

a. By tradition, the House does not consider appropriations for the Senate or Senate office buildings and the Senate does not consider appropriations for the House or House office buildings.

b. This total includes one gratuity payment of $174,000.

c. "Joint Items" generally contains funding for the Joint Economic Committee, the Joint Committee on Taxation, the Office of the Attending Physician, and the Office of Congressional Accessibility Services. In fiscal years prior to an inauguration, it also contains funding for the Joint Congressional Committee on Inaugural Ceremonies (e.g., $1.25 million for FY2016).

## Why is the legislative branch budget request included in the President's budget request? Does the President play any role in its development?

The President has no formal role in the development of the legislative branch budget request, even though it is included in the President's annual budget request documents.

By long-standing law and practice, the legislative branch request and any supplemental requests are submitted to the President and included in the budget without change.[4] While the executive branch budget submissions generally involve interaction between an agency and the Office of Management and Budget (OMB), the legislative branch requests do not. The executive branch does not review or maintain documentation in support of the legislative branch requests.[5]

## What percent of discretionary budget authority historically goes to the legislative branch?

Since FY1976, the legislative branch as a proportion of total discretionary budget authority has averaged approximately 0.40%.[6] The maximum level, 0.48%, was in FY1995 and the minimum, 0.31%, was in FY2009. Discretionary budget authority is provided and controlled by the annual appropriations acts.

## What percent of total budget authority (mandatory and discretionary) historically goes to the legislative branch?

Since FY1976, the legislative branch as a proportion of total budget authority has averaged 0.17%. The maximum level, 0.23%, was in FY1977, and the minimum, 0.11%, was in FY2016.[7]

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[4] Pursuant to 31 U.S.C. 1105, "Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget ... shall be submitted to the President ... and included in the budget by the President without change." Division C of the FY2012 Consolidated Appropriations Act (P.L. 112-74) added language to 31 U.S.C. 1107 relating to budget amendments, stating: "The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch."

[5] OMB Circular A-11, part 2, "Preparation and Submission of Budget Estimates," provides the following information for agencies and entities, including the legislative branch, "not subject to Executive Branch review by law or custom. That means that the requirements for submitting materials in support of your budget request do not apply to you. However, you do need to submit the information required for inclusion in the budget database and documents, which OMB incorporates without revision." (https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/a11_current_year/a11_2017.pdf).

[6] FY2016 is the most recent year for which actual, rather than estimated, data are available. Calculations by CRS with data from Office of Management and Budget (OMB), Historical Tables, *Budget of the United States Government*, FY2018, Table 5.4—Discretionary Budget Authority By Agency: 1976–2022; available at http://www.whitehouse.gov/omb/budget/Historicals. The calculations have some limitations, since the OMB data do not completely align with items funded in the annual and supplemental legislative branch appropriations acts. The differences may be partially traced to the definition of "legislative branch" in the OMB Public Budget Database user's guide. Some entities regularly included with the legislative branch in many OMB budget documents, like the United States Tax Court and some Legislative Branch Boards and Commissions, are not funded through the annual legislative branch appropriations acts. Consequently, an examination of the discretionary budget authority listed in the *Historical Tables* reveals some differences with the reported total budget authority provided in the annual legislative branch appropriations acts. The difference in legislative branch budget authority resulting from the different definitions of the legislative branch in the OMB budget documents and in the appropriations acts, however, does not represent a large difference in the proportion of total discretionary budget authority.

[7] FY2016 is the most recent year for which actual, rather than estimated, data are available. Calculations by CRS with data from Office of Management and Budget (OMB), Historical Tables, *Budget of the United States Government, FY2018, Table 5.2—Budget Authority by Agency: 1976–2022*; available at http://www.whitehouse.gov/omb/budget/ (continued...)

Total budget authority includes both budget authority controlled by the annual appropriations acts and budget authority controlled by previous laws, including entitlements.

## Are Member salaries funded or adjusted in the legislative branch appropriations bill?

No, salaries for Members of Congress are neither funded nor increased in the legislative branch bill.

Member salaries have been included as mandatory spending since FY1983, and the amount of potential Member pay adjustments is calculated pursuant to the Ethics Reform Act of 1989, which established a formula based on changes in the Employment Cost Index (ECI).[8] The adjustment automatically takes effect unless (1) Congress statutorily prohibits the adjustment; (2) Congress statutorily revises the adjustment; or (3) the annual base pay adjustment of General Schedule (GS) federal employees is established at a rate less than the scheduled increase for Members, in which case the percentage adjustment for Member pay is automatically lowered to match the percentage adjustment in GS base pay.

The FY2017 consolidated appropriations act included a provision prohibiting the scheduled 2017 automatic annual adjustment (P.L. 114-254).

H.R. 3162, the House version of the FY2018 legislative branch appropriations bill, would prevent the 1.8%, or $3,100, adjustment scheduled for January 2018.

S. 1648, as reported by the Senate Appropriations Committee, would also prevent this adjustment.

In FY2017 and FY2018, the Member pay adjustment prohibition was included in the legislation as introduced and no separate votes have been held on this provision.

Although discussion of Member pay is often associated with appropriations bills, these bills do not contain language funding or increasing Member pay, and a prohibition on the automatic annual Member pay adjustments could be included in any bill, or be introduced as a separate bill. For a list of the laws that have previously contained provisions prohibiting the annual pay adjustments, see "Table 3. Legislative Vehicles Used for Pay Prohibitions, Enacted Dates, and Pay Language" in CRS Report 97-1011, *Salaries of Members of Congress: Recent Actions and Historical Tables*, by Ida A. Brudnick.

In contrast, the salaries and benefits for legislative branch employees are provided by the legislative branch appropriations acts, although they generally do not address pay adjustments.[9]

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(...continued)

Historicals. The calculations have some limitations, since the OMB data do not completely align with items funded in the annual and supplemental legislative branch appropriations acts.

[8] For mandatory spending language, see P.L. 97-51, 95 Stat. 966, September 11, 1981; and, for example: "Table 33-1. Federal Programs By Agency and Account" in *Analytical Perspectives, Budget of the United States Government*, Fiscal Year 2012 (Washington, GPO: 2011), pp. 2, 3. For the Ethics Reform Act, see P.L. 101-194, 103 Stat. 1767-1768, Nov. 30, 1989. For additional information on Member pay generally, see CRS Report 97-1011, *Salaries of Members of Congress: Recent Actions and Historical Tables*, by Ida A. Brudnick.

[9] Rather, adjustments may be determined by employing authorities (in the case of House and Senate employees) or broader or agency-specific pay systems. For example, see the *Orders of the Speaker of the House of Representatives* (issued pursuant to 2 U.S.C. 4532 note); *Orders of the President pro Tempore* (issued pursuant to 2 U.S.C. 4571); and laws governing employment for individual agencies, positions, or pay systems.

### Why do the initial committee-reported versions of the annual bill not fund the other chamber?

The House and Senate both consider funding levels for the legislative branch agencies and joint entities. By long-standing tradition, however, the House bill does not propose funding levels for Senate items, including the account that funds the Senate and the Senate office buildings account within the Architect of the Capitol.[10] Similarly, the Senate does not comment on House items, including the account that funds the House or the House office buildings account within the Architect of the Capitol. The House, Senate, and conference reports on legislative branch appropriations bills regularly contain language illustrating the deference of each chamber to the internal practices of the other.[11] If comparing the House and Senate bill totals, or the total provided to the Architect of the Capitol at different stages of consideration, adjustments may be necessary to address any omissions due to this practice.

## Author Information

Ida A. Brudnick
Specialist on the Congress

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[10] The House and Senate office building accounts are two of the 10 accounts that fund operations of the Architect. The other accounts fund general administration, Capitol building, Capitol grounds, Capitol power plant, Library buildings and grounds, Capitol Police buildings and grounds, Capitol Visitor Center, and Botanic Garden.

[11] For example, the FY1996 conference report states (U.S. Congress, House Committee on Appropriations, *FY1996 Legislative Branch Appropriations Bill*, H.Rept. 104-212, report to accompany H.R. 1854 (Washington: GPO, 1995), p. 9.):

> Inasmuch as the amendment relates solely to the Senate and in accord with long practice under which each body concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate amendment, as amended.

Similarly, the FY2010 conference report states (U.S. Congress, conference committee, *FY2010 Legislative Branch Appropriations Bill*, H.Rept. 111-265, report to accompany H.R. 2918 (Washington: GPO, 2009), p. 33.):

> Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendment of the House as amended.

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