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Legislative Branch Appropriations: Frequently Asked Questions

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SUMMARY

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Legislative Branch Appropriations: Frequently Asked Questions

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 House and Senate considered FY2020 legislative branch funding during 2019:

- The FY2020 legislative branch budget request of $5.288 billion (+9.3%) was submitted on March 11, 2019.
- The House Legislative Branch Appropriations Subcommittee held hearings in February, March, and April 2019.
- The Senate Legislative Branch Appropriations Subcommittee held hearings in March and April 2019.
- The House Appropriations Committee Legislative Branch Subcommittee held a markup on May 1, 2019.
- The House Appropriations Committee held a markup on May 9, 2019, and ordered an original bill reported (H.R. 2779, H.Rept. 116-64) by recorded vote (28-22). It would provide $3.972 billion, not including Senate items.
- The Office of Management and Budget (OMB) issued a May 8, 2019, letter with the Administration's position on the legislative branch budget.
- The potential inclusion of legislative branch funding in H.R. 2740 (Rules Committee Print 116-17) was discussed in June, although the bill was ultimately agreed to in the House on June 19, 2019, without the legislative branch appropriations funding.
- The Senate Appropriations Committee held a markup on September 26, 2019, and ordered an original bill reported (S. 2581, S.Rept. 116-124) by recorded vote (31-0). It would provide $3.600 billion, not including House items.
- On September 27, 2019, a continuing resolution providing funding through November 21, 2019, was enacted (P.L. 116-59).
- On November 21, 2019, a continuing resolution providing funding through December 20, 2019, was enacted (P.L. 116-69).
- On December 20, 2019, the Further Consolidated Appropriations Act (P.L. 116-94) was enacted. Division E provides $5.049 billion for legislative branch activities for FY2020 (+$202.8 million, or +4.2%, from the FY2019 level, including the supplemental). Additional language related to the legislative branch was included in Division P.

Previously, $4.836 billion was provided for legislative branch operations for FY2019, an increase of $136.0 million (+2.9%) from the FY2018 enacted level (P.L. 115-244, September 21, 2018). In addition, $10.0 million in FY2019 supplemental appropriations was provided to GAO for audits and investigations related to storms and disasters on June 6, 2019 (P.L. 116-20).

For additional information, including information on the most recent legislative branch appropriations bills, see CRS Report R45755, *Legislative Branch: FY2020 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, Office of Congressional Accessibility Services, and in some years, the Joint Congressional Committee on Inaugural Ceremonies; Capitol Police; Office of Congressional Workplace Rights (OCWR, formerly the Office of Compliance); 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 FY2008 to FY2019. The table includes annual and supplemental appropriations, rescissions, and the FY2013 sequestration.

As stated above, Division E of P.L. 116-94 provides $5.049 billion for legislative branch activities for FY2020.

Table 1. Legislative Branch Funding, FY2008-FY2019: Current and Constant Dollars

(in billions of dollars)

Fiscal Year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Current Dollars	3.970	4.501	4.669	4.543	4.307	4.061	4.259	4.300	4.363	4.440	4.700	4.846
Constant Dollars	4.705	5.331	5.434	5.174	4.802	4.457	4.603	4.621	4.654	4.655	4.804	4.846

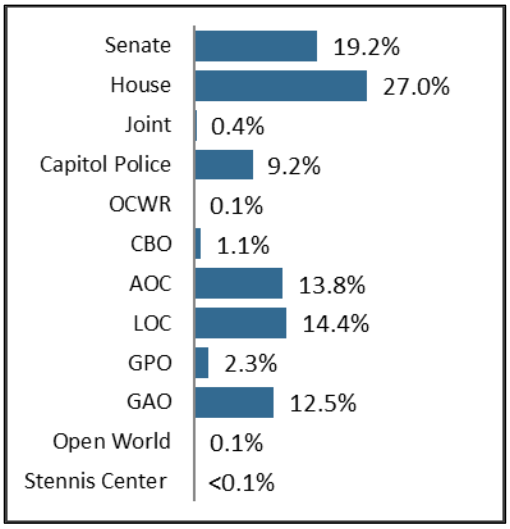
Source: CRS analysis of legislative branch appropriations acts and related budget documents.

Notes: These figures exclude permanent budget authorities, including funding for Member pay, that are not included in the annual legislative branch appropriations bill. Constant 2019 dollars calculated using the "Total Non-Defense" deflator in *Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables: 1940–2024* in the President's FY2020 budget request.

How is funding divided across the legislative branch?

Figure 1 shows the distribution of funding across the legislative branch in FY2020.

Figure 1. Legislative Branch Funding: Distribution in FY2020



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

Notes: 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?

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-reported, Senate-reported, and enacted levels for FY2020.

By law, the President includes the legislative branch request in the annual budget submission without change.

Table 2. Legislative Branch Appropriations: Prior Enacted Levels and FY2020 Action

(in thousands of dollars)

Entity	FY2014 Enacted	FY2015 Enacted	FY2016 Enacted	FY2017 Enacted	FY2018 Enacted	FY2019 Enacted	FY2020 Requested	FY2020 House-Reported	FY2020 Senate-Reported	FY2020 Enacted
Senate	$859,293	$864,286	$870,159	$871,177	$919,932	$934,667[a]	$1,046,478	—[b]	$969,396	$969,396
House of Representatives	1,180,908	1,180,735	1,180,909	1,189,223	1,200,173	1,232,663[a]	1,356,669	1,345,725	—[b]	1,365,725
Joint Items[c]	18,994	19,056	20,732	19,565	20,654	20,656	21,143	21,143	22,643	22,643
Capitol Police	338,459	347,959	375,000	393,300	426,500	456,308	463,341	463,341	464,341	464,341
Office of Congressional Workplace Rights[d]	3,868	3,959	3,959	3,959	4,959	6,333	6,333	6,333	6,333	6,333
Congressional Budget Office	45,700	45,700	46,500	46,500	49,945	50,737	53,556	52,666	54,941	54,941
Office of Technology Assessment	—	—	—	—	—	—	—	6,000	—	—
Architect of the Capitol[b]	602,030	600,261	612,904	617,887	712,105	733,745	831,694	624,668[b]	585,782[b]	695,933
Library of Congress, including CRS	578,982	590,921	599,912	631,958	669,890	696,112	747,077	720,290	735,801	725,359
CRS (non-add)	*105,350*	*106,945*	*106,945*	*107,945*	*119,279*	*125,688*	*121,572*	*119,889*[e]	*120,495*[e]	*120,495*[e]
Government Publishing Office	119,300	119,993	117,068	117,068	117,068	117,000	117,000	117,000	117,000	117,000
Government Accountability Office	505,383	522,000	531,000	544,506	578,917[f]	589,750[g]	647,637	615,604	639,436	630,000

Entity	FY2014 Enacted	FY2015 Enacted	FY2016 Enacted	FY2017 Enacted	FY2018 Enacted	FY2019 Enacted	FY2020 Requested	FY2020 House-Reported	FY2020 Senate-Reported	FY2020 Enacted
Open World Leadership Center	6,000	5,700	5,600	5,600	5,600	5,600	5,800	5,800	5,900	5,900
Stennis Center for Public Service	430	430	430	430	430	430	430	430	430	430
Administrative Provisions	-1,000	-1,000	-1,000	-1,000	-2,000	-2,000	-2,000	—	-2,000	-2,000
Other[h]	0	0	0	0	-4,000	-6,000	-7,000	-7,000	—	-7,000
Total Legislative Branch	**$4,258,347**	**$4,300,000**	**$4,363,172**	**$4,440,173**	**$4,700,173**[f]	**$4,836,001**[g]	**$5,288,158**	**$3,972,000**[b]	**3,600,003**[b]	**$5,049,000**

Sources: P.L. 113-76, P.L. 113-235, P.L. 114-113, P.L. 115-31, P.L. 115-141, P.L. 115-244, explanatory materials for FY2014, FY2015, FY2016, FY2017, FY2018, and FY2020 inserted into the *Congressional Record*, H.Rept. 115-929, the *Budget for Fiscal Year 2020*, H.Rept. 116-64, S.Rept. 116-124, P.L. 116-94, and CRS calculations.

a. Total does not include gratuity payments for survivors of deceased Members of Congress.

b. 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.

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; $1.5 million for FY2020).

d. Formerly known as the Office of Compliance, the Office of Congressional Workplace Rights (OCWR) was renamed by the Congressional Accountability Act of 1995 Reform Act (P.L. 115-397).

e. The House Appropriations Committee report (H.Rept. 116-64) describes "Appropriations Shifts to Reflect Centralized Funding for Information Technology" that affected the four LOC appropriations headings. The report states that the House-reported FY2020 level represents an increase of $2.99 million for CRS when reflecting the centralized IT funding.

f. Does not include emergency appropriation provided by P.L. 115-123. Title IX of Division B provided $14.0 million to GAO "for audits and investigations relating to Hurricanes Harvey, Irma, and Maria and the 2017 wildfires."

g. Does not include emergency appropriation provided by P.L. 116-20. Title IX provided $10.0 million to GAO for audits and investigations related to storms and disasters.

h. Includes, for example, scorekeeping adjustments or prior-year outlays.

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.[1] 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.[2]

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

Discretionary budget authority is provided and controlled by the annual appropriations acts.

Since FY1976, the legislative branch as a proportion of total discretionary budget authority has averaged approximately 0.40%.[3] The maximum level, 0.48%, was in FY1995 and the minimum, 0.31%, was in FY2009.

[1] 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."

[2] OMB Circular A-11, part 2, "Preparation and Submission of Budget Estimates," section 25, 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/s25.pdf).

[3] FY2018 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), "Table 5.4—Discretionary Budget Authority By Agency: 1976–2024," in Historical Tables, *Budget of the United States Government*, FY2020, at https://www.whitehouse.gov/omb/historical-tables/. 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 U.S. 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 significant difference in the proportion of total discretionary budget authority.

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

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

Since FY1976, the legislative branch as a proportion of total budget authority has averaged 0.16%. The maximum level, 0.23%, was in FY1977, and the minimum, 0.11%, was in FY2017 and FY2018.[4]

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).[5] 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.

Members of Congress last received a pay adjustment in January 2009. Since then, the compensation for most Senators, Representatives, Delegates, and the Resident Commissioner from Puerto Rico has been $174,000.

The maximum potential January 2020 member pay adjustment was 2.6%, or $4,500.[6] The Senate-reported bill contained an administrative provision prohibiting this adjustment. The House-reported bill did not contain this provision. Section 7 of P.L. 116-94 prohibited any adjustment in 2020. No separate votes were held on the Member pay adjustment.

[4] FY2018 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), "Table 5.2—Budget Authority by Agency: 1976–2024," in Historical Tables, *Budget of the United States Government*, FY2020, at http://www.whitehouse.gov/omb/budget/Historicals. The calculations have some limitations, since, as stated above, the OMB data do not completely align with items funded in the annual and supplemental legislative branch appropriations acts.

[5] For mandatory spending language, see P.L. 97-51, 95 Stat. 966, September 11, 1981; and, for example, "Table 27-1. Federal Programs By Agency and Account" in *Analytical Perspectives, Budget of the United States Government*, Fiscal Year 2019 (Washington, GPO: 2018), pp. 2, 3. For the Ethics Reform Act, see P.L. 101-194, 103 Stat. 1767-1768, November 30, 1989.

[6] The potential Member pay adjustment was determined by a formula using the Employment Cost Index (private industry wages and salaries, not seasonally adjusted), based on the 12-month percentage change reported for the quarter ending December 31, minus 0.5%. The 2.6% adjustment was determined by taking the percentage increase in the Index between the quarters ending December 2017 and December 2018, which was 3.1%, and subtracting 0.5%. U.S. Department of Labor, Bureau of Labor Statistics, Employment Cost Index—December 2018 (Washington: January 31, 2019), p. 3. Pursuant to 2 U.S.C. 4501(2)(A), this amount is "rounded to the nearest multiple of $100."

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.[7]

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.[8] 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.[9] 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.

[7] 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.

[8] The House and Senate office building accounts are 2 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.

[9] 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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