



Legislative Branch: FY2009 Appropriations

(name redacted)

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Summary

The FY2009 Omnibus Appropriations Act, P.L. 111-8, was enacted on March 11, 2009. Division G of the act provides \$4.4 billion for legislative branch activities. This represents an approximate 11% increase over the nearly \$4 billion approved by Congress for FY2008. Legislative branch entities had requested nearly \$4.7 billion for FY2009, or an increase of 18%.

An additional \$25 million was provided for the Government Accountability Office in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

On September 30, 2008, the President signed the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329, 122 Stat. 3574). Division A, the FY2009 Continuing Appropriations Resolution, extended funding for nine FY2009 regular appropriations bills, including the legislative branch, from October 1, 2008, through March 6, 2009. P.L. 111-6 continued funding through March 11, 2009.

The House Appropriations Legislative Branch Subcommittee previously held a markup of the FY2009 bill on June 23, 2008, and ordered it reported to the full committee. The subcommittee bill provided \$3.4 billion for the legislative branch (excluding Senate items). Neither the full House Appropriations Committee nor the Senate Appropriations Committee held a markup on the bill.

Among issues that were considered during hearings on the FY2009 budget in the House and Senate Appropriations Committees, Subcommittees on Legislative Branch, are the following:

- completion of the Capitol Visitor Center and funding for initial activities;
- the designation of appropriate locations for tour buses to drop off and pick up visitors given security concerns around the Capitol Complex;
- the Architect's request for \$127 million to repair the Capitol Power Plant utility tunnels in accordance with the settlement agreed to with the Office of Compliance;
- funds for the Digital Talking Book program within the Library of Congress;
- the use of funds the U.S. Capitol Police received in the FY2007 emergency appropriations act to purchase new interoperable radios;
- funds requested to support the "Greening of the Capitol" initiative and the use of alternative fuels; and
- the future of the Open World Leadership Program, including the location of the program within the government and the selection of participant countries.

This report will be updated to reflect major congressional action.

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Most Recent Developments

The FY2009 Omnibus Appropriations Act, P.L. 111-8, was enacted on March 11, 2009. The act provides \$4.40 billion for the legislative branch, a 10.88% increase over the \$3.97 billion provided for FY2008.¹ The enacted level was \$258.47 million less than the request for \$4.66 billion in discretionary budget authority. An explanatory statement on the act was inserted into the *Congressional Record* on February 23, 2009, and later issued as a print from the Committee on Appropriations.²

Prior to the enactment of the Omnibus, funding was provided for the legislative branch at the FY2008 level. The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329) continued funding until March 6, 2009. P.L. 111-6 extended this funding through March 11, 2009.

The Subcommittees on the Legislative Branch of the House and Senate Appropriations Committees held hearings during which Members considered the legislative branch requests. On June 23, 2008, the House subcommittee marked up its version of the FY2009 legislative branch bill. The subcommittee's proposal contained approximately \$3.4 billion (excluding Senate items), although the committee took no further action.

Introduction to the Legislative Branch Appropriations Bill

Since FY2003, the annual legislative branch appropriations bill has usually contained two titles. Appropriations for legislative branch agencies are contained in Title I. These entities, as they have appeared in the annual appropriations bill, are the Senate; House of Representatives; Joint Items;³

¹ P.L. 110-161, Dec. 26, 2007. This total includes an across-the-board rescission of 0.25% which was applied to accounts within the legislative branch division of the act. A conference report on H.R. 2764 was not issued. Representative David Obey, chairman of the House Appropriations Committee, inserted explanatory materials into the *Congressional Record* of December 17 providing detailed tables on the discretionary spending included in the bill. Information on the legislative branch was included on pages H16371-H16380. The House Appropriations Committee subsequently issued a committee print containing additional information on funding provided in the act (U.S. Congress, House Appropriations Committee, *Consolidated Appropriations Act, 2008, H.R. 2764/Public Law 110-161*, committee print, 110th Cong., 2nd sess. (Washington: GPO, 2008), pp. 1841-1907).

² Section 4 of P.L. 111-8 states: "The explanatory statement regarding this Act, printed in the House of Representatives section of the *Congressional Record* on or about February 23, 2009 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference." Pages H2395-H2403 of the *Congressional Record* pertain to the legislative branch division of the FY2009 Omnibus. The House Appropriations Committee subsequently issued the statement as a committee print (U.S. Congress, House Appropriations Committee, *Committee Print of the House Committee on Appropriations on H.R. 1105 / P.L. 111-8 Books 1 & 2*, committee print, 111th Cong., 1st sess. (Washington: GPO, 2008), pp. 1737-1778).

³ Funded within the Joint Items account are the Joint Economic Committee, Joint Committee on Taxation, Office of the Attending Physician, Office of Congressional Accessibility Services, Capitol Guide Service and Special Services Office, and Statements of Appropriations. The Special Services Office, within the Capitol Guide Service, provides accessible and sign-language guided tours of the Capitol. The Statement of Appropriations account funds preparation of appropriations statements for each calendar year. These statements contain enacted appropriations, indefinite appropriations, authorized contracts, and a history of annual appropriations required by law.

Capitol Police; Office of Compliance; Congressional Budget Office; Architect of the Capitol, including the Capitol Visitor Center; Library of Congress, including the Congressional Research Service; Government Printing Office; Government Accountability Office; and Open World Leadership Program.

Title II contains general administrative provisions and, from time to time, appropriations for legislative branch entities. For example, Title II of the FY2003 Act, P.L. 108-7, contained funds for the John C. Stennis Center for Public Service Training and Development and for the Congressional Award Act.

On occasion the bill may contain a third title for other provisions. For example, Title III of the FY2006 legislative branch appropriations act, P.L. 109-55, contained language providing for the continuity of representation in the House of Representatives in “extraordinary circumstances.”

Changes in Structure of Legislative Branch Appropriations Effective in FY2003

Prior to enactment of the FY2003 bill, and effective in FY1978, the legislative branch appropriations bill was structured differently. Title I, Congressional Operations, contained budget authority for activities directly serving Congress. Included in this title were the budgets of the Senate; House of Representatives; Joint Items; Office of Compliance; Congressional Budget Office; Architect of the Capitol, except funds for Library of Congress buildings and grounds; Congressional Research Service, within the Library of Congress; and congressional printing and binding activities of the Government Printing Office.

Title II, Related Agencies, contained budget authority for activities considered by the Committee on Appropriations not directly supporting Congress, including those for the Botanic Garden; Library of Congress (except the Congressional Research Service, which was funded in Title I); Library of Congress buildings and grounds maintained by the Architect of the Capitol; Government Printing Office (except congressional printing and binding costs, which were funded in Title I); and Government Accountability Office, formerly named the General Accounting Office. Occasionally, from FY1978 through FY2002, the annual legislative appropriations bill contained additional titles for such purposes as capital improvements and special one-time functions.

Reestablishment of House Subcommittee on Legislative Branch for the 110th Congress

Prior to the 109th Congress, the legislative branch appropriations bill was handled by the House Subcommittee on Legislative Branch, Committee on Appropriations. Under a House Appropriations Committee reorganization plan released on February 9, 2005, the subcommittee was abolished and its jurisdiction assumed by the full Appropriations Committee. Although changes were made in the structure of the Senate Committee on Appropriations, announced in March 2005, the Subcommittee on Legislative Branch was retained. Under a reorganization plan announced by the House Appropriations Committee on January 4, 2007, the House Subcommittee

on Legislative Branch was reestablished for the 110th Congress.⁴ The 111th Congress maintained this organization.

Table I. Legislative Branch Appropriations, FY1995-FY2009
(budget authority in billions of current dollars)

| 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|-------|-------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|-------|--------------------|
| 2.203 | 2.288 | 2.581 ^a | 2.486 ^b | 2.730 ^c | 3.252 ^d | 3.461 ^e | 3.528 ^f | 3.640 ^g | 3.793 ^h | 3.852 ⁱ | 3.970 | 4.402 ^j |

Notes: These figures represent current dollars, exclude permanent budget authorities, and contain supplementals and rescissions. Permanent budget authorities are not included in the annual legislative branch appropriations bill but, rather, are automatically funded each year.

- a. Includes budget authority contained in the FY1999 Legislative Branch Appropriations Act (P.L. 105-275), the FY1999 emergency supplemental appropriation (P.L. 105-277), and the FY1999 supplemental appropriation (P.L. 106-31).
- b. Includes budget authority contained in the FY2000 Legislative Branch Appropriations Act (P.L. 106-57), a supplemental and a 0.38% rescission in P.L. 106-113, and supplementals in P.L. 106-246 and P.L. 106-554.
- c. This figure contains (1) FY2001 appropriations contained in H.R. 5657, legislative branch appropriations bill; (2) FY2001 supplemental appropriations of \$118 million and a 0.22% across-the-board rescission contained in H.R. 5666, miscellaneous appropriations bill; and (3) FY2001 supplemental appropriations of \$79.5 million contained in H.R. 2216 (P.L. 107-20). H.R. 5657 and H.R. 5666 were incorporated by reference in P.L. 106-554, FY2001 Consolidated Appropriations Act. The first FY2001 legislative branch appropriations bill, H.R. 4516, was vetoed Oct. 30, 2000. The second legislative branch appropriations bill, H.R. 5657, was introduced Dec. 14, 2000, and incorporated in P.L. 106-554. This figure does not reflect any terrorism supplemental funds released pursuant to P.L. 107-38.
- d. This figure contains appropriations in P.L. 107-68, transfers from the legislative branch emergency response fund pursuant to P.L. 107-117, and FY2002 supplemental appropriations in P.L. 107-206.
- e. This figure contains appropriations in P.L. 108-7, FY2003 Omnibus Appropriations Act, and supplemental appropriations in P.L. 108-11.
- f. This figure contains appropriations in P.L. 108-83, FY2004 Legislative Branch Appropriations Act. Additional FY2004 provisions which did not contain appropriations were contained in P.L. 108-199, the FY2004 Consolidated Appropriations Act.
- g. This figure contains appropriations in P.L. 108-447, Consolidated Appropriations Act, FY2005 (adjusted by a 0.80% rescission also contained in P.L. 108-447), and P.L. 109-13, FY2005 Emergency Supplemental.
- h. This figure contains appropriations in P.L. 109-55, FY2006 Legislative Branch Appropriations Act (adjusted by a 1.0% rescission contained in P.L. 109-148) and the FY2006 Emergency Supplemental Appropriations Act (P.L. 109-234).
- i. This figure contains appropriations in P.L. 110-5, the Revised Continuing Appropriations Resolution, 2007, and P.L. 110-28, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.
- j. This represents the FY2009 level included in the FY2009 Omnibus Appropriations Act and reported in the accompanying documents. This does not include \$25 million for the legislative branch contained in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

⁴ For additional information on subcommittee history, see CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920-2007*, by (name redacted).

Status of FY2009 Appropriations

Table 2. Status of Legislative Branch Appropriations, FY2009

| Committee Markup | | | | | | | Conference Report Approval | | Public Law |
|------------------|--------|--------------|---------------|---------------|----------------|-------------------|----------------------------|--------|---------------|
| House | Senate | House Report | House Passage | Senate Report | Senate Passage | Conference Report | House | Senate | |
| | | | | | | | | | P.L. 111-8 |

Note: P.L. 110-329 continued funding for the legislative branch at FY2008 levels through March 6, 2009. P.L. 111-6 continued funding through March 11, 2009.

Action on the FY2009 Legislative Branch Appropriations Bill

Submission of FY2009 Budget Request on February 4, 2008

The *FY2009 U.S. Budget* contained a request for \$4.7 billion in new budget authority for legislative branch activities, an increase of approximately 18% from FY2008 levels.⁵ A substantial portion of the increase requested by legislative branch entities was to meet (1) mandatory expenses, which include funding for annual salary adjustments required by law and related personnel expenses, such as increased government contributions to retirement based on increased pay, and (2) expenses related to increases in the costs of goods and services due to inflation.

Congressional Caps on FY2009 Legislative Branch Discretionary Funds

As required by law, both houses considered separate 302(b) budget allocations for legislative branch discretionary and mandatory funds in FY2009. The House Appropriations Committee report on the suballocations includes \$4.404 billion in discretionary budget authority, and \$127 million in mandatory budget authority, for the legislative branch.⁶ The revised Senate allocation is \$4.402 billion, plus \$127 million in mandatory budget authority.⁷

Senate and House Hearings on FY2009 Budget

The House Appropriations Subcommittee on Legislative Branch held budget hearings on February 13, 2008, for the Architect of Capitol; on March 5 for the Library of Congress; on

⁵ Office of Management and Budget, *Analytical Perspectives, Budget of the United States Government, FY2009*, Table 28—Federal Programs by Agency and Account (Washington: GPO, 2008), pp. 1-6; and Office of Management and Budget, *Summary Tables, Budget of the United States Government, FY2009*, Table S—3. Discretionary Funding by Major Agency (Washington: GPO, 2008), p. 141. These requests are “included in the budget by the President without change” (31 U.S.C. §1105).

⁶ U.S. Congress, House Committee on Appropriations, *Report On The Suballocation Of Budget Allocations For Fiscal Year 2009*, 110th Cong., 2nd sess., H.Rept. 110-746 (Washington, GPO, 2008), p. 3.

⁷ U.S. Congress, Senate Committee on Appropriations, *Further Revised Allocation To Subcommittees Of Budget Totals From The Concurrent Resolution, Fiscal Year 2009*, 111th Cong., 1st sess., S.Rept. 111-4 (Washington: GPO, 2009), p. 3.

March 6 for the Government Printing Office; on March 12 for the Office of Compliance, Congressional Budget Office, and Open World Leadership Center; on March 13 for the House of Representatives; on April 9 for the U.S. Capitol Police; and on April 10 for the Government Accountability Office. The subcommittee heard from public witnesses, including representatives of legislative branch employee unions and representatives of non-governmental groups with an interest in legislative operations, on May 7.

The Senate Appropriations Subcommittee on Legislative Branch held a hearing on April 30, 2008, on the budget requests of the Architect of the Capitol, U.S. Capitol Police, and the Library of Congress.

House Appropriations Subcommittee Markup

The House subcommittee held a markup on June 23, 2008. The subcommittee proposal contained \$3.4 billion, not including Senate items. The subcommittee agreed by voice vote to one amendment offered by the Chair, which slightly increased the budget authority for the Library of Congress salaries and expenses account.

FY2009 Legislative Branch Funding Issues

Senate

Overall Funding

The FY2009 Omnibus Appropriations Act provided \$895.0 million for Senate operations, an increase of \$63.3 million, or 7.6%, over the FY2008 level. The Senate had requested \$940.9 million in budget authority for its internal operations, or a 13.1% increase.

Senate Committee Funding

Appropriations for Senate committees are contained in two accounts:⁸

- the *inquiries and investigations account*, contains funds for all Senate committees except Appropriations. The Omnibus provides \$137.4 million, an increase of \$8.4 million (6.5%) over the FY2008 level. The Senate had requested \$142.6 million (an increase of \$13.6 million, or 10.6%).
- the *Committee on Appropriations account*, for which \$15.2 million was provided (an increase of \$1.04 million, or 7.3%). This level was equal to the request.

⁸ For additional information on committee funding, see CRS Report RL33905, *Senate Committee Expenditures Resolutions, 110th Congress, and Funding Authorizations, 104th -110th Congresses*, by (name redacted), (out of print, available upon request).

Senators' Official Personnel and Office Expense Account

The Senators' Official Personnel and Office Expense Account provides each Senator with funds to administer an office. It consists of an administrative and clerical assistance allowance, a legislative assistance allowance, and an official office expense allowance. The funds may be interchanged by the Senator, subject to limitations on official mail. A total of \$400.0 million was provided in the Omnibus, which was \$25.6 million less than the request.

House of Representatives

Overall Funding

The Omnibus contains \$1.30 billion in budget authority for internal operations of the House, an increase of 10.01% (\$118.43 million) over the budget authority provided in the FY2008 Consolidated Appropriations Act. The House had requested \$1.33 billion.

House Committee Funding

Funding for House committees is contained in the appropriation heading "committee employees," which comprises two subheadings.⁹

The first subheading contains funds for personnel and nonpersonnel expenses of House committees, except the Appropriations Committee, as authorized by the House in a committee expense resolution. The FY2009 Omnibus provides \$154.0 million, an increase of 16.1% (\$21.3 million) over the FY2008 level. The House had requested \$164.0 million.

The second subheading contains funds for the personnel and nonpersonnel expenses of the Committee on Appropriations, for which \$31.3 million was provided and \$33.5 million was requested. The FY2009 level represents an increase of 5.3% over the prior year funding.

Members' Representational Allowance

The Members' Representational Allowance (MRA) is available to support Members in their official and representational duties. The FY2009 Omnibus provided \$609.0 million, an increase of 5.1% from the \$579.5 million provided in the FY2008 Consolidated Appropriations Act. The FY2009 budget contained a request for \$590.6 million, or a 1.9% increase.

Green the Capitol Initiative¹⁰

The Green the Capitol Initiative was created in March 2007, when Speaker Nancy Pelosi, Majority Leader Steny Hoyer, and the chair of the Committee on House Administration, the late

⁹ For additional information on committee funding, see CRS Report RS22616, *House Committee Funding, 110th Congress*, by (name redacted).

¹⁰ This section on the "Green the Capitol Initiative" was contributed by (name redacted), Analyst on the Congress, Government and Finance Division. For additional information, see CRS Report RL34694, *Administering Green Programs in Congress: Issues and Options*, by (name redacted).

Representative Juanita Millender-McDonald, asked the Chief Administrative Officer (CAO) of the House, Daniel Beard, to provide an “environmentally responsible and healthy working environment for employees.”¹¹ The initiative originally created three goals for reducing the House of Representatives’ environmental impact:¹²

- Operate the House in a carbon-neutral manner by the end of the 110th Congress.
- Reduce the House’s carbon footprint by cutting energy consumption by 50% in 10 years.
- Make House operations a model of sustainability.¹³

For FY2008, the CAO requested \$3.27 million to implement the Green the Capitol Initiative, which included \$100,000 in the Architect of the Capitol’s House office buildings account for new light bulbs and \$500,000 in the Capitol Grounds section of the report for an E-85 gasoline pump.¹⁴ The FY2008 Consolidated Appropriations Act provided \$3.9 million for new “green” initiatives, including \$100,000 for the House Office Buildings account, \$500,000 for the Capitol Grounds account, and \$3.27 million for the Capitol Power Plant.¹⁵ In addition, the FY2008 Consolidated Appropriations Act included an amendment to 2 U.S.C. § 117m(b), which governs the operation of the House Services Revolving Fund, allowing the CAO to use the revolving fund for environmental activities, including energy and water conservation, in buildings, facilities, and grounds under his jurisdiction.¹⁶

For FY2009, the CAO requested \$2 million for the Green the Capitol Initiative.¹⁷ Although not specifically addressed in P.L. 111-8 or the explanatory statement, the program received \$1 million according to the House Committee on Appropriations press release.¹⁸

Administrative Provisions and Items Included in the Explanatory Statement

The explanatory statement encourages House committees to post hearings online at GPOAccess to reduce costs and paper waste; directs the CAO to examine the possibility of extended hours for the House fitness center and the House child care center; directs the Architect and the CAO to

¹¹ U.S. Congress, Chief Administrative Officer, *Green the Capitol Initiative Final Report*, 110th Cong., 1st sess. <http://cao.house.gov/greenthecapitol/green-the-capitol-final-report.pdf>.

¹² U.S. Congress, Chief Administrative Officer, “Immediate Office,” *CAO Semi-Annual Report*, 110th Cong., 1st sess. <http://cao.house.gov/report/cao-io.shtml>.

¹³ U.S. Congress, Chief Administrative Officer, *Green the Capitol Initiative Final Report*, 110th Cong., 1st sess. <http://cao.house.gov/greenthecapitol/green-the-capitol-final-report.pdf>.

¹⁴ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations, 2008*, report to accompany H.R. 2771, 110th Cong., 1st sess., H.Rept. 110-198 (Washington: GPO, 2007), p. 59. For additional information on this fuel, see CRS Report RL33290, *Fuel Ethanol: Background and Public Policy Issues*, by (name redacted).

¹⁵ The funds were provided in P.L. 110-161, 121 Stat. 1844, Dec. 26, 2007. See also, U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2008*, committee print, 110th Cong., 1st sess (Washington: GPO, 2008), pp. 1887-1888.

¹⁶ The amendment to 2 U.S.C. § 121m was provided in P.L. 110-161, 121 Stat. 2225, Dec. 26, 2007.

¹⁷ *Justification of Budget Estimates*, in U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, part 1, 110th Cong., 2nd sess. (Washington: GPO, 2008), p. 100.

¹⁸ Available at <http://appropriations.house.gov/pdf/LBfy0902-23-09.pdf>.

submit a report on improving the child care center playground; and directs the CAO, Clerk, and Sergeant-at-Arms to report on efforts to increase House-wide data sharing standards.

Support Agency Funding

U.S. Capitol Police

The FY2009 Omnibus contains \$305.75 million for the Capitol Police, an increase of 8.5% over the \$281.9 million provided in the FY2008 Consolidated Appropriations Act. The Capitol Police had requested \$333.7 million for FY2009. The FY2008 budget authority represented an increase of 5.8% over the \$265.6 million (including supplemental appropriations) provided in FY2007.

Appropriations for the police are contained in two accounts—a *salaries account* and a *general expenses account*. The salaries account contains funds for the salaries of employees; overtime pay; hazardous duty pay differential; and government contributions for employee health, retirement, Social Security, professional liability insurance, and other benefit programs. The general expenses account contains funds for expenses of vehicles; communications equipment; security equipment and its installation; dignitary protection; intelligence analysis; hazardous material response; uniforms; weapons; training programs; medical, forensic, and communications services; travel; relocation of instructors for the Federal Law Enforcement Training Center; and other administrative and technical support, among other expenses.

The Capitol Police budget authority includes \$248.0 million for salaries (an increase of \$15.8 million, or 6.4%, over the amount provided for FY2008 total) and \$57.8 million for general expenses (an increase of \$8.9 million, or 18.4%).

A second appropriation relating to the Capitol Police appears within the Architect of the Capitol account for Capitol Police buildings and grounds. The FY2009 act provides nearly \$19 million, a 27.2% increase over the \$14.9 million provided in FY2008.

Administrative Provisions and Items Included in the Explanatory Statement

The FY2009 Omnibus contained an administrative provision allowing for the transfer of appropriations between the headings upon approval of the Committees on Appropriations. The U.S. Capitol Police had requested, but did not receive, an administrative provision that would grant law enforcement retirement status to criminal investigators of the Capitol Police Office of Inspector General.

The Capitol Police were also directed, in the explanatory statement, to prepare an analysis of their vehicle fleet, including a justification for the use of vehicles driven home by officers and on efforts to utilize energy efficient vehicles.

Highlights of the House and Senate Hearings on the U.S. Capitol Police

During the House hearing on April 9, Chief Phillip Morse was questioned by some Members on the necessity and propriety of conducting Interstate Identification Index (or Triple I) background

investigations on employees.¹⁹ The investigations were conducted by the Capitol Police Inspector General. The subcommittee also discussed recent restructuring and reforms in the USCP Office of Financial Management and the size of the force and its ability to handle increased staffing and security responsibilities with the opening of the Capitol Visitor Center. The Senate subcommittee hearing included a discussion of factors driving the USCP overtime budget as well as the relative costs involved in providing overtime as opposed to hiring, training, and providing the administrative support structure for additional officers.²⁰ The subcommittee also asked for an update on the use of the funds the USCP received in FY2007 emergency appropriations to purchase new radios that will be interoperable.²¹

Architect of the Capitol

The Architect of the Capitol (AOC) is responsible for the maintenance, operation, development, and preservation of the United States Capitol Complex, which includes the Capitol and its grounds, House and Senate office buildings, Library of Congress buildings and grounds, Capitol Power Plant, Botanic Garden, Capitol Visitor Center, and Capitol Police buildings and grounds. The Architect is responsible for the Supreme Court buildings and grounds, but appropriations for their expenses are not contained in the legislative branch appropriations bill.

Overall Funding Levels

Operations of the Architect are funded in the following ten accounts: general administration, Capitol building, Capitol grounds, Senate office buildings, House office buildings, Capitol power plant, Library buildings and grounds, Capitol Police buildings and grounds, Capitol Visitor Center, and Botanic Garden.

The FY2009 Omnibus provides \$529.6 million for activities of the Architect of the Capitol (AOC), an increase of \$116.1 million (28%) over the FY2008 level of \$413.5 million. The AOC had requested \$642.7 million in new budget authority, an increase of \$229.2 million (55.4%). The FY2008 budget authority represented a decrease of 8.1% from the \$449.9 million (including supplemental appropriations) provided in FY2007.

*Capitol Visitor Center (CVC)*²²

The AOC received \$40.2 million for the CVC. This includes \$31.1 million (an increase of \$10.9 million, or 54%) for the CVC project and \$9.1 million (an increase of \$624,000, or 7.4%) for

¹⁹ Testimony of Phillip Morse, chief of the Capitol Police, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, 110th Cong., 2nd sess., April 9, 2008 (Washington: GPO, 2008), p. 611.

²⁰ Testimony of Phillip Morse, chief of the Capitol Police, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, 110th Cong., 2nd sess., April 30, 2008 (not yet published).

²¹ The budget authority was provided in P.L. 110-28, May 25, 2007, 121 Stat. 112. The House Subcommittee on Capitol Security of the Committee on House Administration held a hearing on June 18 to examine the USCP proposal for radio upgrades. Additional information on the subcommittee hearing is available at http://cha.house.gov/view_hearing.aspx?r=33.

²² For additional information on the Capitol Visitor Center, see CRS Report RL31121, *The Capitol Visitor Center: An Overview*, by Stephen W. Stathis.

operational costs. The project request level was equal to the level included in the Omnibus, while the Omnibus contains \$4.3 million less than the request for CVC operations.

Both subcommittees expressed interest in the completion of the Capitol Visitor Center, which opened to the public on December 2, 2008. In multiple hearings, they questioned the Architect, the Capitol Police, and representatives from tour operators about the transportation plans for bringing large groups to the Capitol, including providing motorcoaches from Union Station, given security restrictions limiting bus travel around the Capitol Complex.²³

Capitol Power Plant Utility Tunnels²⁴

The condition of the Capitol Power Plant utility tunnels, and the funds necessary to repair them, have been discussed during appropriations hearings in recent fiscal years. The funding for repairs follows a complaint issued February 28, 2006, by the Office of Compliance regarding health and safety violations in the tunnels. The Office of Compliance had previously issued a citation due to the condition of the tunnels on December 7, 2000. On November 16, 2006, the Government Accountability Office (GAO) wrote a letter to the chair and ranking minority members of the Senate Committee on Appropriations, Subcommittee on the Legislative Branch, and the House Committee on Appropriations, examining the conditions of the tunnels, plans for improving conditions, and efforts to address workers' concerns.²⁵ Potential hazards identified by the Office of Compliance and GAO include excessive heat, asbestos, falling concrete, lack of adequate egress, and insufficient communication systems. In May 2007, the Architect of the Capitol and the Office of Compliance announced a settlement agreement for the complaint and citations.

Steps necessary to remedy the situation, as well as the actions and roles of the Architect of the Capitol and the Office of Compliance, have been discussed at multiple hearings of the House and Senate Appropriations Committees in 2006, 2007, and 2008. Other committees have also expressed concern about the utility tunnels and allegations of unsafe working conditions. For example, the Senate Committee on Health, Education, Labor and Pensions, Subcommittee on Employment and Workplace Safety, heard testimony on tunnel safety during a March 1, 2007, hearing on the effects of asbestos.

Following the complaint by the Office of Compliance, Congress provided \$27.6 million in FY2006 emergency supplemental appropriations to the Architect of the Capitol for Capitol Power Plant repairs,²⁶ and an additional \$50 million was provided in emergency supplemental appropriations for FY2007.²⁷ The Architect of the Capitol had requested \$24.77 million for

²³ The Capitol Visitor Center, and associated planning for the transportation of visitors, was discussed during budget request hearings of the Senate subcommittee on April 30 and of the House subcommittee on February 13. The House subcommittee has held additional hearings on the Capitol Visitor Center on Feb. 7, Mar. 12, Apr. 15, May 22, July 8, and Sept. 24, 2008.

²⁴ For additional information on the Capitol Power Plant, see CRS Report R40433, *The Capitol Power Plant: Background and Greening Options*, by (name redacted) and (name redacted).

²⁵ U.S. Government Accountability Office, *Capitol Power Plant Utility Tunnels*, GAO-07-227R, Nov. 16, 2006, available at <http://www.gao.gov/new.items/d07227r.pdf>.

²⁶ P.L. 109-234, 120 Stat. 48, June 15, 2006. The funding was included as an amendment (S.Amdt. 3701) offered during Senate floor consideration of H.R. 4939, the emergency supplemental appropriations bill. The amendment was agreed to in the Senate by voice vote on April 27, 2006. The language was retained by conferees, whose report was agreed to by the House on June 13, and the Senate on June 15, 2006.

²⁷ P.L. 110-28, 121 Stat. 112, May 25, 2007.

FY2008.²⁸ This request, which was submitted prior to the provision of funds in the May 2007 emergency supplemental appropriations act, was not supported by either the House or Senate Appropriations Committee.²⁹

According to the explanatory statement produced by the Committee on Appropriations, the FY2009 Omnibus provides \$56.4 million for the tunnel program.³⁰ The Architect had requested \$126.65 million in FY2009 budget authority to continue work on the tunnels and to meet the terms of the settlement agreement. AOC indicated in its budget justification that “the bulk of this work will begin in early calendar year 2009, and will extend through the spring of 2011.”³¹

Administrative Provisions and Items Included in the Explanatory Statement

The FY2009 Omnibus directs the Architect to establish a program for the collection and sale of recyclable materials from the Capitol Complex. This program does not apply to entities that already have established recycling programs.³² An administrative provision also permits the AOC to lease property for use by the Library of Congress.

Language in the explanatory statement directs the Chief Executive Officer for Visitor Services to present proposals for improving the quality and consistency of the training program for staff-led tours. The Architect, along with the Chief Executive Officer for Visitor Services, is also directed to prepare a report on options to increase the representation of women and minorities in the Capitol Visitor Center.

The AOC had requested, but was not granted, additional provisions which would (1) amend the Federal Workforce Flexibility Act; (2) authorize the AOC to incur obligations and make expenditures to respond to an emergency; (3) allow the Architect to acquire insurance for items on loan to the AOC for exhibit; (4) permit membership in the House staff gym by certain employees as approved by the Committee on House Administration; (5) allow the AOC to establish a student loan repayment program; (6) amend the statute governing the authority for death gratuities for survivors of AOC employees; (7) permit the AOC to lease property for the Library of Congress; (8) allow the AOC to retain funds from energy and water savings for other conservation projects; (9) allow the AOC to grant compensatory time off to employees; (10) extend the Capitol grounds due to security concerns and work related to the utility tunnel repairs; (11) establish an AOC Senior Executive Service; and (12) extend AOC authority to maintain sidewalks to one additional area.³³

²⁸ *Justification of Budget Estimates*, in U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2008*, hearings, part 1, 110th Cong., 1st sess. (Washington: GPO, 2007), p. 521.

²⁹ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2008*, report to accompany S. 1686, 110th Cong., 1st sess., S.Rept. 110-89 (Washington: GPO, 2007), p. 30; U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations, 2008*, report to accompany H.R. 2771, 110th Cong., 1st sess., H.Rept. 110-198 (Washington: GPO, 2007), p. 20.

³⁰ *Congressional Record*, Feb. 23, 2009, p. H2396.

³¹ *Justification of Budget Estimates*, in U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, part 1, 110th Cong., 2nd sess. (Washington: GPO, 2008), p. 418.

³² For additional information on recycling programs in Congress, see CRS Report RL34617, *Recycling Programs in Congress: Legislative Development and Architect of the Capitol Administration*, by (name redacted).

³³ *Justification of Budget Estimates*, in U.S. Congress, House Committee on Appropriations, Subcommittee on the (continued...)

Highlights of the House and Senate Hearings on the Architect of the Capitol

Stephen Ayers, the acting Architect of the Capitol, testified before the House subcommittee on February 13, 2008, on behalf of the AOC budget request. The hearing included a discussion of the backlog of deferred maintenance projects; a project that would measure the use of utilities in the House office buildings; and efforts to reduce the use of energy on the House side of the Capitol Complex.³⁴ On April 30, 2008, the Senate subcommittee discussed the nearly \$127 million request for utility tunnel repairs, asking why the project requires this sum and the implications of any lack of funding.³⁵ Questions for the Architect also focused on the manner in which the Architect prioritizes fire- and life-safety projects, including the role of the Office of Compliance in this decision-making process.

Congressional Budget Office (CBO)

CBO is a nonpartisan congressional agency created to provide objective economic and budgetary analysis to Congress. CBO cost estimates are required for any measure reported by a regular or conference committee that may vary revenues or expenditures.³⁶

Under the FY2009 Omnibus, CBO received \$44.1 million, an increase of \$6.8 million (18.2%) over the \$37.3 million provided in the FY2008 Consolidated Appropriations Act. The FY2009 level exceeds CBO's request of \$42.7 (an 14.6% increase).

Administrative Provisions and Items Included in the Explanatory Statement

The explanatory statement states that the FY2009 Omnibus contains funding for 15 additional positions to support health care analysis, congressional priorities, and CBO's responsibilities under the Emergency Economic Stabilization Act of 2008.

Highlights of the House Hearing on FY2009 Budget of the CBO

CBO Director Peter R. Orszag testified before the House Legislative Branch Subcommittee on March 12, 2008. As in FY2008, the director emphasized his desire to expand CBO's capacity in the area of health economics.

(...continued)

Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, part 1, 110th Cong., 2nd sess. (Washington: GPO, 2008), pp. 424-437.

³⁴ Testimony of Stephen Ayers, acting Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, 110th Cong., 2nd sess., Feb. 13, 2008 (Washington: GPO, 2008), p 68.

³⁵ Testimony of Stephen Ayers, acting Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, 110th Cong., 2nd sess., April 30, 2008 (not yet published).

³⁶ The Congressional Budget Office is required to use estimates provided by the Joint Committee on Taxation for all revenue legislation (Balanced Budget and Emergency Deficit Control Act of 1985, P.L. 99-177, sec. 273, 99 Stat.1098, Dec. 12, 1985; 2 U.S.C. §621 (et seq)).

Library of Congress (LOC)

The Library of Congress provides research support for Congress through a wide range of services, from research on public policy issues to general information. Among its major programs are acquisitions, preservation, legal research for Congress and other federal entities, administration of U.S. copyright laws by the Copyright Office, research and analysis of policy issues by the Congressional Research Service, and administration of a national program to provide reading material to the blind and physically handicapped. The Library also maintains a number of collections and provides a range of services to libraries in the United States and abroad.

The FY2009 Omnibus provides \$607.1 million for the Library, an increase of approximately 7.8% over the \$563 million provided in the FY2008 Consolidated Appropriations Act. The Library had requested \$606.2 million for FY2009. These figures do not include additional authority to spend receipts.³⁷

For the Library accounts, the Omnibus contains

- salaries and expenses—\$412.7 million, plus authority to spend \$6.35 million in receipts. This is an increase of 6.2% over the FY2008 level and \$932,000 over the FY2009 request;
- Copyright Office—\$18.3 million (not including authority to spend \$33.3 million in receipts). This represents an increase of 243.5% over the FY2008 level of \$5.3 million and equal to the FY2009 request.
- Congressional Research Service—\$107.3 million. This represents an increase of 4.9% over the FY2008 level of \$102.3 million and equal to the FY2009 request.
- Books for the Blind and Physically Handicapped—\$68.8 million. This represents an increase of 2.8% over the FY2008 level of \$66.9 million and equal to the FY2009 request. The explanatory statement indicates that the timeline for the project will remain unchanged, with additional titles available, due to the awarding of contracts at a lower than expected cost.

An additional \$39.1 million was included in the Architect's FY2009 budget for Library buildings and grounds. This level is 42.2% more than the FY2008 enacted level of \$27.5 million. The Library had requested \$53.3 million, a 93.8% increase, largely for multi-year capital projects.³⁸

Administrative Provisions and Items Included in the Explanatory Statement

Administrative provisions concerning the Library in the Omnibus provide authority for an incentive awards program reception; address funding for revolving fund activities; provide transfer authority for Library headings, subject to the approval of the Committees on Appropriations; and allow former Members of Congress who are members of the Abraham Lincoln Bicentennial Commission to continue service on the Commission.

³⁷ An example of receipts are fees paid to the LOC for copyright registration.

³⁸ *Justification of Budget Estimates*, in U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, part 1, 110th Cong., 2nd sess. (Washington: GPO, 2008), pp. 525-533.

Language in the explanatory statement also requires a report on (1) the creation of an Asian American and Pacific Islander (AAPI) Collection within the Asian Division; (2) the cost of tuition at the Library of Congress child care center and access for low-income families; (3) the desirability and cost of bringing pre-1972 sound recordings under federal jurisdiction; and (4) the feasibility of enhancing public access to legislative documents. It also directs (1) the digitization and online availability of American texts translated into Arabic, Persian, Pashtu, and Indonesian; and (2) the preservation of the Alan Lomax Collection at the American Folklife Center.

Highlights of the House and Senate Hearings on FY2009 Budget of the LOC

As during the FY2008 hearings, the House and Senate subcommittees discussed funding for the Books for the Blind program and efforts to update the technology that the “talking book” program currently uses from an analog to digital format.³⁹ The Library also continued to express concern over the loss of \$47 million in appropriated funds, and a total loss of \$84 million due to lost matching funds, for the National Digital Information Infrastructure and Preservation Program (NDIIPP) from a rescission contained in the FY2007 appropriations act.⁴⁰ The Library requested \$6 million for this program for FY2009. According to the House Committee on Appropriations press release, the program received \$7.5 million.⁴¹

Congressional Research Service (CRS)

CRS works exclusively for Members and committees of Congress to support their legislative, oversight, and representational functions by providing nonpartisan and confidential research and policy analysis.

CRS received \$107.3 million for FY2009, an increase of 4.6% over the \$102.3 million provided in the FY2008 Consolidated Appropriations Act. This is the same level as requested.

Government Accountability Office (GAO)

GAO works for Congress by responding to requests for studies of federal government programs and expenditures. GAO may also initiate its own work.⁴² Formerly the General Accounting Office, the agency was renamed the Government Accountability Office effective July 7, 2004.

³⁹ On June 12, 2007, GAO released a study of the National Library Service for the Blind and Physically Handicapped (NLS) planning and management of the digital talking book program. U.S. Government Accountability Office, *Talking Books for the Blind*, GAO-07-871R (Washington: GAO, 2007).

⁴⁰ Testimony of James H. Billington, Librarian of Congress, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, 110th Cong., 2nd sess., March 5, 2008 (Washington: GPO, 2008), p. 111. The Library was provided with \$100 million in budget authority for the National Digital Information Infrastructure and Preservation Program in the FY2001 Consolidated Appropriations Act (P.L. 106-554, 114 Stat. 2763A—194, Dec. 21, 2000).

⁴¹ Available at <http://appropriations.house.gov/pdf/LBFY0902-23-09.pdf>.

⁴² GAO's guidelines for initiating studies are contained in U.S. Government Accountability Office, *GAO's Congressional Protocols*, GAO-04-310G (Washington: GAO, 2004). Posted on the website of the Government Accountability Office at <http://www.gao.gov/special.pubs/d04310g.pdf>.

The FY2009 Omnibus provides \$531.0 million for GAO, not including offsetting collections.⁴³ This is an increase of 6.3% over the \$499.7 million provided in the FY2008 Consolidated Appropriations Act. GAO had requested \$538.15 million.

American Recovery and Reinvestment Act of 2009

An additional \$25 million was provided for the Government Accountability Office in the American Recovery and Reinvestment Act of 2009.⁴⁴ This amount is approximately 0.6% of the \$4.4 billion in the regular appropriations for the legislative branch for FY2009. The act also requires GAO to conduct bimonthly reviews of selected states and localities on the use funds provided by the act. It also sought to ensure GAO access to various records related to contracts awarded with funds provided in the act.

Administrative Provisions and Items Included in the Explanatory Statement

The Omnibus repealed and modified certain GAO reporting requirements. The *Congressional Record* statement also addresses funding for technology assessments and the annuity for the Comptroller General.

Since the closure of the Office of Technology Assessment, which was a legislative branch agency established in 1972 and last funded in FY1996,⁴⁵ congressional appropriators have periodically reexamined funding for scientific studies by the legislative branch.⁴⁶ The FY2008 Consolidated Appropriations Act provided \$2.5 million to GAO for technology assessments.⁴⁷ The explanatory statement indicates that funding continues to be provided for these studies.⁴⁸

Although the heads of all other legislative branch agencies receive the same retirement benefits as other employees of the agency, a law enacted in 1953 established separate retirement benefits for the Comptroller General.⁴⁹ The House Appropriations Committee, in its report on the FY2008 Legislative Branch Appropriations bill (H.R. 2771), included a provision repealing this system and requiring future appointees be covered under the standard Federal Employees Retirement System (FERS).⁵⁰ The House subcommittee revisited this issue during the FY2009 appropriations

⁴³ Offsetting collections include funds derived from reimbursable audits and rental of space in the GAO building.

⁴⁴ P.L. 111-5, Feb. 17, 2009.

⁴⁵ P.L. 92-484, Oct. 13, 1972, 86 Stat. 797; P.L. 104-53, Nov. 19, 1995, 109 Stat. 526

⁴⁶ See, for example, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2006*, hearings, part 2, 109th Cong., 1st sess. (Washington: GPO, 2005), p. 382; U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2008*, hearings, 110th Cong., 1st sess., March 16, 2007 (Washington: GPO, 2008), pp. 75-76; U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2008*, hearings, part 2, 110th Cong., 1st sess. (Washington: GPO, 2007), pp. 208-209; U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, part 2, 110th Cong., 2nd sess. (Washington: GPO, 2008), p. 682.

⁴⁷ *Congressional Record*, Dec. 17, 2007, p. 16373.

⁴⁸ *Congressional Record*, Feb. 23, 2009, p. H2397.

⁴⁹ 67 Stat. 229. For additional information, see CRS Report RL30349, *GAO: Government Accountability Office and General Accounting Office*, by (name redacted).

⁵⁰ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations, 2008*, report to accompany H.R. 2771, 110th Cong., 1st sess., H.Rept. 110-98 (Washington: GPO, 2007), p. 31.

hearings,⁵¹ and the explanatory statement requires GAO to contract with the National Academy of Public Administration for further review of the Comptroller General's annuity.

Highlights of House Hearing on FY2009 Budget of the GAO

Gene L. Dodaro, who became the acting Comptroller General on March 13, 2008, testified in support of the GAO budget request at a House hearing on April 10, 2008. The House subcommittee discussed issues that included (1) the GAO request for 151 new full-time equivalents (FTEs); (2) the agency's relationship with the newly established union; and (3) staffing issues including diversity, recruitment, retention, and succession planning.⁵²

Government Printing Office (GPO)

The FY2009 Omnibus provides \$140.6 million for the Government Printing Office, an increase of 12.7% over the \$124.7 million provided in the FY2008 Consolidated Appropriations Act. GPO had requested \$174.35 million for FY2009.

GPO's budget authority is contained in three accounts: (1) congressional printing and binding, (2) Office of Superintendent of Documents (salaries and expenses), and (3) the revolving fund. FY2009 levels for these accounts are

- congressional printing and binding—GPO received \$96.8 million, an increase of 7.9% from the \$89.8 million provided in the FY2008 Consolidated Appropriations Act. GPO had requested \$97.9 million. The *Congressional Record* statement indicates that this provides “the funding required to pay the FY2007 and FY2008 shortfall as well as fund the FY2009 revised estimate for congressional printing”;⁵³
- Office of Superintendent of Documents (salaries and expenses)—GPO received \$38.7 million, an increase of nearly 11% from the \$34.9 million provided in the Consolidated Appropriations Act. GPO had requested \$43.4 million; and
- revolving fund—GPO received nearly \$5 million and had requested \$33 million. The FY2008 Consolidated Appropriations Act did not include an appropriation for the revolving fund.

The congressional printing and binding account pays for expenses of printing and binding required for congressional use, and for statutorily authorized printing, binding, and distribution of government publications for specified recipients at no charge. Included within these publications are the *Congressional Record*; *Congressional Directory*; Senate and House Journals; memorial addresses of Members; nominations; *U.S. Code* and supplements; serial sets; publications printed without a document or report number, for example, laws and treaties; envelopes provided to

⁵¹ Response by Gene L. Dodaro, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, part 2, 110th Cong., 2nd sess., Apr. 10, 2008 (Washington: GPO, 2008), pp. 705-706.

⁵² Testimony of Gene L. Dodaro, acting Comptroller General, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, 110th Cong., 2nd sess., April 10, 2008 (Washington: GPO, 2008), p. 655.

⁵³ *Congressional Record*, Feb. 23, 2009, p. H2397.

Members of Congress for the mailing of documents; House and Senate business and committee calendars; bills, resolutions, and amendments; committee reports and prints; committee hearings; and other documents.

The Office of Superintendent of Documents account funds the mailing of government documents for Members of Congress and federal agencies, as statutorily authorized; the compilation of catalogs and indexes of government publications; and the cataloging, indexing, and distribution of government publications to the Federal Depository and International Exchange libraries, and to other individuals and entities, as authorized by law.

The budget authority for the revolving fund was requested to support information technology and GPO facilities, including \$10 million for the Federal Digital System (FDsys).⁵⁴ In FY2008, GPO requested \$26.8 million for the revolving fund, although the Consolidated Appropriations Act did not contain funds for this account. Previously, \$1 million was provided for the revolving fund in FY2007.

Highlights of House Hearing on FY2009 Budget of the GPO

Public Printer Robert C. Tapella testified before the House Legislative Branch Subcommittee on March 6, 2008, in support of the GPO FY2009 budget request.⁵⁵ Among the issues discussed were (1) staffing and succession planning at GPO; (2) recent discrimination lawsuits and GPO efforts in providing equal employment opportunity; (3) efforts to recycle and make GPO production more environmentally friendly; (4) GPO's request for a new facility; (5) GPO's efforts to transform to adjust to the digital age; (6) the funding of the congressional printing and binding account; and (7) passport production and security.⁵⁶

Office of Compliance

The Office of Compliance is an independent and nonpartisan agency within the legislative branch. It was established to administer and enforce the Congressional Accountability Act, which was enacted in 1995.⁵⁷ The act applies various employment and workplace safety laws to Congress and certain legislative branch entities.⁵⁸

⁵⁴ *Justification of Budget Estimates*, in U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, part 1, 110th Cong., 2nd sess. (Washington: GPO, 2008), p. 797. This project would allow GPO to manage information digitally and allow agencies to electronically submit publications and orders.

⁵⁵ Bruce James retired as Public Printer in January 2007. On May 24, 2007, the President nominated Robert C. Tapella to be Public Printer. The nomination, which requires Senate confirmation, was referred to the Senate Committee on Rules and Administration, which reported it favorably on September 26, 2007. The confirmation was approved by the Senate on October 4, 2007.

⁵⁶ Testimony of Robert C. Tapella, Public Printer, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, 110th Cong., 2nd sess., March 6, 2008 (Washington: GPO, 2008), p. 257.

⁵⁷ P.L. 104-1, 109 Stat. 3, Jan. 23, 1995. The act, as amended, applies 12 civil rights, labor, and workplace safety laws to Congress and certain legislative branch agencies. These laws are the Age Discrimination in Employment Act, Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, Employee Polygraph Protection Act, Fair Labor Standards Act, Family and Medical Leave Act, Federal Services Labor-Management Relations Act, Occupational Safety and Health Act of 1970, Rehabilitation Act of 1970, Veterans' employment and reemployment rights at Chapter 43 of Title 38 of the U.S. Code, Worker Adjustment and Retraining Act, and Veterans Employment (continued...)

The FY2009 Omnibus provides \$4.1 million for the Office of Compliance, an increase of 21.8% over the FY2008 level of \$3.3 million. The office had requested \$4.3 million. Previously, the budget authority for the office had increased 6.5% over the \$3.1 million made available in FY2007.

During the House hearing on the FY2009 bill, Tamara Chrisler, the Executive Director of the Office of Compliance, was asked for an update on asbestos abatement in the Capitol Power Plant tunnels and the settlement agreement between the Architect of the Capitol and the Office of Compliance. She indicated that progress was continuing and that the Office of Compliance supports the Architect's request for nearly \$127 million for implementation of the settlement agreement.⁵⁹ The executive director was also questioned regarding the funding request for education and outreach and whether or not these activities were part of the office's mandate, as well as the OOC position on the reimbursement requirement for the payment by agencies of an award or settlement under the Congressional Accountability Act.

Administrative Provisions and Items Included in the Explanatory Statement

The office was directed to establish procedures to improve communication and documentation procedures.

Open World Leadership Center

The center administers a program that supports democratic changes in other countries by giving their leaders opportunity to observe democracy and free enterprise in the United States. The first program was authorized by Congress in 1999 to support the relationship between Russia and the United States. The program encouraged young federal and local Russian leaders to visit the United States and observe its government and society.

Established at the Library of Congress as the Center for Russian Leadership Development in 2000, the center was renamed the Open World Leadership Center in 2003, when the program was expanded to include specified additional countries.⁶⁰ In 2004, Congress further extended the program's eligibility to other countries designated by the center's board of trustees, subject to congressional consideration.⁶¹ The center is housed in the Library and receives services from the Library through an inter-agency agreement.

(...continued)

Opportunities Act.

⁵⁸ Among the office's activities are administration of a dispute resolution process, investigation and enforcement of occupational safety and health and disability provisions of the act, investigation of labor relations and enforcement of applicable provisions, and development of educational programs regarding the act's provisions.

⁵⁹ Testimony of Tamara Chrisler, executive director, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, 110th Cong., 2nd sess., March 12, 2008 (Washington: GPO, 2008), p. 370.

⁶⁰ P.L. 106-554, 114 Stat. 2763, 2763A-120, Dec. 21, 2000; P.L. 108-7, 117 Stat. 382, Feb. 20, 2003. According to the 2003 act, the additional countries include "any country specified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801)," and "Estonia, Latvia, and Lithuania." The countries specified in 22 U.S.C. 5801 are Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

⁶¹ P.L. 108-447, 118 Stat. 3192, Dec. 8, 2004.

The FY2009 Omnibus provides \$13.9 million for Open World, the same level as requested. In FY2008, Open World received \$8.98 million in budget authority, a decrease of 35% from the \$13.86 million provided in FY2007 and FY2006. During its budget hearing on March 12, 2008, the House Legislative Branch Subcommittee examined whether the program is more properly located within the legislative branch at the Library of Congress or within the executive branch at the State Department. Ambassador John O’Keefe, the executive director of Open World, testified that the program may attract people that it might not otherwise be able to if it were seen as an arm of the executive branch or associated with a particular administration.⁶² The subcommittee had previously discussed this issue during the FY2008 appropriations cycle,⁶³ and language was included in the FY2008 Consolidated Appropriations Act requiring Open World to prepare a report by March 31, 2008, on “potential options for transfer of the Open World Leadership Center to a department or agency in the executive branch, establishment of the Center as an independent agency in the executive branch, or other appropriate options.”⁶⁴ In addition, the subcommittee discussed during the FY2009 hearing the countries Open World currently hosts participants from and whether or not it should expand this list to include Iraq and Afghanistan. The explanatory statement directs the Open World Leadership Center Board of Trustees to work with the State Department and the Judiciary to establish a shared funding mechanism.⁶⁵

John B. Stennis Center for Public Service Training and Development

The center was created by Congress in 1988 to encourage public service by congressional staff through training and development programs. The FY2009 Omnibus provides \$430,000 for the Stennis Center, which is equal to the request as well as the amount contained in the FY2008 House-passed bill and the Senate-reported bill. The FY2008 Consolidated Appropriations Act provided \$429,000, including a rescission. The FY2009 level also equals the budget authority provided in FY2007.

Legislative Branch Diversity

The explanatory statement also directs those legislative branch agencies that have not yet developed a formal written policy to promote diversity, especially within the executive ranks, to do so by May 31, 2009.

⁶² Testimony of Ambassador John O’Keefe, executive director, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, 110th Cong., 2nd sess., March 12, 2008 (Washington: GPO, 2008), pp. 359-420.

⁶³ In H.R. 2771 (110th Cong.), the House-passed version of the FY2008 appropriations bill, the House Appropriations Committee recommended \$6 million for Open World. The committee report stated that an additional \$6 million would be provided for transfer to the program in the FY2008 State, Foreign Operations, and Related Programs appropriation. The House-passed bill, which retained the committee-recommended funding level, also contained an administrative provision transferring the Open World Leadership Center to the Department of State effective October 1, 2008. The Senate-reported bill (S. 1686, 110th Cong.) would have provided \$13.5 million in new budget authority for Open World.

⁶⁴ P.L. 110-161, 121 Stat. 2251, Dec. 26, 2007.

⁶⁵ *Congressional Record*, Feb. 23, 2009, p. H2398.

Title II: General Provisions

Title II contains 10 administrative provisions. These provisions continued language in Title II of the FY2008 Consolidated Appropriations Act: (1) prohibiting the use of appropriated funds for the maintenance or care of private vehicles; (2) limiting the obligation of funds for FY2009 unless otherwise provided; (3) concerning rates of compensation and making new salaries permanent law; (4) discussing the procurement of certain contracts; (5) funding awards and settlements pursuant to the Congressional Accountability Act; (6) addressing amounts necessary to finance the Legislative Branch Financial Managers Council (LBFMC); (7) authorizing the Architect to perform landscaping services in a particular area; and (8) limiting transfers.

Title II also contains language prohibiting the use of funds provided to the Architect to eliminate Capitol tours by Members of Congress and their staff. The provision states that the Capitol Police Board, or the Architect with the approval of the Board, may only temporarily suspend or restrict tours subject to the same conditions as the tours led by the Architect. Another provision states that funds may not be used by the Inspectors General of the Architect of the Capitol or the Library of Congress to purchase, maintain, or carry a firearm.

Table 3. Legislative Branch Appropriations, FY2009

(in thousands of dollars)

| Entity | FY2008 Enacted ^a | FY2009 Request | FY2009 House Bill | FY2009 Senate Bill | FY2009 Enacted |
|---------------------------------------------------|-----------------------------|------------------|-------------------|--------------------|------------------|
| Title I: Legislative Branch Appropriations | | | | | |
| Senate | 831,696 | 940,897 | — ^d | | 895,030 |
| House of Representatives | 1,182,835 | 1,333,861 | | — ^e | 1,301,267 |
| Joint Items | 23,001 | 29,341 | | | 29,220 |
| Capitol Police ^b | 281,872 | 333,654 | | | 305,750 |
| Office of Compliance | 3,342 | 4,308 | | | 4,072 |
| Congressional Budget Office | 37,306 | 42,740 | | | 44,082 |
| Architect of the Capitol | 413,471 | 642,664 | | | 529,586 |
| Library of Congress, Including CRS | 563,049 | 606,164 | | | 607,096 |
| Congressional Research Service, Lib. of Cong. | (102,344) | (107,323) | | | (107,323) |
| Government Printing Office | 124,688 | 174,354 | | | 140,567 |
| Government Accountability Office | 499,748 | 538,152 | | | 531,000 |
| Open World Leadership Center ^c | 8,978 | 13,900 | | | 13,900 |
| Stennis Center for Public Service | 429 | 430 | | | 430 |
| Title II: General Provisions | 0 | 0 | | | 0 |
| Total Legislative Branch (Titles I and II) | 3,970,415 | 4,660,465 | | | 4,402,000 |

Source: House Committee on Appropriations, the *U.S. Budget*, P.L. 110-161, and the statement of Chairman David Obey printed in the *Congressional Record* (daily edition, Feb. 23, 2009, p. H2403).

- a. FY2008 funds are contained in P.L. 110-161 (Dec. 26, 2007).
- b. This account was effective with the FY2003 Legislative Branch Appropriation Act. Previously, Capitol Police funds were contained under the joint items account.
- c. The center was named the Russian Leadership Program prior to FY2004. Appropriations represent payments to the center's trust fund.
- d. The House does not consider appropriations for internal Senate operations.
- e. The Senate does not consider appropriations for internal House operations.

Table 4. Capitol Police Appropriations, FY2009

(in thousands of dollars)

| Accounts | FY2008 Enacted | FY2009 Requested | FY2009 House Bill | FY2009 Senate Bill | FY2009 Enacted |
|------------------------------|----------------|------------------|-------------------|--------------------|----------------|
| Salaries, Capitol Police | 232,218 | 269,223 | | | 248,000 |
| General Expenses | 48,778 | 64,431 | | | 57,750 |
| Emergency Appropriations | 876 | — | | | — |
| Total, Capitol Police | 281,872 | 333,654 | | | 305,750 |

Source: House Committee on Appropriations, the *U.S. Budget*, P.L. 110-161, and the statement of Chairman David Obey printed in the *Congressional Record* (daily edition, Feb. 23, 2009, p. H2403).

Table 5. Architect of the Capitol Appropriations, FY2009

(in thousands of dollars)

| Accounts | FY2008 Enacted | FY2009 Requested | FY2009 House Bill | FY2009 Senate Bill | FY2009 Enacted |
|----------------------------------------|----------------|------------------|-------------------|--------------------|----------------|
| Architect of the Capitol | | | | | |
| General administration | 79,697 | 99,111 | | | 90,659 |
| Capitol building | 24,030 | 37,640 | | | 35,840 |
| Capitol grounds | 10,065 | 9,309 | | | 9,649 |
| Senate office buildings | 70,107 | 64,780 | | | 69,359 |
| House office buildings | 65,471 | 79,687 | | | 65,814 |
| Capitol power plant | 85,097 | 219,292 | | | 149,042 |
| Library buildings and grounds | 27,484 | 53,271 | | | 39,094 |
| Capitol Police buildings and grounds | 14,929 | 24,926 | | | 18,996 |
| Botanic garden | 8,786 | 10,101 | | | 10,906 |
| Capitol Visitor Center | — | | | | |
| Project - Cost to complete | 20,202 | 31,124 | | | 31,124 |
| Operations | 8,479 | 13,423 | | | 9,103 |
| Rescission | -876 | | | | |
| Total, Architect of the Capitol | 413,471 | 642,664 | | | 529,586 |

Source: House Committee on Appropriations, the *U.S. Budget*, P.L. 110-161, and the statement of Chairman David Obey printed in the *Congressional Record* (daily edition, Feb. 23, 2009, p. H2403).

Table 6. Senate Appropriations, FY2009

(in thousands of dollars)

| Accounts ^a | FY2008 Enacted | FY2009 Request | FY2009 House Bill | FY2009 Senate Bill | FY2009 Enacted |
|-----------------------------------------------------------|-------------------|-------------------|----------------------|-----------------------|-------------------|
| Payments—Heirs of Deceased Members of Congress | 0 ^d | 0 | — | | 0 |
| Expense Allowances and Representation | 225 | 225 | — | | 210 |
| Salaries, Officers, and Employees | 158,457 | 174,808 | — | | 171,699 |
| Office of Legislative Counsel | 6,280 | 6,743 | — | | 6,743 |
| Office of Legal Counsel | 1,439 | 1,484 | — | | 1,484 |
| Expense Allowances for Secretary of Senate, et al. | 24 | 24 | — | | 30 |
| Contingent Expenses (subtotal) | 665,271 | 757,613 | — | | 714,864 |
| Inquiries and Investigations | 129,000 | 142,639 | — | | 137,400 |
| Senate Intl. Narcotics Caucus | 520 | 520 | — | | 520 |
| Secretary of the Senate ^b | 2,000 | 2,000 | — | | 2,000 |
| Sergeant at Arms/Doorkeeper ^c | 142,389 | 156,601 | — | | 153,601 |
| Miscellaneous Items | 17,528 | 29,962 | — | | 21,043 |
| Senators' Official Personnel and Office Expense Account | 373,534 | 425,591 | — | | 400,000 |
| Official Mail Costs | 300 | 300 | — | | 300 |
| Total, Senate | 831,696 | 940,897 | — | | 895,030 |

Source: House Committee on Appropriations, the *U.S. Budget*, P.L. 110-161, and the statement of Chairman David Obey printed in the *Congressional Record* (daily edition, Feb. 23, 2009, p. H2403).

- a. The Senate account contains seven appropriations headings, which are highlighted in bold.
- b. Office operations of the Office of the Secretary of the Senate are also funded under “Salaries, Officers, and Employees.”
- c. Office operations of the Office of Sergeant at Arms and Doorkeeper are also funded under “Salaries, Officers, and Employees.”
- d. A gratuity payment was included in the first FY2008 Continuing Appropriations Act, P.L. 110-92, which was enacted on Sept. 29, 2007.

Table 7. House of Representatives Appropriations, FY2009

(in thousands of dollars)

| Accounts ^a | FY2008 Enacted | FY2009 Request | FY2009 House Bill | FY2009 Senate Bill | FY2009 Enacted |
|----------------------------------------------------------------------------------|-------------------|-------------------|----------------------|-----------------------|-------------------|
| Payments—Heirs of Deceased Members of Congress | 0 ^b | 0 | — | — | 0 |
| Salaries and Expenses, Total | 1,182,835 | 1,333,861 | — | — | 1,301,267 |
| House Leadership Offices | 23,987 | 24,713 | — | — | 25,113 |
| Members' Representational Allowances^c | 579,548 | 590,614 | — | — | 609,000 |
| Committee Employees (subtotal)^d | 162,387 | 197,536 | — | — | 185,300 |
| Standing Committees, Special and Select, except Appropriations | 132,668 | 164,001 | — | — | 154,000 |
| Appropriations Committee | 29,719 | 33,535 | — | — | 31,300 |
| Salaries, Officers, and Employees (subtotal) | 166,367 | 188,917 | — | — | 187,954 |
| Office of the Clerk | 22,367 | 24,897 | — | — | 27,457 |
| Office of the Sergeant at Arms | 6,866 | 8,480 | — | — | 8,355 |
| Office of Chief Administrative Officer | 114,267 | 128,538 | — | — | 125,838 |
| Office of Inspector General | 4,357 | 4,945 | — | — | 4,945 |
| Office for Emergency Planning, Preparedness, and Operations | 3,041 | 4,695 | — | — | 3,974 |
| Office of General Counsel | 1,175 | 1,357 | — | — | 1,357 |
| Office of the Chaplain | 166 | 173 | — | — | 173 |
| Office of the Parliamentarian | 1,794 | 1,827 | — | — | 2,007 |
| Office of the Law Revision Counsel | 2,932 | 3,057 | — | — | 3,057 |
| Office of the Legislative Counsel | 7,240 | 8,446 | — | — | 8,337 |
| Office of Interparliamentary Affairs | 700 | 777 | — | — | 777 |
| Other Authorized Employees: Technical Assistants, Office of Attending Physician | 1,013 | 1,191 | — | — | 1,158 |
| Office of Historian | 449 | 534 | — | — | 519 |
| Allowances and Expenses (subtotal) | 250,546 | 332,081 | — | — | 293,900 |
| Supplies, Materials, Administrative Costs and Federal Tort Claims | 3,579 | 27,953 | — | — | 11,656 |
| Official Mail for committees, leadership, administrative and legislative offices | 309 | 410 | — | — | 201 |

| Accounts ^a | FY2008 Enacted | FY2009 Request | FY2009 House Bill | FY2009 Senate Bill | FY2009 Enacted |
|--------------------------------------------------------------------|-------------------|-------------------|----------------------|-----------------------|-------------------|
| Government Contributions | 226,887 | 275,143 | | | 260,703 |
| Capitol Visitor Center | 2,256 | 1,900 | | | 1,900 |
| Business Continuity and Disaster Recovery Emergency Appropriations | 16,814 | 25,933 | | | 18,698 |
| Miscellaneous Items | 701 | 742 | | | 742 |
| House of Representatives, Total | 1,182,835 | 1,333,861 | | | 1,301,267 |

Sources: House Committee on Appropriations, the *U.S. Budget*, P.L. 110-161, and the statement of Chairman David Obey printed in the *Congressional Record* (daily edition, Feb. 23, 2009, p. H2403).

- a. The appropriations bill contains two House accounts: (1) payments to widows and heirs of deceased Members of Congress and (2) salaries and expenses.
- b. A gratuity payment was included in the first FY2008 Continuing Appropriations Act, P.L. 110-92, which was enacted on Sept. 29, 2007. An additional gratuity payment was included in the Second Continuing Appropriations Act, P.L. 110-116 and in the Fourth Continuing Appropriations Act, P.L. 110-149.
- c. This appropriation heading was new in the FY1996 bill. The heading represents a consolidation of: (1) the former heading Members' clerk hire; (2) the former heading official mail costs; and (3) the former subheading official expenses of Members, under the heading allowances and expenses.
- d. This appropriation heading was new in the FY1996 bill. The heading represents a consolidation of: (1) the former heading committee employees; (2) the former heading standing committees, special and select; (3) the former heading Committee on Budget (studies); and (4) the former heading Committee on Appropriations (studies and investigations).

For Additional Reading

CRS Report

CRS Report RL34031, *Legislative Branch: FY2008 Appropriations*, by (name redacted).

CRS Report RL33379, *Legislative Branch: FY2007 Appropriations*, by (name redacted) and (name redacted).

Selected Websites

These sites contain information on the FY2008 and FY2009 legislative branch appropriations requests and legislation, and the appropriations process.

House Committee on Appropriations
<http://appropriations.house.gov/>

Senate Committee on Appropriations
<http://appropriations.senate.gov/>

CRS Appropriations Products Guide
<http://www.crs.gov/products/appropriations/apppage.shtml>

Congressional Budget Office
<http://www.cbo.gov>

Government Accountability Office
<http://www.gao.gov>

Office of Management & Budget
<http://www.whitehouse.gov/omb/>

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| Committee Funding and Staffing | (name redacted) | G&F | 7-.... /redacted/@crs.loc.gov |
| Franking | Matthew Glassman | G&F | 7-.... /redacted/@crs.loc.gov |
| Legislative Branch Conservation and Recycling | Jacob Straus | G&F | 7-.... /redacted/@crs.loc.gov |

Note: Division abbreviations: G&F = Government and Finance

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