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Legislative Branch Appropriations: Frequently Asked Questions

(name redacted)

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Summary

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

For additional information, including information on the most recent legislative branch appropriations bills (H.R. 5325 and S. 2955), see CRS Report R44515, *Legislative Branch: FY2017 Appropriations*, by (name redacted).

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Frequently Asked Questions

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

In addition to the Senate and House of Representatives, the legislative branch bill typically funds Joint Items, including the Joint Economic Committee, Joint Committee on Taxation, Office of the Attending Physician, and Office of Congressional Accessibility Services; Capitol Police; Office of Compliance; 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 FY2006 to FY2016. The table includes annual and supplemental appropriations, rescissions, and the FY2013 sequestration.

**Table 1. Legislative Branch Appropriations, FY2006-FY2016:
Current and Constant Dollars**
(budget authority in billions of dollars)

Fiscal Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Current Dollars	3.793	3.852	3.970	4.501	4.669	4.543	4.307	4.061	4.259	4.300	4.363
Constant (2016) Dollars	4.547	4.505	4.490	5.076	5.187	4.940	4.586	4.261	4.405	4.385	4.363

Source: Congressional Research Service analysis of regular and annual appropriations acts and accompanying materials. For further details on these totals, see Table 3 in CRS Report R44515, *Legislative Branch: FY2017 Appropriations*, by (name redacted)

Notes: These figures exclude permanent budget authorities and contain supplementals, rescissions, and the FY2013 sequestration. Permanent budget authorities, including funding for Member pay, are not included in the annual legislative branch appropriations acts but are automatically funded each year. Constant 2016 dollars calculated using the “Total Non-Defense” deflator in *Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables: 1940–2021* in the President’s FY2017 budget request.

What funding has been provided in recent years for the Senate, House of Representatives, and legislative branch agencies, and what is the status of FY2017 funding?

Table 2 provides information on funding levels for the Senate, House of Representatives, and legislative branch agencies in recent years as well as the requested, House-passed (H.R. 5325), and Senate-reported (S. 2955) levels for FY2017.

H.R. 5325 was agreed to by the House on June 10, 2016, with a vote of 233-175 (Roll no. 294). The Senate Appropriations Committee held a markup of its version of the FY2017 bill on May 19, 2016, and it was ordered reported by a vote of 30-0 (S. 2955).

For additional information on selected accounts, see tables 5-9 in CRS Report R44515, *Legislative Branch: FY2017 Appropriations*, by (name redacted).

Table 2. Legislative Branch Appropriations: Recent Levels
(in thousands of dollars)

Entity	FY2014 Enacted	FY2015 Enacted	FY2016 Enacted	FY2017 Requested	FY2017 House- passed (H.R. 5325)	FY2017 Senate- reported (S. 2955)
Senate	\$859,293	\$864,286	\$870,159	\$935,686	—	\$871,177
House of Representatives	1,180,908	1,180,735	1,180,909	1,187,309	1,189,049	—
Joint Items ^a	18,994	19,056	20,732	21,010	19,565 ^a	19,482 ^a
Capitol Police	338,459	347,959	375,000	409,588	391,300	387,000
Office of Compliance	3,868	3,959	3,959	4,315	3,959	3,959
Congressional Budget Office	45,700	45,700	46,500	47,637	46,500	46,500
Architect of the Capitol ^b	602,030	600,261	612,904	694,301	551,735 ^b	419,255 ^b
Library of Congress, Including CRS	578,982	590,921	599,912	667,215	628,912	608,907
Congressional Research Service	105,350	106,945	106,945	114,408	107,945	106,945
Government Publishing Office	119,300	119,993	117,068	117,068	117,068	117,068
Government Accountability Office	505,383	522,000	531,000	567,825	533,100	542,406
Open World Leadership Center	6,000	5,700	5,600	5,800	1,000	5,600
Stennis Center for Public Service	430	430	430	430	430	430
Other Adjustment	-1,000	-1,000	-1,000	1,000	-1,000	-1,000
Total Legislative Branch	\$4,258,347	\$4,300,000	\$4,363,172	\$4,659,184	\$3,481,618^b	\$3,020,784^b

Source: P.L. 113-76, P.L. 113-235, P.L. 114-113, explanatory materials for FY2014, FY2015, and FY2016 inserted into the *Congressional Record*, and the FY2017 budget request, H.R. 5325, and S. 2955.

Notes:

- a. “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).

- b. By tradition, the House does not consider appropriations for Senate office buildings and the Senate does not consider appropriations for House office buildings.

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

Between FY1976 and FY2015, the legislative branch as a proportion of total discretionary budget authority averaged approximately 0.40%.³ The maximum level, 0.48%, was in FY1995; the minimum, 0.31%, was in FY2009; and the FY2015 level was 0.39%. Discretionary budget authority is provided and controlled by the annual appropriations acts.

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

Between FY1976 and FY2015, the legislative branch as a proportion of total budget authority averaged 0.17%. The maximum level, 0.23%, was in FY1977; and the minimum, 0.12% was in FY2015.⁴ Total budget authority includes both budget authority controlled by the annual appropriations acts and budget authority controlled by previous laws, including entitlements.

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," 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." (http://www.whitehouse.gov/sites/default/files/omb/assets/a11_current_year/s25.pdf).

³ FY2015 is the most recent year for which actual, rather than estimated, data are available. Calculations by CRS with data from Office of Management and Budget (OMB), Historical Tables, *Budget of the United States Government, FY2017, Table 5.4—Discretionary Budget Authority By Agency: 1976–2021*; available at <http://www.whitehouse.gov/omb/budget/Historicals>. The calculations have some limitations, since the OMB data do not completely align with items funded in the annual and supplemental legislative branch appropriations acts.

⁴ FY2015 is the most recent year for which actual, rather than estimated, data are available. Calculations by CRS with data from Office of Management and Budget (OMB), Historical Tables, *Budget of the United States Government*, (continued...)

What percent of the FY2016 Consolidated Appropriations Act funded legislative branch activities?

The legislative branch was funded within Division I of the FY2016 Consolidated Appropriations Act (P.L. 114-113). According to a Congressional Budget Office (CBO) estimate, the legislative branch division comprised approximately 0.38% of total discretionary budget authority and 0.84% of nondefense discretionary budget authority provided by this act.⁵

Are Member salaries funded or adjusted in the legislative branch 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).⁶ 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.

Most recently, the FY2016 consolidated appropriations act included a provision, previously included in the FY2016 legislative branch appropriations bill, prohibiting the automatic annual adjustment (H.R. 2250 and P.L. 114-113). The FY2017 House-passed (H.R. 5325), and Senate-reported (S. 2955) legislative branch appropriations bills include a similar provision. In all cases, the Member pay adjustment prohibition was included in the bills as introduced and no separate votes were held on this provision.

In other years, provisions to prohibit the automatic adjustments have been discussed during consideration of the appropriations bill funding the U.S. Treasury—currently the Financial Services and General Government appropriations bill.

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

(...continued)

FY2014, Table 5.2—Budget Authority by Agency: 1976–2021; available at <http://www.whitehouse.gov/omb/budget/Historicals>. The calculations have some limitations, since the OMB data do not completely align with items funded in the annual and supplemental legislative branch appropriations acts.

⁵ Congressional Budget Office, “Fiscal Year 2016 House Current Status of Discretionary Appropriations as of December 31, 2015,” December 31, 2015, <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/dataandtechnicalinformation/50218-FY16House-12-31-2015.pdf>.

⁶ For mandatory spending language, see P.L. 97-51, 95 Stat. 966, September 11, 1981; and, for example: “Table 33-1. Federal Programs By Agency and Account” in *Analytical Perspectives, Budget of the United States Government, Fiscal Year 2012* (Washington, GPO: 2011), pp. 2, 3. For the Ethics Reform Act, see P.L. 101-194, 103 Stat. 1767-1768, Nov. 30, 1989. For additional information on Member pay generally, see CRS Report 97-1011, *Salaries of Members of Congress: Recent Actions and Historical Tables*, by (name redacted).

Pay Language” in CRS Report 97-1011, *Salaries of Members of Congress: Recent Actions and Historical Tables*, by (name redacted).

In contrast, the salaries and benefits for legislative branch employees are provided by the legislative branch 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.

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

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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