

Legislative Branch Appropriations: Frequently Asked Questions

(name redacted)

Specialist on the Congress

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Legislative Branch Appropriations: Frequently Asked Questions

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

The House and Senate considered FY2019 legislative branch funding during 2018:

- The FY2019 legislative branch budget request of \$4.960 billion was submitted on February 12, 2018. The budget request levels were developed prior to the enactment of full-year appropriations for FY2018. Agency assessments for FY2019 may subsequently have been revised—for example, to account for items funded or not funded in the FY2018 Consolidated Appropriations Act. Subsequent discussions may vary from the levels or language included in the budget request due to this timing. By law, the President includes the legislative branch request in the annual budget submission without change.
- H.R. 5895, which contained funding for the legislative branch, was passed by the House on June 8, 2018 (212-179, Roll No. 257).
- Senate consideration of H.R. 5895 began June 18, 2018, and the Senate agreed to S.Amdt. 2910. H.R. 5895, as amended, passed the Senate on June 25, 2018 (86-5, Record Vote No. 139).
- The Senate agreed to the conference report (H.Rept. 115-929) on September 12, 2018 (92-5, Record Vote Number 207).
- The House agreed to the conference report on September 13, 2018 (377-20, Roll No. 399).
- H.R. 5895 was signed into law on September 21, 2018 (P.L. 115-244; the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019).

The FY2019 act provides \$4.836 billion for the legislative branch, an increase of \$136.0 million (+2.9%) from the FY2018 enacted level.

For additional information, including information on the most recent legislative branch appropriations bills, see CRS Report R45214, *Legislative Branch: FY2019 Appropriations*, by (name redacted) and (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 appropriations bill?

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

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

Table 1 provides information on the enacted funding levels provided for the legislative branch from FY2008 to FY2019. The table includes annual and supplemental appropriations, rescissions, and the FY2013 sequestration.

Table 1. Legislative Branch Funding, FY2008-FY2019: Current and Constant Dollars
(in billions of dollars)

Fiscal Year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Current Dollars	3.970	4.501	4.669	4.543	4.307	4.061	4.259	4.300	4.363	4.440	4.700	4.836
Constant Dollars	4.600	5.200	5.314	5.061	4.698	4.366	4.510	4.524	4.548	4.539	4.700	—

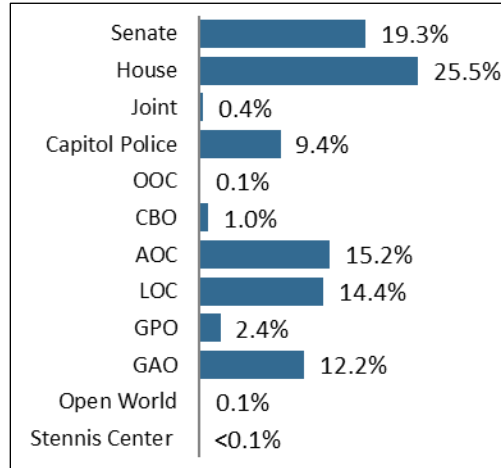
Source: CRS analysis of legislative branch appropriations acts and related budget documents.

Notes: These figures exclude permanent budget authorities, including funding for Member pay, that are not included in the annual legislative branch appropriations bill. Totals include supplementals and rescissions.

Constant 2018 dollars calculated using the “Total Non-Defense” deflator in *Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables: 1940–2023* in the President’s FY2019 budget request.

How is funding divided across the legislative branch?

Figure 1 shows the distribution of budget authority across the legislative branch in FY2019.

Figure 1. Legislative Branch Funding: Distribution in FY2019

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

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

What funding has been provided in recent years for the Senate, House of Representatives, and legislative branch agencies, and what is the status of FY2019 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, Senate-passed, and enacted levels for FY2019.

The FY2019 legislative branch budget request of \$4.960 billion was submitted on February 12, 2018, prior to the enactment of FY2018 funding on March 23, 2018. Agency assessments for FY2019 may subsequently have been revised—for example, to account for items funded or not funded in the FY2018 Consolidated Appropriations Act. Subsequent discussions may vary from the levels or language included in the budget request due to this timing. By law, the President includes the legislative branch request in the annual budget submission without change.

The House passed H.R. 5895, which contained funding for the legislative branch, on June 8, 2018.

The Senate passed H.R. 5895, as amended (S.Amdt. 2910), on June 25, 2018.

The Senate agreed to the conference report (H.Rept. 115-929) on H.R. 5895 on September 12, 2018. The House agreed to the conference report on September 13, 2018.

H.R. 5895 was signed into law on September 21, 2018 (P.L. 115-244; the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019).

Table 2. Legislative Branch Appropriations: Prior Enacted Levels and FY2019 Action

(in thousands of dollars)

Entity	FY2014 Enacted	FY2015 Enacted	FY2016 Enacted	FY2017 Enacted	FY2018 Enacted	FY2019 Requested	FY2019 House- Passed	FY2019 Senate- Passed	FY2019 Enacted
Senate	\$859,293	\$864,286	\$870,159	\$871,177	\$919,932	\$990,097	— ^a	\$933,461	\$934,841 ^b
House of Representatives	1,180,908	1,180,735	1,180,909	1,189,223 ^b	1,200,173 ^b	1,256,971	1,232,893 ^c	1,232,893 ^c	1,232,663
Joint Items ^d	18,994	19,056	20,732	19,565	20,654	20,656	20,656	20,656	20,656
Capitol Police	338,459	347,959	375,000	393,300	426,500	456,358	456,358	453,037	456,308
Office of Compliance	3,868	3,959	3,959	3,959	4,959	4,553	5,410	6,333	6,333
Congressional Budget Office	45,700	45,700	46,500	46,500	49,945	50,737	50,737	50,295	50,737
Architect of the Capitol ^a	602,030	600,261	612,904	617,887	712,105	768,424	641,254 ^a	701,124	733,745
Library of Congress, including CRS	578,982	590,921	599,912	631,958	669,890	672,655	709,878	687,422	696,112
CRS	105,350	106,945	106,945	107,945	119,279	113,621	125,688	123,828	125,688
Government Publishing Office	119,300	119,993	117,068	117,068	117,068	117,000	117,000	117,000	117,000
Government Accountability Office	505,383	522,000	531,000	544,506	578,917 ^e	616,101	578,917	589,750	589,750
Open World Leadership Center	6,000	5,700	5,600	5,600	5,600	5,800	5,600	5,600	5,600
Stennis Center for Public Service	430	430	430	430	430	430	430	430	430

Entity	FY2014 Enacted	FY2015 Enacted	FY2016 Enacted	FY2017 Enacted	FY2018 Enacted	FY2019 Requested	FY2019 House- Passed	FY2019 Senate- Passed	FY2019 Enacted
Administrative Provisions	-1,000	-1,000	-1,000	-1,000	-2,000	0	-2,000	-2,000 ^f	-2,000
Other ^g	0	0	0	0	-4,000	16,000	-6,000	-6,000	-6,000
Total Legislative Branch	\$4,258,347	\$4,300,000	\$4,363,172	\$4,440,173	\$4,700,173	\$4,975,782	\$3,811,133	\$4,790,001	\$4,836,175

Sources: P.L. 113-76, P.L. 113-235, P.L. 114-113, P.L. 115-31, P.L. 115-244, explanatory materials for FY2014, FY2015, FY2016, FY2017, and FY2018 inserted into the *Congressional Record*, the *Budget for Fiscal Year 2019*, H.Rept. 115-199, S.Rept. 115-137, H.Rept. 115-929, and CRS calculations.

- a. By tradition, the House does not consider appropriations for the Senate or Senate office buildings, and the Senate does not consider appropriations for the House or House office buildings.
- b. This total includes one gratuity payment of \$174,000.
- c. The House Salaries and Expenses account in both the House-passed and Senate-passed versions of H.R. 5895 would have provided \$1,232,893,000. Due to the point of order in the House regarding the funding for the Tom Lantos Human Rights Commission, the sum of the individually specified items in the bills is \$1,232,663,000. This lower amount was continued in the enacted version of the bill.
- d. “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).
- e. Does not include emergency appropriation provided by P.L. 115-123. Title IX of Division B provided \$14.0 million to the Government Accountability Office “for audits and investigations relating to Hurricanes Harvey, Irma, and Maria and the 2017 wildfires.”
- f. S.Rept. 115-274 lists \$-2.0 million for administrative provisions.
- g. Includes, for example, scorekeeping adjustments or prior-year outlays.

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

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

By long-standing law and practice, the legislative branch request and any supplemental requests are submitted to the President and included in the budget without change.¹ While the executive branch budget submissions generally involve interaction between an agency and the Office of Management and Budget (OMB), the legislative branch requests do not. The executive branch does not review or maintain documentation in support of the legislative branch requests.²

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

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

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

Since FY1976, the legislative branch as a proportion of total budget authority has averaged 0.17%. The maximum level, 0.23%, was in FY1977, and the minimum, 0.11%, was in FY2017.⁴

¹ Pursuant to 31 U.S.C. 1105, "Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget ... shall be submitted to the President ... and included in the budget by the President without change." Division C of the FY2012 Consolidated Appropriations Act (P.L. 112-74) added language to 31 U.S.C. 1107 relating to budget amendments, stating: "The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch."

² OMB Circular A-11, part 2, "Preparation and Submission of Budget Estimates," section 25, provides the following information for agencies and entities, including the legislative branch, "not subject to Executive Branch review by law or custom. That means that the requirements for submitting materials in support of your budget request do not apply to you. However, you do need to submit the information required for inclusion in the budget database and documents, which OMB incorporates without revision" (https://obamawhitehouse.archives.gov/omb/circulars_a11_current_year_a11_toc).

³ FY2017 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*, FY2019, Table 5.4—Discretionary Budget Authority By Agency: 1976–2023, at <http://www.whitehouse.gov/omb/budget/Historicals>. The calculations have some limitations, since the OMB data do not completely align with items funded in the annual and supplemental legislative branch appropriations acts. The differences may be partially traced to the definition of "legislative branch" in the OMB Public Budget Database user's guide. Some entities regularly included with the legislative branch in many OMB budget documents, like the U.S. Tax Court and some Legislative Branch Boards and Commissions, are not funded through the annual legislative branch appropriations acts. Consequently, an examination of the discretionary budget authority listed in the *Historical Tables* reveals some differences with the reported total budget authority provided in the annual legislative branch appropriations acts. The difference in legislative branch budget authority resulting from the different definitions of the legislative branch in the OMB budget documents and in the appropriations acts, however, does not represent a large difference in the proportion of total discretionary budget authority.

⁴ FY2017 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*,

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

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

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

Member salaries have been included as mandatory spending since FY1983, and the amount of potential Member pay adjustments is calculated pursuant to the Ethics Reform Act of 1989, which established a formula based on changes in the Employment Cost Index (ECI).⁵ The adjustment automatically takes effect unless (1) Congress statutorily prohibits the adjustment; (2) Congress statutorily revises the adjustment; or (3) the annual base pay adjustment of General Schedule (GS) federal employees is established at a rate less than the scheduled increase for Members, in which case the percentage adjustment for Member pay is automatically lowered to match the percentage adjustment in GS base pay.

Members of Congress last received a pay adjustment in January 2009. Since then, the compensation for most Senators, Representatives, Delegates, and the Resident Commissioner from Puerto Rico has been \$174,000. The maximum potential January 2019 member pay adjustment was 2.3%, or \$4,000. The FY2019 act included a provision prohibiting this adjustment. As in prior years, the Member pay adjustment prohibition was included in the legislation as introduced, and no separate votes were held on the pay issue.

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

In contrast, the salaries and benefits for legislative branch employees are provided by the legislative branch appropriations acts, although they generally do not address pay adjustments.⁶

FY2019, Table 5.2—*Budget Authority by Agency: 1976–2023*, 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 For mandatory spending language, see P.L. 97-51, 95 Stat. 966, September 11, 1981; and, for example, “Table 27-1. Federal Programs By Agency and Account” in *Analytical Perspectives, Budget of the United States Government, Fiscal Year 2019* (Washington, GPO: 2018), pp. 2, 3. For the Ethics Reform Act, see P.L. 101-194, 103 Stat. 1767-1768, November 30, 1989.

⁶ Rather, adjustments may be determined by employing authorities (in the case of House and Senate employees) or broader or agency-specific pay systems. For example, see the *Orders of the Speaker of the House of Representatives* (issued pursuant to 2 U.S.C. 4532 note); *Orders of the President pro Tempore* (issued pursuant to 2 U.S.C. 4571); and laws governing employment for individual agencies, positions, or pay systems.

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

The House and Senate both consider funding levels for the legislative branch agencies and joint entities. By long-standing tradition, however, the House bill does not propose funding levels for Senate items, including the account that funds the Senate and the Senate office buildings account within the Architect of the Capitol.⁷ 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.⁸ 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 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.

⁸ 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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