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## **Committee Funding Resolutions and Processes, 107<sup>th</sup> Congress**

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# Committee Funding Resolutions and Processes, 107<sup>th</sup> Congress

## Summary

All House and Senate standing and select committees (except the Appropriations Committees) receive their operating budgets through House and Senate approval of biennial funding resolutions. These resolutions provide the funds with which committees hire staff, employ temporary consultants, pay for office equipment and supplies, defray the costs of member and staff travel on committee business, and meet other miscellaneous costs.

Under Senate Rules, committee funding resolutions are to be approved by February 28 of the year in which a new Congress begins. However, pursuant to a unanimous consent request on February 28, 2001, committees were temporarily permitted to spend at their previously authorized rate, up through March 10, 2001. On March 8, 2001, by voice vote, the Senate agreed to S. Res. 54, submitted by Senators Trent Lott and Tom Daschle, to fund the operations of most Senate committees up through February 28, 2003. The amounts provided reflected the requests made by each Senate committee to implement the equal staffing provisions of the Senate powersharing agreement. This agreement, contained in S. Res. 8 of January 5, 2001, in part provides for equal Republican and Democratic membership on all Senate committees and an equal division of staff between the parties on all panels.

Under House Rules, funds for committees are to be approved by March 31, 2001. Earlier in March, budget requests from House committees were considered by the House Administration Committee. By unanimous voice vote on March 22, the House Administration Committee ordered reported H.Res. 84, to provide funds for the House committees for the 107<sup>th</sup> Congress. The funds recommended appeared to assure that, by 2002, the minority party would control one-third of the staff positions on nearly all the committees funded by the resolution. The resolution passed the House on March 27, by a vote of 357-61.

Long-standing disputes about the equitable apportionment of staff positions and operating funds between the parties have been a feature of House funding debates over the past quarter century. Conversely, because Senate rules (since 1981) have provided more explicit authority for the Senate minority party to control at least one-third of the committee staff positions and funding, action in that chamber to approve committee operating budgets is normally not as controversial.

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# Committee Funding Resolutions and Processes, 107<sup>th</sup> Congress

All standing and select committees of both chambers of Congress (except for the Appropriations Committees) obtain their operating budgets pursuant to a biennial committee funding resolution. Often, House action on these funding resolutions is controversial, because of disputes over the allocation of staff positions on committees between the majority and minority parties. Senate action is normally less contentious because there are stronger guarantees in Senate rules providing at least one-third of committee staff and funds to the minority. Many Members in both chambers criticize funding recommendations that significantly exceed the rate of inflation, or provide funds to particular committees to support work by a committee with which these Members disagree.

In the 107<sup>th</sup> Congress, the House parties appear to have reached an accommodation satisfactory to both parties which, by 2002, would provide minority members on nearly all panels financed through the House funding process with at least one-third of the committee staff positions. Under House Rules, the minority is guaranteed one-third of the first 30 staff positions authorized for a committee, but is not entitled to such a proportion of any additional staff positions. On March 27, 2001, the House adopted H.Res. 84, the biennial funding resolution, by a vote of 357-61, the largest margin of support for a funding resolution since the House began to consider omnibus funding resolutions in 1981.

Senate action on its committee funding for the 107<sup>th</sup> Congress was modified as a result of the powersharing agreement established by S. Res. 8 of January 5, 2001.<sup>1</sup> This agreement assures Republicans and Democrats of equal staffing resources on all committees, and supplants Senate rules that require minority party control of at least one-third of each committee's staff positions. Despite some delays in its normal timetable, the Senate, on March 8, 2001, agreed to a biennial funding resolution by unanimous consent.

## House Floor Action

The unanimity among members of the House Administration Committee in reporting the 107<sup>th</sup> Congress funding resolution resulted in substantial support for the measure on the floor among Members of both parties.

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<sup>1</sup>Although this report refers to modifications made by this agreement to normal Senate practice in committee funding and staffing, for a more complete discussion of the powersharing arrangement, see also U. S. Library of Congress, Congressional Research Service, *The Senate Powersharing Agreement*, by Paul S. Rundquist, CRS Report RL30881, March. 13, 2001.

The House took up H.Res. 84 on March 27, under the terms of a unanimous consent agreement that precluded the offering of any floor amendments or a motion to recommit. The House agreed to the funding resolution by a vote of 357-61.<sup>2</sup> Among those voting against the resolution were some Members concerned that not all committees had provided the minority with one-third of the available staff, while others were opposed to the growth in committee costs since 1995, when the House cut committee budgets by one-third.<sup>3</sup>

The House normally acts on committee funding resolutions during the last week of March in the first year of a Congress. The committee funding resolution is normally called up as privileged business under the Rules of the House. Such business may be called up and considered by the House without the need for a special rule from the Rules Committee. Privileged funding resolutions are considered in the House under the one-hour rule. Typically, the majority party manager does not yield the floor to permit amendments to be offered. (The committee-reported amendment in the nature of a substitute is automatically laid before the House.) At the end of one hour of debate, the majority party manager moves the previous question and, if agreed to, the House votes on final passage of the resolution. Before the vote on final passage, it has become customary for the minority party to offer a motion to recommit the funding resolution. Such a motion normally permits the minority to offer an alternative funding proposal and to obtain a vote on it by the House.

## House Committee Action

Each committee is encouraged to discuss its proposed budget and approve it at a committee organization meeting. Some committees, however, do not prepare or approve their draft budgets this way. Each committee chair normally introduces a House resolution to provide his or her committee with the requisite funds for the two years of the Congress. These individual resolutions are then referred to the House Administration Committee, which holds public hearings on each committee's request. The chair and the ranking minority member from each committee normally testify at these hearings. The House Administration Committee began its hearings on March 1, 2001 and continued them on March 7.

The chair of the House Administration Committee then typically introduces an omnibus funding resolution, which, after its referral to the House Administration Committee, has served as the legislative vehicle for a full committee markup. The chairman's resolution usually incorporates, without change, the amounts requested by each committee. House Administration chairman, Representative Rob Ney (R-OH), introduced such a resolution (H.Res. 84) on March 7, 2001. At its markup session on March 22, 2001, Chairman Ney offered an amendment in the nature of a substitute to this resolution. The amendment reduced the funding requests for 16 of

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<sup>2</sup> Remarks of Representative Rob Ney, and others, "Providing for Expenses of Certain Committees of the House of Representatives in the One Hundred Seventh Congress," *Congressional Record*, daily edition, vol. 147, March 27, 2001, pp. H1143-H1148, H1154-H1155.

<sup>3</sup> Lauren W. Whittington and Ben Pershing, "After the Revolution, GOP Retreats on Cuts," *Roll Call*, vol. 46, March 29, 2001, pp. 1, 24.

the 19 committees covered in the resolution. The Ney amendment was agreed to, and the resolution as amended was ordered reported by unanimous voice vote. The report on the resolution (H.Rept. 107-25) was filed on March 23, 2001. This unanimity reflected the views of Democratic members of the committee that, by 2002 at the latest, the minority would control at least one-third of the staff positions on nearly all committees funded by the resolution.

## House Funding Procedures and Issues

Under House Rule X, clause 6, each standing and select committee of the House (except the Appropriations Committee) is required to submit an operating budget request for its necessary expenses over the two years of a Congress. The budgetary requests include estimated salary needs for staff, costs of consulting services, printing costs, office equipment and supply costs, and travel costs for committee members and staff. Some costs (such as pension and insurance contributions for committee employees) are not directly billed to the committee and are paid from other appropriated funds. Individual committee requests are then packaged by the House Administration Committee into an omnibus “primary expense resolution.”

Clause 6(c) requires that “the minority party (be) treated fairly in the appointment” of committee staff employed pursuant to such expense resolutions. Prior to the 104<sup>th</sup> Congress, House rules provided a base level of 30 so-called “statutory” staff positions for all House standing committees (except the Appropriations Committee). Funds for these staff were provided through a line-item appropriation and were not included in the funding resolutions reported from the House Administration Committee. In the 104<sup>th</sup> Congress, House rules were changed (1) to provide for biennial committee funding resolutions, and (2) to include funding authorization for the baseline 30 staff positions in each committee’s funding authorization. (As before, these provisions were not made applicable to the House Appropriations Committee.) Twenty of these staff positions are allotted to the committee majority and 10 to the committee minority. The House majority leadership has encouraged its committee leaders to move as quickly as possible to provide the minority with one-third of the remaining committee staff and resources authorized in the biennial funding resolutions. Statements made by leaders of the House Administration Committee at the beginning of its committee funding review for the 107<sup>th</sup> Congress indicate a general consensus that all House committees should provide at least one-third minority staffing this Congress.

Previously, there have been disputes about the interpretation of funding and staffing guidelines for the minority. Some committees have considered equitable the apportionment of one-third of staff salary funds, while others have considered the one-third standard to apply to the number of staff positions regardless of salary. Some committees have said that those administrative staff providing services to both parties should be excluded from the minority-majority staff allocation, although most such administrative staff may have been majority party staff designees. There are still disparities among committees on the allocation to the minority of office space, travel funds, and office equipment. Nevertheless, both parties seem to agree that, since the 103<sup>rd</sup> Congress, the minority party has been treated more equitably than before in the allocation of House committee staff and resources. Remaining disputes between the

parties now focus on the speed with which all committees achieve, or plan to achieve, this one-third standard.

In recent Congresses, the House Administration Committee has included an authorization for a “reserve fund” in its omnibus funding resolution. With the approval of the House Administration Committee, money in this fund could be released to committees that encountered unexpected funding needs during a Congress. The use of the reserve fund was controversial because the House did not have to approve its use. However, for the 107<sup>th</sup> Congress, no reserve fund was set aside in H.Res. 84.

## **Senate Committee Funding Action, 107<sup>th</sup> Congress**

The Senate’s powersharing agreement (S. Res. 8, January 5, 2001) provides, in part, that equal numbers of Republicans and Democrats serve on each Senate committee and that the two parties be entitled to equal staffing on each committee. Before Senate committees could draft and agree upon a proposed operational budget for the 107<sup>th</sup> Congress, the committees were required under Senate rules to adopt internal rules of procedure. Delays in adopting these rules (caused by negotiations between the parties in each committee) caused a subsequent delay in committee approval of budget request resolutions that would be referred to the Senate Rules and Administration Committee. On February 28, the Senate agreed by unanimous consent to continue the 106<sup>th</sup> Congress committee funding authority up through March 10, 2001, and for committees to have until that date to submit funding request resolutions.<sup>4</sup>

On March 8, 2001, by voice vote, the Senate agreed to S. Res. 54, submitted by Senators Trent Lott and Tom Daschle, to fund the operations of most Senate committees up through February 28, 2003.<sup>5</sup> The Lott-Daschle resolution incorporated, without change, the dollar amounts requested by each of the individual committees in resolutions presented earlier by committee chairs to implement the equal staffing provisions of the Senate powersharing agreement.

Earlier the same day, Senator Mitch McConnell (R-KY), the chairman of the Senate Rules and Administration Committee, submitted S. Res. 50, a resolution providing operating funds for those Senate committees that had (up to that point) presented their own funding request resolutions. S. Res. 50 was referred to the Senate Rules and Administration Committee, but was never acted upon. It was supplanted, later the same day, by the Lott-Daschle resolution that included amounts for all committees, including those which had submitted funding resolutions after the McConnell resolution had been submitted and referred.

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<sup>4</sup> Remarks of Sen. Trent Lott, *Congressional Record*, daily edition, vol. 147, Feb. 28, 2001, p. S1719.

<sup>5</sup> *Congressional Record*, daily edition, vol. 147, March 8, 2001, pp. S2089-S2094.

## Senate Committee Funding Rules

The Senate biennial committee funding process applies to all Senate committees except Appropriations and Ethics, which have permanent authorizations for their staff and operating expenses. The Senate Committee on Rules and Administration has jurisdiction over committee funding resolutions, and also issues regulations governing committee funding and staff. Committee funding and staff are also regulated by Senate rules, especially Rule XXVI, paragraph 9, and Rule XXVII, as well as by statute. The funds authorized by resolution are appropriated in legislative branch appropriations acts.

Soon after a new Congress convenes, generally by January 31 of the first session, each Senate committee (except Appropriations and Ethics) requests funds for two years. The formal request comes as a Senate resolution introduced by the chair of each committee, after formal review of the request by all committee members. The various resolutions are referred to the Rules and Administration Committee. Each committee supports its request by submitting supplementary materials, including those specified by the Rules and Administration Committee. In recent Congresses, that panel has advised committees on the permissible increase, or required decrease, it hopes to impose on Senate committees, compared to the funding level in the previous Congress. Committees requesting funds in excess of these guidelines have been asked to include a justification in their budget submissions.

The Rules and Administration Committee may then hold hearings during which committee leaders testify on their budget requests, although in recent Congresses, testimony from some or all committees has been omitted in the interest of time. The Rules and Administration Committee chair will normally introduce an omnibus resolution incorporating the amounts requested each of the Senate committees in their individual resolutions. The Rules and Administration Committee will then usually meet to markup the resolution and, after final approval by the committee, report it to the Senate and issue an accompanying written report. However, on occasion where both parties have been in agreement on the funding resolution, it has been discharged by unanimous consent from the committee without a formal markup or written report. The Senate then considers the funding resolution under normal Senate rules and procedures, although in recent Congresses, the Senate has agreed to the funding resolution by unanimous consent without much, if any, floor discussion.

If a committee requires additional funds after the omnibus resolution has been agreed to, funds may be requested essentially in the same way as they were for its two-year budget. The Senate has minimized the need for supplemental funding, however, by allowing committees to use unspent funds from one period specified in the omnibus resolution during the next funding period. In the 106<sup>th</sup> and 107<sup>th</sup> Congresses, the omnibus funding resolution also contained a special reserve from which unexpected funding needs by any Senate committee could be met, upon the request of its chair and ranking member, and the approval of the chair and ranking member of the Rules and Administration Committee.

Senate Rule XXVII requires that each committee's staff reflect the ratio of majority and minority committee members and that the minority receive "fair consideration" in the appointment of staff. A majority of the minority party members



of a committee may request at least one-third of the personnel funds for hiring minority staff. This ratio is calculated after excluding funds for staff who perform administrative and clerical functions for the committee as a whole, if any, as agreed to by the chair and ranking minority member. The powersharing agreement of the 107<sup>th</sup> Congress sets this provision aside and, instead, requires equal staffing for the majority and minority parties, after excluding from the calculation any committee staff that both committee leaders agree serve members from both parties. Committee staff may be supplemented by consultants and staff detailed to the committee from federal agencies, subject to such restrictions as the Committee on Rules and Administration may impose.

The Senate took several steps in 1999 to move to a biennial funding process that more clearly reflects a fiscal year orientation. In the funding resolution agreed to in 1999 and again in 2001, the aggregate authorization for each committee is apportioned among three calendar periods: from March 1 to September 30 of the first year of a Congress, from October 1 to September 30 of the following year, and from October 1 to the following February 28. This permits the Senate to identify more precisely the amounts authorized for each fiscal year and the subsequent appropriations required.

**Table 1. House Committee Funding, 105<sup>th</sup> Congress-107<sup>th</sup> Congress**

| Committees                        | 105 <sup>th</sup> | 106 <sup>th</sup> | 107 <sup>th</sup> Congress |              |              |              |             |             |
|-----------------------------------|-------------------|-------------------|----------------------------|--------------|--------------|--------------|-------------|-------------|
|                                   | Approved          | Approved          | Requested                  | Approved     | Difference   | % of request | 1st Session | 2nd Session |
| Agriculture                       | \$7,656,162       | \$8,414,033       | \$10,010,397               | \$9,607,006  | -\$403,391   | 95.97%       | \$4,675,093 | \$4,931,913 |
| Armed Services                    | \$9,721,745       | \$10,342,681      | \$10,847,677               | \$10,872,677 | \$25,000     | 100.23%      | \$5,182,597 | \$5,690,080 |
| Banking                           | \$8,901,617       | \$9,307,521       |                            |              |              |              |             |             |
| Budget                            | \$9,940,000       | \$9,940,000       | \$11,221,912               | \$11,107,043 | -\$114,869   | 98.98%       | \$5,403,522 | \$5,703,521 |
| Commerce                          | \$14,535,406      | \$15,285,113      |                            |              |              |              |             |             |
| Education and the Workforce       | \$10,125,113      | \$11,200,497      | \$15,590,870               | \$13,573,886 | -\$2,016,984 | 87.06%       | \$7,059,821 | \$6,514,065 |
| Energy and Commerce               |                   |                   | \$18,813,475               | \$17,226,770 | -\$1,586,705 | 91.57%       | \$8,527,251 | \$8,699,519 |
| Financial Services                |                   |                   | \$15,095,429               | \$11,846,231 | -\$3,249,198 | 78.48%       | \$5,705,025 | \$6,141,206 |
| Government Reform                 | \$20,020,572      | \$19,770,233      | \$21,842,000               | \$19,420,233 | -\$2,421,767 | 88.91%       | \$9,810,000 | \$9,610,233 |
| House Administration              | \$6,050,349       | \$6,251,871       | \$7,859,306                | \$7,418,045  | -\$441,261   | 94.39%       | \$3,560,662 | \$3,857,383 |
| International Relations           | \$10,368,358      | \$11,313,531      | \$14,495,256               | \$12,672,626 | -\$1,822,630 | 87.43%       | \$6,202,095 | \$6,470,531 |
| Judiciary                         | \$10,604,041      | \$12,152,275      | \$15,490,248               | \$13,166,463 | -\$2,323,785 | 85.00%       | \$6,339,902 | \$6,826,561 |
| Resources                         | \$9,876,550       | \$10,567,908      | \$11,982,260               | \$11,601,260 | -\$381,000   | 96.82%       | \$5,595,266 | \$6,005,994 |
| Rules                             | \$4,649,102       | \$5,069,424       | \$5,370,773                | \$5,370,773  | \$0          | 100.00%      | \$2,644,509 | \$2,726,264 |
| Science                           | \$8,677,830       | \$8,931,726       | \$12,254,301               | \$10,628,041 | -\$1,626,260 | 86.73%       | \$5,172,668 | \$5,455,373 |
| Small Business                    | \$3,906,941       | \$4,148,880       | \$4,798,783                | \$4,798,783  | \$0          | 100.00%      | \$2,312,344 | \$2,486,439 |
| Standards                         | \$2,456,300       | \$2,632,915       | \$2,921,091                | \$2,871,091  | -\$50,000    | 98.29%       | \$1,358,708 | \$1,512,383 |
| Transportation and Infrastructure | \$12,184,459      | \$13,220,138      | \$16,559,562               | \$14,479,551 | -\$2,080,011 | 87.44%       | \$6,964,664 | \$7,514,887 |
| Veterans' Affairs                 | \$4,344,160       | \$4,735,135       | \$5,273,013                | \$5,142,263  | -\$130,750   | 97.52%       | \$2,516,765 | \$2,625,498 |
| Ways and Means                    | \$11,036,907      | \$11,930,338      | \$16,077,758               | \$14,748,888 | -\$1,328,870 | 91.73%       | \$7,228,481 | \$7,520,407 |
| Permanent Select Intelligence     | \$4,815,526       | \$5,164,444       | \$7,475,073                | \$6,955,074  | -\$519,999   | 93.04%       | \$3,407,986 | \$3,547,088 |
| Reserve Fund                      | \$7,000,000       | \$3,000,000       |                            |              |              |              |             |             |

**Note:** Data taken from committee funding resolutions for the particular Congresses. Renamed committees are listed according to their current names. For the 107<sup>th</sup> Congress, the renamed Committee on Financial Services and Committee on Energy and Commerce are listed according to their new names, but the committees appear as Committee on Banking and the Committee on Commerce in earlier Congresses.

**Table 2. Senate Committee Funding, 105<sup>th</sup> Congress-107<sup>th</sup> Congress**

| Committees                             | 105 <sup>th</sup> Congress | 106 <sup>th</sup> Congress | 107 <sup>th</sup> Congress |                 |                 | Approved Total |
|--|----------------------------|----------------------------|----------------------------|-----------------|-----------------|----------------|
|  | Approved                   | Approved                   | 3/1/01-9/30/01             | 10/1/01-9/30/02 | 10/1/02-2/28/03 |                |
| Agriculture, Nutrition, and Forestry   | \$3,598,024                | \$4,113,664                | \$1,794,378                | \$3,181,922     | \$1,360,530     | \$6,336,830    |
| Armed Services                         | \$5,572,267                | \$7,057,623                | \$3,301,692                | \$5,859,150     | \$2,506,642     | \$11,667,484   |
| Banking, Housing, and Urban Affairs    | \$5,877,053                | \$6,293,483                | \$2,741,526                | \$4,862,013     | \$2,079,076     | \$9,682,615    |
| Budget                                 | \$6,400,221                | \$6,867,541                | \$2,880,615                | \$5,112,126     | \$2,187,120     | \$10,179,861   |
| Commerce, Science, and Transportation  | \$7,103,272                | \$7,612,541                | \$2,968,783                | \$5,265,771     | \$2,251,960     | \$10,486,514   |
| Energy and Natural Resources           | \$5,434,380                | \$5,823,795                | \$2,504,922                | \$4,443,495     | \$1,900,457     | \$8,848,874    |
| Environment and Public Works           | \$5,005,429                | \$5,352,675                | \$2,318,050                | \$4,108,958     | \$1,756,412     | \$8,183,420    |
| Finance                                | \$6,234,894                | \$7,259,701                | \$3,230,940                | \$5,729,572     | \$2,449,931     | \$11,410,443   |
| Foreign Relations                      | \$5,585,034                | \$6,203,527                | \$2,495,457                | \$4,427,295     | \$1,893,716     | \$8,816,468    |
| Governmental Affairs                   | \$9,339,400                | \$10,008,362               | \$4,380,936                | \$7,771,451     | \$3,323,832     | \$15,476,219   |
| Health, Education, Labor, and Pensions | \$8,474,547                | \$9,080,958                | \$3,895,623                | \$6,910,215     | \$2,955,379     | \$13,761,217   |
| Judiciary                              | \$8,991,557                | \$9,646,900                | \$4,230,605                | \$7,507,831     | \$3,212,052     | \$14,950,488   |
| Rules and Administration               | \$3,210,626                | \$3,281,000                | \$1,183,041                | \$2,099,802     | \$898,454       | \$4,181,297    |
| Small Business                         | \$2,233,252                | \$2,576,258                | \$1,119,973                | \$1,985,266     | \$848,624       | \$3,953,863    |
| Veterans' Affairs                      | \$2,314,620                | \$2,481,210                | \$1,022,752                | \$1,814,368     | \$776,028       | \$3,613,148    |
| Special Committee on Aging             | \$2,333,851                | \$2,790,721                | \$1,240,422                | \$2,199,621     | \$940,522       | \$4,380,565    |
| Committee on Indian Affairs            | \$2,352,126                | \$2,510,237                | \$970,754                  | \$1,718,989     | \$734,239       | \$3,423,982    |
| Select Committee on Intelligence       | \$4,358,289                | \$5,140,893                | \$1,859,933                | \$3,298,074     | \$1,410,164     | \$6,567,171    |
| Reserve Fund                           |                            | \$5,300,000                | \$2,000,000                | \$3,700,000     | \$1,600,000     | \$7,300,000    |

**Note:** Data taken from committee funding resolutions for the particular congresses. Renamed committees are listed according to their current names. The reserve fund was first authorized in the 105<sup>th</sup> Congress, but itemized amounts for it were not included in the funding resolution until the 106<sup>th</sup> Congress.