

PROVIDING FOR THE EXPENSES OF CERTAIN COMMITTEES OF THE
HOUSE OF REPRESENTATIVES IN THE ONE HUNDRED ELEVENTH CON-
GRESS

MARCH 27, 2009.—Referred to the House Calendar and ordered to be printed

Mr. BRADY of Pennsylvania, from the Committee on House
Administration, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H. Res. 279]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the resolution (H. Res. 279) providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress, having considered the same, report favorably thereon with an amendment and recommend that the resolution be agreed to.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED ELEVENTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Eleventh Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, \$12,878,997; Committee on Armed Services, \$15,842,663; Committee on the Budget, \$12,701,442; Committee on Education and Labor, \$17,571,062; Committee on Energy and Commerce, \$23,589,560; Select Committee on Energy Independence and Global Warming, \$4,167,500; Committee on Financial Services, \$18,315,034; Committee on Foreign Affairs, \$18,847,305; Committee on Homeland Security, \$17,776,261; Committee on House Administration, \$11,069,489; Permanent Select Committee on Intelligence, \$10,850,000; Committee on the Judiciary, \$18,837,171; Committee on Natural Resources, \$16,567,929; Committee on Oversight and Government Reform, \$22,343,273; Committee on Rules, \$7,141,021; Committee on Science and Technology, \$14,048,942; Committee on Small Business, \$7,236,082; Committee on Standards of Official Conduct, \$5,577,169; Committee on Transportation and Infrastructure, \$20,874,154; Com-

mittee on Veterans' Affairs, \$7,668,691; and Committee on Ways and Means, \$20,634,454.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) **IN GENERAL.**—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2009, and ending immediately before noon on January 3, 2010.

(b) **COMMITTEES AND AMOUNTS.**—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, \$6,316,330; Committee on Armed Services, \$7,769,820; Committee on the Budget, \$6,350,721; Committee on Education and Labor, \$8,617,490; Committee on Energy and Commerce, \$11,569,181; Select Committee on Energy Independence and Global Warming, \$2,096,900; Committee on Financial Services, \$8,982,361; Committee on Foreign Affairs, \$9,243,406; Committee on Homeland Security, \$8,718,127; Committee on House Administration, \$5,428,881; Permanent Select Committee on Intelligence, \$5,387,500; Committee on the Judiciary, \$9,238,436; Committee on Natural Resources, \$8,125,517; Committee on Oversight and Government Reform, \$10,957,956; Committee on Rules, \$3,538,663; Committee on Science and Technology, \$6,890,114; Committee on Small Business, \$3,548,839; Committee on Standards of Official Conduct, \$2,735,247; Committee on Transportation and Infrastructure, \$10,237,447; Committee on Veterans' Affairs, \$3,761,006; and Committee on Ways and Means, \$10,119,889.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) **IN GENERAL.**—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2010, and ending immediately before noon on January 3, 2011.

(b) **COMMITTEES AND AMOUNTS.**—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, \$6,562,667; Committee on Armed Services, \$8,072,843; Committee on the Budget, \$6,350,721; Committee on Education and Labor, \$8,953,572; Committee on Energy and Commerce, \$12,020,379; Select Committee on Energy Independence and Global Warming, \$2,070,600; Committee on Financial Services, \$9,332,673; Committee on Foreign Affairs, \$9,603,899; Committee on Homeland Security, \$9,058,134; Committee on House Administration, \$5,640,608; Permanent Select Committee on Intelligence, \$5,462,500; Committee on the Judiciary, \$9,598,735; Committee on Natural Resources, \$8,442,412; Committee on Oversight and Government Reform, \$11,385,317; Committee on Rules, \$3,602,358; Committee on Science and Technology, \$7,158,828; Committee on Small Business, \$3,687,243; Committee on Standards of Official Conduct, \$2,841,922; Committee on Transportation and Infrastructure, \$10,636,707; Committee on Veterans' Affairs, \$3,907,685; and Committee on Ways and Means, \$10,514,565.

(c) **REVIEW OF USE OF FUNDS IN FIRST SESSION.**—None of the amounts provided for in section 1 for a committee named in subsection (b) may be available for expenses of the committee after February 3, 2010, unless the chair or ranking minority member of the committee appears and presents testimony at a hearing of the Committee on House Administration held prior to such date to review the committee's use of the amounts provided for in section 1 during the first session of the One Hundred Eleventh Congress and to determine whether the amount specified in subsection (b) with respect to the committee should be updated on the basis of the review.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

COMMITTEE ACTION

On March 25, 2009, by voice vote, the Committee agreed to an amendment in the nature of a substitute, and by voice vote, with a quorum present, the Committee agreed to a motion to report H. Res. 279, as amended, favorably to the House.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee states that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated into the descriptive portions of this report.

STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

The resolution does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures and a statement under clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 is not required.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House, the Committee states, with respect to the resolution, that the Director of the Congressional Budget Office did not submit a cost estimate and comparison under section 402 of the Congressional Budget Act of 1974.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The Committee states, with respect to clause 3(c)(4) of rule XIII of the Rules of the House, that the general discussion section of this report includes a statement of the general performance goals and objectives, including outcome-related goals and objectives, for which H. Res. 279 authorizes funding.

RECORD VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House, with respect to each record vote on a motion to report the resolution and on any amendment offered to the resolution, there were no record votes on the motion to report the resolution or on any amendment offered to the resolution.

GENERAL DISCUSSION

On March 25, 2009, the Committee by voice vote ordered H. Res. 279 favorably reported to the House with an amendment in the nature of a substitute. The substitute reflected the Committee's conclusions regarding the availability of funds to support each committee of the House, and also incorporated an amendment to the substitute by Rep. Lungren to require a review of the use of committee funds at the beginning of the second session of the 111th Congress.

Background

The Committee on House Administration processes the legislation by which standing and select committees of the House (except the Committee on Appropriations) are authorized operating funds in a Congress.

During the first three months of each new Congress, House rule X, clause 7, authorizes House committees to continue operations based on their funding authorizations from the preceding session. This continuing authorization allows committees to organize, adopt legislative and oversight agendas, and seek spending authority through the adoption of a primary expense resolution by the House.

The funding process begins after a House committee determines its biennial funding needs, and introduces a House resolution seeking those funds. Under House rule X, clause 6, all funding resolutions, which are referred to as primary expense resolutions, are referred to the Committee on House Administration. After all committee expense resolutions have been introduced, the Committee combines the resolutions into a single, omnibus primary expense resolution. Since this funding process merely authorizes the expenditure of funds already provided (or to be provided) in appropriations acts, the funding measure takes the form of a simple House resolution—no Senate or presidential approval is required. Working with whatever funds are or will be made available through appropriations acts, and after reviewing committee budget submissions, the Committee recommends an appropriate allocation of the available funds.

111th Congress proceedings

H. Res. 279, as introduced on March 24, 2009 by Chairman Brady, constituted the omnibus primary expense resolution, which simply incorporated all of the amounts requested by the 21 covered House committees in their individual resolutions.

The Committee recognizes that each standing and select committee carefully assessed its anticipated workload and staffing requirements, and requested the sums considered necessary to discharge its responsibilities. Each committee had to make this request while giving heavy consideration to both the state of the economy and the increased workload anticipated in the 111th Congress. Committees were asked to submit requests that reflected what they would need to effectively execute their duties, with the understanding that not all requests could be fulfilled.

In April 2008, Chairman Brady requested sufficient appropriations to allow committees to conduct robust oversight of federal policy and the implementation of federal laws, to replace aging computers and other office equipment, and to secure a cost of living adjustment in support of staff retention. However, the intervening economic situation requires government entities to achieve their objectives by using reduced resources more efficiently, even where, in the case of House committees, additional effort is required to ensure adequate oversight of the nation's economic recovery, to ensure a cost-effective solution to the nation's health care deficiencies, to address global warming and environmental degradation, and to invest appropriately and efficiently in the nation's education to prepare future generations for their place in the global economy. The committee is recommending to the House an authorization to expend approximately \$149.6 million in the first session, and \$154.9 million in the second session—a 4.78 percent and 3.9 percent increase respectively. Within those limits, targeted increases were provided to the Committees on Energy and Commerce, Financial Services, Small Business, and Standards of Official Conduct, which

are expected to address respectively health care reform, energy policy and climate change; TARP oversight, stimulus investments and the Federal financial regulatory system; small business needs in a struggling economy; and vigorous enforcement of ethical standards.

The Committee's amendment in the nature of a substitute authorizes a total of \$304,538,200 over the two years of the 111th Congress ending in 2011. One-third of the resources are to support work by the minority, and the Committee believes that the chairs and ranking minority members will shepherd their resources carefully, and will still be able to fulfill their responsibilities to the House, despite the approximately \$12.4 million shortfall in funding below the levels requested by each of the committees.

While appropriations covering the second session have yet to be enacted, the Committee's amendment reflects the best assessment, by the appropriators and by the House's financial managers, as to the amount that will be available to support committees in the second session. Typically the workload of all committees is greater during the second session of any Congress. The Committee on House Administration expects this pattern will continue as the 111th Congress engages in critical legislative and oversight work.

The amounts for each committee contained in the Committee amendment in the nature of a substitute are as follows:

Committee	111th 1st session	111th 2nd session	111th total
Agriculture	\$6,316,330	\$6,562,667	\$12,878,997
Armed Services	7,769,820	8,072,843	15,842,664
The Budget	6,350,721	6,350,721	12,701,442
Education and Labor	8,617,490	8,953,572	17,571,062
Energy and Commerce	11,569,181	12,020,379	23,589,560
Energy Independence & Global Warming	2,096,900	2,070,600	4,167,500
Financial Services	8,982,361	9,332,673	18,315,034
Foreign Affairs	9,243,406	9,603,899	18,847,305
Homeland Security	8,718,127	9,058,134	17,776,261
House Administration	5,428,881	5,640,608	11,069,489
Intelligence	5,387,500	5,462,500	10,850,000
The Judiciary	9,238,436	9,598,735	18,837,170
Natural Resources	8,125,517	8,442,412	16,567,930
Oversight and Government Reform	10,957,956	11,385,317	22,343,273
Rules	3,538,663	3,602,358	7,141,021
Science and Technology	6,890,114	7,158,828	14,048,941
Small Business	3,548,839	3,687,243	7,236,082
Standards of Official Conduct	2,735,247	2,841,922	5,577,169
Transportation and Infrastructure	10,237,447	10,636,707	20,874,154
Veterans' Affairs	3,761,006	3,907,685	7,668,691
Ways and Means	10,119,889	10,514,565	20,634,454
Grand Total	149,633,831	154,904,368	304,538,199

Accountability

In an effort to increase funding accountability, Chairman Brady and Ranking Member Lungren have agreed to conduct a mid-Congress review of how committee funds are being used. This agreement is reflected in a Lungren amendment to the substitute resolution that requires a review of the use of funds from the first session. These proceedings will be open to the public, and will provide an indicator of how effectively and efficiently funding allocations are being used.

Transparency

Under Committee rules, all covered standing and select committees are required to submit monthly financial reports covering their expenses and activities to the Committee on House Administration. In order to enhance transparency and public access, the Committee will be working to implement a new, web-based system to open these monthly financial reports to broad public scrutiny. The Committee will continue to look for effective ways to ensure public access and ease of use of these reports.

Minority allocation

Every effort was made to ensure that the fairness principle was applied during the funding process so that the minority party would be fully supported in its efforts to perform as the “loyal opposition,” and be in a position to contribute fully to the legislative and oversight initiatives of each committee. The fairness principle takes the form of the “1/3 rule,” a position advocated by the Republicans when they were previously in the minority, by the Democrats during the 12 years when they were in the minority, and again by the current Republican minority. The Committee believes that the principle has now become firmly established as a benchmark for the allocation of resources, committee by committee, and that irrespective of which party is in the majority, the “1/3 rule” will be carried forward. While this fairness principle is well established, each committee must still implement the principle in a manner consistent with its own operating practices and procedures. In hearings, each ranking minority member was asked if he or she was being treated fairly, and all committees appeared to be in compliance. As chairs and ranking minority members change from Congress to Congress, the Committee expects that the fairness principle will continue to address the needs of the minority.

Procedural and other concerns

The Committee on House Administration attempted to address the concerns raised during the 110th funding cycle by beginning the process earlier and allowing the committees sufficient time to formulate their requests. In the previous Congress, a flat-line, inflation-related increase, imposed from the previous majority’s continuing resolution, did not allow committees to meet their real needs for staffing and resources. Had these needs been met, it would have allowed committees to tackle a backlog of oversight work, as well as the new legislative agenda from both the House Leadership and the new Administration.

The Committee on House Administration would have preferred for this funding cycle to fully address the requests of all committees, but the current state of the economy, and the huge obligations recently taken on by the federal government, have created an undeniable budgetary constraint. The Committee, in exercising fiscal restraint, nonetheless has full confidence that each committee will still be able to fulfill its obligation to the nation’s citizens.

In addition to the chairs’ and ranking minority members’ concerns about funding, there were additional concerns expressed about the ability of committees to attract and retain senior-level legislative and oversight experts and professionals because the current salary cap is not competitive with the private sector. Some

committees indicated that some new employees were accepting committee positions at salaries below their previous private-sector levels, based upon a desire to perform in the public service. This is a noble and laudable sacrifice, but it remains imperative that committee salary caps become competitive with the private sector, or effective congressional oversight will suffer and remain sub-optimum.

ADDITIONAL VIEWS

ADDITIONAL VIEWS OF THE HONORABLE DANIEL E. LUNGREN, THE HONORABLE KEVIN McCARTHY, AND THE HONORABLE GREGG HARPER

H. RES. 279, PROVIDING FOR THE EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE ONE HUNDRED ELEVENTH CONGRESS.

A healthy democracy requires healthy debate. When Republicans assumed the majority in 1995, one of the first reforms enacted was the creation of a culture in which minority staff on Committees would receive a one-third share of committee resources as the norm. We were pleased to see this continue through the 110th Congress. While our preference would have been to set out the one-third/two-third principle in the Committee Funding Resolution, we are encouraged that during both the hearing and markup, Chairman Brady and other chairs made very strong statements in support of this principle for the future. We trust that Chairman Brady will continue his commitment to fairness in dealing with any concerns that may come up regarding this issue in the coming Congress.

In addition, we are pleased that the majority incorporated so many of the minority's suggestions to promote accountability, transparency, and oversight of the House. In addition to adopting the Lungren amendment to have the Chairs and/or Ranking Members return to the Committee after one year for an additional oversight hearing, the majority has agreed to work with us to move towards the goal of making monthly committee reports available online. Increasing transparency and accountability serves this institution well and is a responsible way for allowing the public to scrutinize the workings of the Congress. We appreciate the efforts made by Chairman Brady and his staff to work with us in advancing and improving this process.

DANIEL E. LUNGREN.
KEVIN McCARTHY.
GREGG HARPER.

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