

PROVIDING FOR THE EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE ONE HUNDRED TENTH CONGRESS

MARCH 5, 2007.—Referred to the House Calendar and ordered to be printed

Ms. MILLENDER-MCDONALD, from the Committee on House Administration, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H. Res. 202]

The Committee on House Administration, to whom was referred the resolution (H. Res. 202) providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress, having considered the same, report favorably thereon with an amendment and recommend that the resolution as amended 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 TENTH CONGRESS.**

(a) **IN GENERAL.**—With respect to the One Hundred Tenth 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, \$11,995,306; Committee on Armed Services, \$14,618,946; Committee on the Budget, \$12,520,064; Committee on Education and Labor, \$16,213,840; Committee on Energy and Commerce, \$21,056,249; Committee on Financial Services, \$16,189,138; Committee on Foreign Affairs, \$17,391,504; Committee on Homeland Security, \$16,448,403; Committee on House Administration, \$10,214,461; Permanent Select Committee on Intelligence, \$10,467,084; Committee on the Judiciary, \$16,347,324; Committee on Natural Resources, \$15,288,192; Committee on Oversight and Government Reform, \$21,602,950; Committee on Rules, \$6,852,908; Committee on Science and Technology, \$12,963,775; Committee on Small Business, \$5,965,945; Committee on Standards of Official Conduct, \$4,994,181; Committee on Transportation and Infra-

structure, \$19,261,795; Committee on Veterans' Affairs, \$7,076,347; and Committee on Ways and Means, \$19,040,609.

**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, 2007, and ending immediately before noon on January 3, 2008.

(b) **COMMITTEES AND AMOUNTS.**—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, \$5,910,765; Committee on Armed Services, \$7,203,581; Committee on the Budget, \$6,169,343; Committee on Education and Labor, \$7,989,475; Committee on Energy and Commerce, \$10,375,603; Committee on Financial Services, \$7,977,303; Committee on Foreign Affairs, \$8,569,776; Committee on Homeland Security, \$8,105,057; Committee on House Administration, \$5,033,242; Permanent Select Committee on Intelligence, \$5,157,724; Committee on the Judiciary, \$8,055,250; Committee on Natural Resources, \$7,533,355; Committee on Oversight and Government Reform, \$10,644,994; Committee on Rules, \$3,376,815; Committee on Science and Technology, \$6,387,984; Committee on Small Business, \$2,939,758; Committee on Standards of Official Conduct, \$2,460,915; Committee on Transportation and Infrastructure, \$9,491,374; Committee on Veterans' Affairs, \$3,486,916; and Committee on Ways and Means, \$9,382,384.

**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, 2008, and ending immediately before noon on January 3, 2009.

(b) **COMMITTEES AND AMOUNTS.**—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, \$6,084,541; Committee on Armed Services, \$7,415,366; Committee on the Budget, \$6,350,721; Committee on Education and Labor, \$8,224,365; Committee on Energy and Commerce, \$10,680,646; Committee on Financial Services, \$8,211,835; Committee on Foreign Affairs, \$8,821,728; Committee on Homeland Security, \$8,343,346; Committee on House Administration, \$5,181,219; Permanent Select Committee on Intelligence, \$5,309,361; Committee on the Judiciary, \$8,292,074; Committee on Natural Resources, \$7,754,836; Committee on Oversight and Government Reform, \$10,957,956; Committee on Rules, \$3,476,093; Committee on Science and Technology, \$6,575,791; Committee on Small Business, \$3,026,187; Committee on Standards of Official Conduct, \$2,533,266; Committee on Transportation and Infrastructure, \$9,770,421; Committee on Veterans' Affairs, \$3,589,431; and Committee on Ways and Means, \$9,658,226.

**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 1, 2007, by voice vote, a quorum being present, 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 House Resolution 202, 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 House Resolution 202 authorizes funding.

## RECORD VOTES

In compliance with rule 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 1, 2007, the Committee by voice vote, with a quorum present, ordered House Resolution 202 favorably reported to the House with an amendment in the nature of a substitute.

*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 rule X 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 (there are currently nineteen standing committees, and one permanent select committee, which are authorized funding in this way), the Com-

mittee 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.

*110th Congress proceedings*

House Resolution 202, introduced on February 28, 2007, by Chairwoman Millender-McDonald and Representative Ehlers, the Ranking Minority Member, constituted the omnibus primary expense resolution incorporating the amounts requested by the 20 committees (\$287,969,121 over two years). A correction to one committee's second session request reduced the above total to \$284,569,121.

The Committee recognizes that each standing committee carefully assessed its anticipated workload and requested the sums it considered necessary to discharge its responsibilities. Unfortunately, when the 109th Congress adjourned sine die, it left the fiscal 2007 appropriations process unfinished, leading to the enactment of a year-long continuing resolution ("CR") for many agencies, including the House. This situation has greatly limited this Committee's options in the authorization process for the 110th Congress. Under these circumstances, and with the limited resources available, the Committee was only able to recommend across-the-board inflationary adjustments of 2.64% for the personnel expenses, and 2.2% for the operating expenses in the first session, and 3.0% for the personnel expenses, and 2.4% for the operating expenses in the second session. Without additional appropriations, no further adjustments can be made at this time.

The Committee's amendment in the nature of a substitute authorizes a total of \$276,509,023 over the two years of the 110th Congress. The Committee believes that the chairs and ranking minority members will shepherd their resources carefully, and despite the approximately \$10 million shortfall in funding below requested levels, will still be able to fulfill their responsibilities to the House.

The lone panel to receive a supplemental amount, the Armed Services Committee, bears an especially heavy burden, and must be considered a special case. The war in Iraq has taken the lives of more than 3,000 American service personnel, wounded tens of thousands more, and consumed hundreds of billions of dollars over the last four years. The Armed Services Committee has an enormous responsibility going forward, and must have resources with which to oversee America's military policy in Iraq and around the world. Given the gravity of Armed Services' task, House Administration recommended an increase of \$500,000 for 2007.

While appropriations for 2008 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 110th Congress engages in the critical legislative and oversight work which the American people voted for last November.

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

	1st session	2nd session	110th total
Agriculture .....	\$5,910,765	\$6,084,541	\$11,995,306
Armed Services .....	7,203,581	7,415,366	14,618,946
The Budget .....	6,169,343	6,350,721	12,520,064
Education and Labor .....	7,989,475	8,224,365	16,213,840
Energy and Commerce .....	10,375,603	10,680,646	21,056,249
Financial Services .....	7,977,303	8,211,835	16,189,138
Foreign Affairs .....	8,569,776	8,821,728	17,391,504
Homeland Security .....	8,105,057	8,343,346	16,448,403
House Administration .....	5,033,242	5,181,219	10,214,461
Intelligence .....	5,157,724	5,309,361	10,467,084
The Judiciary .....	8,055,250	8,292,074	16,347,324
Natural Resources .....	7,533,355	7,754,836	15,288,192
Oversight and Government Reform .....	10,644,994	10,957,956	21,602,950
Rules .....	3,376,815	3,476,093	6,852,908
Science and Technology .....	6,387,984	6,575,791	12,963,775
Small Business .....	2,939,758	3,026,187	5,965,945
Standards of Official Conduct .....	2,460,915	2,533,266	4,994,181
Transportation and Infrastructure .....	9,491,374	9,770,421	19,261,795
Veterans' Affairs .....	3,486,916	3,589,431	7,076,347
Ways and Means .....	9,382,384	9,658,226	19,040,609
Grand Total .....	136,251,613	140,257,410	276,509,023

### *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 last 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. Each ranking minority member was asked if he or she was being treated fairly, and with only one exception, which was subsequently addressed to the satisfaction of the ranking minority member, 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*

There were many concerns expressed during this year’s truncated funding process, not the least of which was the inadequacy of funds to meet the collective needs of the committees. From the beginning of the Congress, even before the adoption of the CR, com-

mittees were counseled to operate on a “flat-line” spending basis in order to avoid a shortfall later in the Congress. Most committees followed that guideline, and many kept their eventual funding requests to within a few percentage points of the “flat-line” spending rate of the preceding session—one committee even restraining its request to preclude an inflation adjustment for both personnel costs and operating expenses. The Committee appreciates the efforts of committees to keep their requests as low as feasible, given the backlog of oversight responsibilities to be carried out, and the legislative agenda set out by the House Leadership. However, the Committee recognizes the continuing needs of many committees to support and expand their agendas. As a result, both Chairwoman Millender-McDonald and the Ranking Minority Member Ehlers indicated that, if additional funds became available for distribution, the Committee would entertain future requests to supplement the proposed authorized levels.

In addition to the chairs’ and ranking minority members’ concerns about the overall funding shortfall, and the impact on staffing levels, there were additional concerns expressed about the ability of committees to attract and retain senior-level legislative and oversight professionals because the current salary cap is not competitive with the private sector. A few 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. While this is laudable, and some individuals may be willing to make such sacrifices, it remains imperative that committee salary caps become competitive, or congressional oversight will remain suboptimum.

Another theme carried forward from the 109th Congress committee funding process was crowding—insufficient office space to manage and maintain operations, and adequately house the staff necessary to perform legislative and oversight duties. While some committees have received additional office space, it is often in other buildings and not contiguous to other committee offices, introducing new operating inefficiencies. While the Committee does not assign or manage office space, it agreed to bring the committees’ overall office space concerns to the attention of the House Leadership, in the hope that future building changes or renovations will take committee needs into consideration.

Many chairs and ranking minority members expressed frustration at the hurried pace of the committee funding process in the 110th Congress. On February 14th, Chairwoman Millender-McDonald wrote to all committee chairs:

I write this letter with a sense of urgency and ask your forbearance as we prepare to organize the Committee on House Administration in the 110th Congress. We ask that you submit your Committee’s funding needs for the 110th Congress right away.

Delays in the committee funding process have been primarily due to transition, and now we are trying to catch up as we are behind schedule. As a result, what has normally taken more than three months to accomplish will now have to be done in half that time. So I respectfully request that you submit your funding request and oversight plan to the Committee on House Administration by this

Friday, February 16, 2007, and introduce your primary expense resolution in the House.

Following the Presidents' Day district work period, I plan to hold the customary hearings on a truncated schedule, and we will hopefully be prepared to take the omnibus funding resolution to the Floor by the end of this month, or no later than the first week in March.

I know this is a very compressed timetable. To accomplish the objective in such a short period will take everyone's patience and cooperation. I know each committee chair is struggling to address the legislative and oversight backlog he or she inherited. However, please know that you are constrained by flat line spending based on last session's funding resolution. In speaking with the Speaker, it has been suggested that you tweak your budget upwards by no more than 2 percent.

I hope you will be able to help move the process along by following the schedule outlined above, and I look forward to working with you as we proceed.

Indeed, members of the Committee and their staffs expressed a desire for more time to examine committee budget requests, both during and following the hearing and markup of H. Res. 202. However, the primary delay was occasioned by uncertainties regarding Legislative appropriations for fiscal years 2007 and the transition to new House Leadership. In addition, the Committee was not able to organize until just prior to the hearing, and thus was not able to proceed in the regular order over a three month period. These anomalies should not affect future committee funding cycles, irrespective of which party is in the majority. The Committee will take steps to regularize and make transparent the committee funding process, and familiarize both majority and minority staff with the procedure. The Committee will also attempt to provide web-based support for committees leading up to and during the funding process, which should ease some of the burden each committee experienced during this funding cycle.

#### *Acknowledgements*

The Committee would like to thank the chairs and ranking minority members for their cooperative efforts in moving the committee funding process forward. There were many circumstances which could have delayed the process, but administrative problems were worked out as soon as they were identified.

While it is unusual to single out a class of staff, and acknowledge them for the key role they play in supporting committees' funding requests, this Committee would like to thank the chief financial officers for their efforts. Without the preparation and dedicated work of the CFOs, this truncated committee funding process could not have been timely completed.

## ADDITIONAL VIEWS

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### ADDITIONAL VIEWS OF HON. VERNON J. EHLERS, HON. DANIEL E. LUNGREN, AND HON. KEVIN McCARTHY

H. RES. 202, PROVIDING FOR THE EXPENSES OF CERTAIN COMMITTEES  
OF THE HOUSE OF REPRESENTATIVES IN THE ONE HUNDRED TENTH  
CONGRESS

We support House Resolution 202, providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress, as amended and passed by voice vote in the Committee on House Administration on Thursday, March 1, 2007.

The Committee funding process through which this resolution was developed has been transparent and open and continues the pattern that was achieved over the last several Congresses under a Republican majority. New Chairwoman Millender-McDonald and the newly minted majority staff should be commended for continuing the process in as bipartisan and open fashion as done previously. Given the tight appropriations constraint, the majority's decision to apply a small percentage increase equally to every Committee made the Committee funding process more truncated than usual. However, we are pleased with the cooperative spirit that defined the process.

Our goal for the Committee funding was two-fold—first, to maintain what has, in the last few years, been a relatively smooth Committee funding process. Many of our Chairmen and Ranking Members have established standing precedents about the operating practices within their respective Committees, and have functioned for many years in accordance with those principles. It appears that the needs of both the majority and minority parties for each Committee were represented in the requests submitted to the Committee and the congeniality displayed between nearly all of the Chairs and Ranking Members was encouraging.

Second, we wanted to ensure that an equitable division of funding continues. When the Republicans previously served in the minority, we were not provided with sufficient funds or staff. When we assumed the majority in 1995, we committed to giving the minority 1/3 of the resources and staff allocation for committees, so they could fulfill their responsibilities. That 2/3—1/3 allocation was a commitment we honored while in the majority, and we are pleased to note the new majority's continuation to honor that split. It is vital to the strength of the House of Representatives as an institution that the minority continue to be given adequate resources, and that each Chairman and Ranking Member be able to come to an arrangement that is satisfactory for both parties.

Finally, we conclude that the resolution that emerged out of the Committee is one that we support. We are concerned, however, that changes to the resolution directed by the Democratic leadership and implemented through the Rules Committee could ultimately jeopardize this support. It is the obligation of the Committee to fulfill its jurisdictional responsibilities. While this resolution was considered and passed within the constraints of a 3-day legislative work week, the Committee minority was prepared and able to fully debate the merits of any amendments within the scope of the Committee funding process. Changes to this resolution directed by the Democratic leadership would undermine this Committee's jurisdiction and circumvent the careful and open consideration this Committee stood ready to undertake. To the extent that such after-the-fact revisions take place within the Rules Committee, the minority could well object to passage of the resolution on these grounds.

VERNON J. EHLERS.  
DANIEL E. LUNGREN.  
KEVIN MCCARTHY.

