building continent-wide democracy

US Congress
European Parliament
Functions and Expenditures
BUILDING CONTINENT-WIDE DEMOCRACY

US Congress
European Parliament
Functions and Expenditures

Study for the Joint Bureau and Committee on Budgets
Working Group on the EP Budget
This document has been presented to the Joint Bureau and Committee on Budgets Working Group on the European Parliament Budget in December 2012.

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Comparative Study
on the US House of Representatives
and the European Parliament

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Summary of the comparative study on the US House of Representatives and the European Parliament

The Joint Bureau and Committee on Budgets Working Group on the European Parliament Budget requested the Secretary General to provide a comparison between the European Parliament and its US counterpart in the field of budget and functions.

A study has been carried out in collaboration with the European Parliament Liaison Office with the US Congress in Washington, DC. This comparative study on the US House of Representatives and the European Parliament contains five parts:

• Chapter 1 presents the pre-legislative activity in the two institutions;
• Chapter 2 describes the legislative process in the US Congress (HoR);
• Chapter 3 depicts the oversight work in the US Congress (HoR);
• Chapter 4 explains the constituency activities of US Representatives;
• Chapter 5 gives a comparison of appropriations provided for Members in the House of Representatives and in the European Parliament.

I. Independent Expertise in the Pre-Legislative and Legislative Phase

Congress may have a different majority than the Executive branch. The two Houses may also have different majorities. In this respect, even though its functions are not yet as evolved, the European Parliament is much closer to the US Congress than to national Parliaments.

Where the majority in the Executive and in the Legislative coincide, it is assumed that the Legislative can rely on the expertise provided by the Executive. On the contrary, in the US Congress, expertise has to be independent from the Executive.

The development of independent expertise capacity in Congress reflects the history of Congress:
• As committees became more polarised and in the hands of the majority, Congressional offices having more permanent and less partisan staff retained the role of providing independent expertise;
• Law firms and organized interests have structured themselves to provide a non-partisan highly specialised outside expertise. They directly contribute to content and advise senior members drafting legislation on a regular basis;
• Executive agencies especially those with regulatory competences, play a major role in finalizing applicable rules and procedures.
The main Congressional offices providing expertise throughout the pre-legislative, legislative and oversight cycle are:

- **The Congressional Budget Office** (staff: 240), which provides ex-ante independent impact assessment of budget proposals;
- **The Government Accountability Office** (staff 3300), which is considered a state within the Congress, providing an independent ex-post impact assessment of the Executive. It carries out independent performance and financial audits, programme evaluations and policy analyses and plays a key investigative role;
- **The Congressional Research Service** (Staff: 651), which provides briefing and policy oriented research for Members throughout the pre-legislative, legislative and oversight phases;
- **The Office of the Legislative Counsel**, which assists, on an impartial and confidential basis, committees and Members of the Congress, when requested by them, in the drafting of proposed legislation;
- **The Parliamentarian** is an official of the House who provides objective advice to Members and staff on legislative and parliamentary procedure. The Parliamentarian has a number of key tasks, most notably to advise on the referral of draft bills to committees and on conflicts of competence, and to decide on the ‘germaneness’ of amendments drafted for the Floor;
- **The Clerk.** The Clerks of the House and of the Senate are responsible for the technical preparation of the act to be submitted to the President in order for him to be able to sign the bill into law;
- **The Law Revision Counsel** is responsible for the codification of existing and new legislation and for the official publication and updating of the US Code. **Codification** means the restatement of existing general and permanent laws by means of legislative enactment. Once codified, the various parts of the US Code (“Titles”) become “positive law” and repeal the underlying provisions. Codification is understood to be a technical, non-partisan procedure, thus ensuring the smooth passage of codification bills through Congress.

Ad-hoc non-partisan independent expertise mechanisms are also set up on more or less temporary bases through standing commissions. For instance:

- commission on proliferation;
- commission on the modernization of the anti-trust policy;
- inquiry commission on the financial crisis;
- commission on US-China Economic and Security Review;
- commission on Security and Cooperation in Europe;
- commissions on Medicaid/Medicare.

These commissions are independently staffed and are able to outsource studies and reports in order to provide joint assessment to the two Houses.

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1 ‘Germaneness’ means that an amendment addresses the same subject matter as the underlying bill.
II. Oversight of the Executive is more developed in the US

Oversight of the Executive is more developed in the US Congress. It is exerted jointly by the two Houses under growing public pressure to increase accountability and plays an important role in the political process. Through oversight activities, the minority regains some rights against the majority principle. Through oversight activities, Members not senior enough to impact on legislation may gain public coverage and wider recognition. Further, the Executive itself can achieve momentum to reform the federal agencies.

The functions related to the oversight of the Executive are wide-reaching:
• Relevance check on implementation by the Executive on the basis of efficiency and effectiveness of programmes carried out and financed;
• Budgetary check on cost-benefit ratios;
• Provision also of a substitute assessment of the implementation of legislation and regulation when the mechanisms set by the Executive branch to do so (usually through Executive agencies) are considered inadequate by Congress.

As a result, Congressional powers and rights in the field of oversight are important:
• The Congressional Review Act enables Congress to review and disapprove agency rules and regulations ex ante;
• The Congress performs ex-post impact assessment through compulsory and regular hearings in certain fields. Hearings generally address the efficiency of agencies and programmes;
• The Congress often decides on ad-hoc investigations concerning allegations of wrongdoing, lack of agency preparedness or competence, fraud, abuse, conflicts of interest;
• The Congress may de-authorise a federal agency and terminate a programme;
• The Congress may cut-off or reduce funding of a federal agency;
• The Senate confirms nominees at top positions in federal agencies.

Congressional instruments in oversight activities are well established and funded. The Congress Special Inspectors generals have the responsibility for auditing and investigating specific programmes. The Government Accountability Office conducts field investigations, prescribes accounting standards, prepares policy analysis, programme evaluation, cost-benefit analyses and efficiency studies. It prepares hundreds of reports annually, being bigger that some federal agencies or departments and having a staff of more than 3000.

The European Parliament itself is starting to develop Impact Assessment functions independently from impact assessment carried out by the European Commission, in similar directions: ex-ante evaluation, ex-post impact assessment. The European Parliament also tries to identify potential or lacking European Added Value.
III. Presence in the Constituency

Criticisms against the Congress and ‘Washington’ as a system have triggered reactions in the Congress. Emphasis has first been put on ‘collective representation’, i.e. improving the public perception of Congress as it operates in Washington. Important resources have been devoted to:

• General services to the public: Library of Congress, botanical garden;
• Communication about American democracy: visitor’s centre, exhibitions, Congress on-line;
• Compliance: the Compliance Office tries to ensure that Congress applies federal law in an exemplary manner, for instance in the field of equal opportunities;
• Transparency.

Returning to the constituency, getting closer to the voter has been witnessed recently, at least in the House of Representatives, even if not yet studied academically. Some reasons may be:

• The shift from legislative to pre-legislative activities and oversight in the value chain in Congress. This move is partly due to more polarisation and increased difficulties in achieving agreement between the two Houses. As a result, actual legislative output is in relative decline, while members of the Congress remain vocal and present in the public debate;
• A new stage in political communication and partisan organization with ‘net-root’ politics changing the accountability process for Members. In one of the world’s most advanced ICT societies, the internet ensures ‘presence’ on the two sides, Washington and in the field. Members are accountable to national networks on their thematic activity as well as remaining accountable to local voters and activists that wish to continue to interact when their representative when elections are over.

A minimum of 15-18 weeks is dedicated to ‘Constituent Work’. Even during session weeks, two days are usually kept for ‘Constituent Work’ in the district. On average, Representatives travel back and forth to their constituency no fewer than 40 times a years. Those travels account for most of their annual travel budget (3,5% of MRA).

The constituencies of Representatives have a similar population as the average constituency of MEPs in larger EU Member States with a population of around 770 000 inhabitants. The activities of REP include

• Dozens of town-hall meetings and ribbon cutting activities in which they report to citizens;
• The daily provision of information and expertise on relevant federal legislation and access to federal grants;
• Extensive presence in all local medias;
• Case by case assistance (called casework).

Usually more than half of the 1,446,000 USD (1,112,307 €) annual Member’s Representational Allowance is spent in the constituency, with more than half of the permanent staff expenses allocated to a Member spent there (40% of MRA), district offices (7% of MRA), outreach activities with citizens including publications and local meetings (7% of MRA).
District offices have typically 5 to 8 specialised and qualified staffers and an equivalent number of interns from local schools or universities (not to speak of the fund raisers paid from fund raising activities). Activists and volunteers also rejoin the office during campaign periods. Job specialisation is high in district office with district directors, ‘caseworkers’, field representatives and staff assistants.

IV. Financial means of the House of Representatives

Financial means for the activities of the House of Representatives are part of the Budget of the Legislative Branch of the US. Even though the Budget for the House of Representatives was 1,2 bn. Dollars in 2012, considerable parts of this expenditure are not in the House’s budget, but represent individual ratios of budgets of supporting services and independent offices. The structure of the budget of the two houses is not comparable. However, some specific expenditure could be compared:

• Salaries;
• General expenditure allowances (which includes in the House of Representatives the professional training costs, performance of duties and overhead costs for Members and accredited assistants);
• Travel allowance.

Klaus WELLE
CHAPTER 1
PRE-LEGISLATIVE ACTIVITY IN THE HOUSE OF REPRENTATIVES AND THE EUROPEAN PARLIAMENT

The US House of Representatives:
A potential benchmark for the European Parliament

The US Senate has distinctive features in its functioning and therefore in its budget that make it a difficult benchmark for the European Parliament.

The Senate, although a smaller house, retains a large part of the War Powers of the Congress and of the very many related activities in the fields of defence, security, technology, foreign policy, public diplomacy. In those fields, the Senate serves as a training ground and a tribune for Presidents to be. American Congressional specificities have remained stronger in the Senate. The seniority system prevailing to appoint committee chairs has been kept intact. The influence of committee chairs is less affected by partisan politics. Due to the supermajority system in the Senate, a few influential Senators - 'the filibuster pivot' - retain a decisive role regarding the possibility for any bill to pass and any nomination to be confirmed. The Senate appears less egalitarian. Individual senator’s offices are usually larger than in the House of Representatives. Committee chairs have stronger leverage to obtain resources. Support provided by the Executive Branch to key Senators (for instance by the State Department) may prove substantial.

The Senate has been designed to be more immune to immediate voter pressure from the start. It has historically over-represented the rural periphery, with an important role in distributive representation mostly through the Appropriations committees and subcommittees.

Supermajority might have increased the leverage of the Senate as a whole in inter-chambers negotiations. It has certainly increased the need for internal negotiations between Senators: “Senate leaders fear... alienating a senator whose vote will be needed on many other occasions: in the smaller Senate, the ‘revenge’ or alienation factor may loom larger than in the House”. Support in difficult legislative negotiations has often been ‘exchanged’ against more resources for a specific committee, sub-committee

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2 Eric Schickler, “The Development of Congressional Committee System”, in Eric Schickler, Frances Lee, The Oxford Handbook of the American Congress... op. cit., p. 733
4 Frances Lee, Sizing up the Senate, Chicago, Chicago University Press, 1999
6 Eric Schickler, The Development of Congressional Committee System..., op. cit., p. 733
or one of the many Senate sponsored activities. Even more than in the House, internal budget allocations result from complex negotiations and power games.

The House of Representatives bears more similarity with the European Parliament due to its composition, functions, decision making and internal coalition building. The House is more egalitarian. Partisan discipline plays a more important role.

Mention must be made, nonetheless, that a very short mandate and a state of almost permanent campaigning create a different context than in the European Parliament or the US Senate. Representatives are constantly under the public eye and have to arbitrate between many opportunities under very tight time constraints. Even more than in the Senate, the division of labour “bubbles up from day-to-day decisions of individual members as they decide how best to allocate the time, energy, and other resources on their enterprise on the numerous issues that arise within and beyond the panels to which they are assigned”. Temporary ad-hoc arrangements, multi-tasking, important variations in staffing of committees or office as well as joint financing and common payments are more than the exception.

Although not directly reflected in the Congress budget, there is a general agreement that US Representatives’ activities are organised around:

- fundraising (not to be supported directly by public money);
- constituency work (partly supported by public money);
- pre-legislative work with interest groups, experts, third country nationals in and outside the House;
- proper legislative work in committees;
- oversight of the Executive in committees.

A similar value chain structure may be identified for the European Parliament, although political fundraising is conducted independently (usually through national party structures) and the oversight of the Executive is much less developed.

Due to the implementation of the Lisbon Treaty, the rise of G20 and the financial crisis, the pre-legislative work of the European Parliament tends to involve new actors in a more structured fashion: other Parliaments responsible for sub-continental democracy, OECD, ECB and European rescue funds, national Parliaments on budgetary issues. Increased oversight of the Executive may result from the development of powerful mechanisms such as Troika and supervisory authorities that bear some similarities with US Executive Agencies.

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“Value Chain” of the US Congress

U.S. Congress

Pre-Legislative Policy Dialogue with:
1. Think Thanks
2. Main International partners
3. International Financial Institutions
4. Federal Financial Institutions
5. Public and private organised interests
6. Dialogue with the White House, Federal Departments and Federal Executive Agencies

Oversight on the Executive:
7. Follow-up on Budget Office
6. Follow-up on Accountability Office
5. Citizen grievance hearings
4. Call for audit
3. Investigation Committee
2. Follow-up of the executive initiatives in permanent commissions and committees
1. Control of Codification, Law Revision

Full Legislative Cycle
### European Parliament

#### Pre-Legislative Policy Dialogue with:
1. Think Thanks
2. Main international partners
3. International Financial Institutions
4. G20 Parliamentary dimension, OECD
5. European security and cooperation institutions: NATO, OSCE
6. European financial institutions
   - ECB/ESM/ERMB
7. Public and private organised interests
8. European Council in preparation phase

#### Oversight on the Executive:
1. Control of Codification Law Revision
2. Follow-up of the executive initiatives in permanent commissions and committees
3. Investigation Committee

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### Full Legislative Cycle

- **European Council Conclusion**
- **Green Book / White Book**
- **Legislative Own Initiative Report**
- **Programming**
- **Article 17 TFEU Commission President 5 year Programme**
- **Commission Working Group**
- **Impact Assessment**
- **National Parliaments**
- **First, second and third reading**
- **Lawyer Linguists**
- **Publication Official Journal**
- **Transposition and Implementation**
- **Dedicated Acts**
I. The consolidated presentation of Congress budget does not fully reflect the value chain of Representatives’ activities.

The different parts of the ‘value chain’ of the House of Representatives activity do not appear as such in the consolidated budget of the US Congress. The pre-legislative (or political) phase, the legislative phase and the oversight on the Executive are difficult to identify as separate items in the US Congress consolidated budget presentation.

The budget consolidation of the House of Representatives namely distinguishes between types of people (members, congressional staff and partisan employees) and types of costs (administrative costs, buildings) rather than between types of functions. For instance, the same ‘partisan employee’ may contribute to pre-legislative, legislative, oversight and communication activities of his/her Member. The same may even apply to an employee under administrative staff status working directly for a prominent chair or vice-chair of a committee.

“Except for a few recognised experts, polyvalence and multi-task assignments appear to be the rule in Members’ offices as well as at committee staff level”¹¹. Lack of specialization and clear distinction between functions makes comparison with European Parliament more difficult. The presentation of the US Congress budget finally reflects the historical development of Congress around its Members first (with their partisan staff and their own employees) and then around powerful committees (and sub-committees), to which other common functions were added at a later stage (Congressional Research Office, Government Accounting Office, etc)¹².

II. Inclusion and externalisation of expenses in Parliamentary budgets are not similar

The House of Representatives’ budget may well finance activities that would not be eligible for financing in the European context. Money directly raised by Members and direct funding from NGOs and the private sector partly substitutes that which would be funded within the Parliamentary budget in Europe.

1) Fundraising activities are not financed in US and Europe, but they might be partly de facto internalised in the US context. In principle, fundraising activities are not to be financed by public money in the American context. It is nonetheless difficult to say that partisan staff employed in the House of Representatives never contribute to activities that may impact directly or indirectly on the fundraising capacity of their Representatives. Due to the pressure of public opinion¹³, the Rules of Procedures of the House and the Senate have been amended several times.

¹¹ Interviews with US Congress junior staffers, Strasbourg, 12th June 2012.
¹³ David R. Jones and alii, Americans, Congress, and Democratic Responsiveness, Ann Arbor, University of Michigan Press, 2009
times in order to avoid confusion. This has, for instance, resulted in very strong rules governing double employment for staff or direct gifts to members.

2) **Pre-legislative activities are largely externalised on both sides of the Atlantic**

To describe the interaction of Members with citizens groups, communities, interest groups, companies, lobbyists, law firms performed by ‘professional politicians’, the academic literature speaks of pre-legislative work.

In the US, a substantial part of pre-legislative work is performed in cooperation with the Administration and with regulatory agencies that provide significant input in assessment and content whenever a new bill is being considered. A large part of the interaction between Members and citizens takes place during fundraising activities (dinners, meetings, focus groups, etc.) or under the umbrella of NGOs, interest groups, think tanks and the media (conferences, debating lunches, breakfast meetings). Those activities take place in Washington as well as at the local level. This pre-legislative work involves ‘organized interests’. Whatever their purpose, organized interests have been structured to provide expertise and support for those pre-legislative activities. They target the political leadership in the House, as well as committee chairs and individual members on a case by case approach\(^\text{14}\).

<table>
<thead>
<tr>
<th>Organized interest</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporations(^2)</td>
<td>36.1 %</td>
</tr>
<tr>
<td>Trade and other business associations</td>
<td>10.7</td>
</tr>
<tr>
<td>Occupational associations</td>
<td>5.2</td>
</tr>
<tr>
<td>Unions</td>
<td>0.8</td>
</tr>
<tr>
<td>Education</td>
<td>5.4</td>
</tr>
<tr>
<td>Health</td>
<td>4.4</td>
</tr>
<tr>
<td>Public interest</td>
<td>4.1</td>
</tr>
<tr>
<td>Identity groups(^3)</td>
<td>3.8</td>
</tr>
<tr>
<td>Social welfare or poor</td>
<td>0.9</td>
</tr>
<tr>
<td>State and local governments</td>
<td>11.8</td>
</tr>
<tr>
<td>Foreign</td>
<td>6.5</td>
</tr>
<tr>
<td>Other</td>
<td>8.6</td>
</tr>
<tr>
<td>Don’t know</td>
<td>1.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100 %</strong></td>
</tr>
<tr>
<td><strong>N</strong></td>
<td><strong>13,776</strong></td>
</tr>
</tbody>
</table>

\(^1\) Distribution of organizations listed in the 2006 Washington Representatives directory.

\(^2\) Includes US corporations, US subsidiaries of foreign corporations, and for-profit firms of professionals such as law and consulting firms.

\(^3\) Includes organizations representing racial or ethnic, religious denominations, elderly, women or LGBT.

Source: "The Oxford Handbook of American Political Parties and Interest Groups"; L. Sandy Maisel, Jeffrey M. Berry (eds.); Oxford University Press; 2010; p. 433

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A large part of the “inter-action between Members and interest groups occurs directly at the initiative of interest groups themselves or through the inclusion of new Congressmen to be in already established policy networks”\textsuperscript{15}. A part of the inter-action between Members with third country nationals is financed by the Department of State while foreign interest groups and embassies also provide many opportunities for contact and cooperation. Congressional Rules of procedures strictly frame and limit this external support. Both congressional staff and partisan employees on Congressional pay-roll play an important role in data collection and synthesis. They organise various kinds of in-house meetings. At the institutional level, some Congressional agencies contribute to pre-legislative work such as the Congressional Research Centre, the Government Accounting Office, the Open World Leadership Centre.

In Brussels, a large amount of the pre-legislative work is officially done by the European Commission itself through a detailed and routine mechanism of consultation in which MEPs may be associated, before the start of the legislative process itself. The European Commission bears the costs associated with this formal pre-legislative work, paying for meetings, studies, dissemination of reports, etc. The European Economic and Social Council also provides an institutionalized mechanism of consultation with organized interests at the European level. A large number of organizations part of the ‘organized interest system’ in Washington are formally represented there.

But in Brussels as in Washington NGOs, think tanks, private companies and foreign interest groups also seek more and more to create direct interaction between MEPs, civil society and the private sector.

Coalition building may well be on the move with increased demand by citizens organizations to be part of policy networks as well as increased demand of non EU or non US interest groups to have a voice. This more complex coalition building may characterise all complex mature democracies in future. Changes in coalition building in Brussels give the European Parliament a bigger chance to become a hub for pre-legislative efforts, making it more similar to the US Congress.

\textsuperscript{15} Interviews with US Congress junior staffers, Strasbourg, 12th June 2012.
### Distributions of organizations within categories

#### A. Occupational membership associations

<table>
<thead>
<tr>
<th>Union</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue-collar unions</td>
<td>5.8 %</td>
</tr>
<tr>
<td>White-collar unions</td>
<td>3.3 %</td>
</tr>
<tr>
<td>Mixed and other unions</td>
<td>4.0 %</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-union</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Association of managers and professionals in business</td>
<td>10.1 %</td>
</tr>
<tr>
<td>Association of administrators of non-profits</td>
<td>3.4 %</td>
</tr>
<tr>
<td>Professional associations</td>
<td>45.9 %</td>
</tr>
<tr>
<td>Associations of public employees</td>
<td>18.6 %</td>
</tr>
<tr>
<td>Other occupational associations</td>
<td>8.9 %</td>
</tr>
</tbody>
</table>

**Total (N) 100 % (822)**

#### B. Identity groups

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Racial or ethnic</td>
<td>62.6 %</td>
</tr>
<tr>
<td>Religious</td>
<td>20.2 %</td>
</tr>
<tr>
<td>Women</td>
<td>9.8 %</td>
</tr>
<tr>
<td>Elderly</td>
<td>5.3 %</td>
</tr>
<tr>
<td>LGBT</td>
<td>2.1 %</td>
</tr>
</tbody>
</table>

**Total (N) 100 % (526)**

#### C. Public interest group

<table>
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<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumer</td>
<td>6.4 %</td>
</tr>
<tr>
<td>Environmental and wildlife</td>
<td>22.0 %</td>
</tr>
<tr>
<td>Government reform</td>
<td>4.5 %</td>
</tr>
<tr>
<td>Civil liberties</td>
<td>1.3 %</td>
</tr>
<tr>
<td>Citizen empowerment</td>
<td>3.5 %</td>
</tr>
<tr>
<td>Other liberal groups</td>
<td>18.8 %</td>
</tr>
<tr>
<td>Other conservative groups</td>
<td>14.2 %</td>
</tr>
<tr>
<td>Other</td>
<td>29.2 %</td>
</tr>
</tbody>
</table>

**Total (N) 99.9 % (567)**

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1. Distribution of organizations listed in the 2006 Washington Representatives directory.
2. Includes associations of military employees.

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Source: "The Oxford Handbook of American Political Parties and Interest Groups"; L. Sandy Maisel, Jeffrey M. Berry (eds.); Oxford University Press; 2010; p. 437

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3) The consolidated presentation of Congress’s budget does not take into account the vast amount of externalisation throughout the legislative cycle in the US.

Even in purely legislative activities and oversight of the Executive, the Members of the US Congress largely benefit from services provided by private law firms, interest group, think tanks and foundations. This provision of services during the legislative process itself or during procedures of oversight is often considered as one of the most powerful tools of influence for advocacy groups\(^{16}\).

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When we draft legislation, we do directly our part with our own Congressmen when he participates in the process. It is a very demanding venture. It is a huge investment. There is usually a lot of desk work to do and many texts to compile. We may have briefings from the Congressional Research Office. But usually they do not suffice. They are not specific enough. We receive advice, briefings and reports from interest groups, experts and law firms. We have meetings there. We discuss with them. We have constant contacts with a few of them. In the end, consolidation is made at committee level under the control of prominent in-house experts and in direct contact with the Chair and his/her staff.17

4) The first steps in the control of implementation is largely externalised in the US to Executive agencies that have a much larger remit than in Europe. The control may be ex-post as part of the oversight of the Executive carried out by Congress.

5) The oversight of the Executive is largely internalised within Congress while almost non-existing in the European Parliament.

Oversight activities have been responsible for the development of specialised permanent offices and agencies of Congress. The oversight of the Executive is much more developed in the two Houses of the US Congress in which the majority is often different from that in the Executive branch. Oversight includes the scrutiny of Executive Agencies that often play an important role in implementing legislative acts.

The recent rise of investigations and audit procedures has further increased the time and the resources devoted to the oversight of the Executive. As such, this move may change the focus of Committee work and the respective balance of power within them between senior members actually drafting legislation and back benchers ‘doing the rest’18.

III. The US Congress budget reflects the strong specificity of US Congress just as the European Parliament budget reflects the strong specificity of the institution

1) The presentation of Congress budget partly reflects the American spoil system in the Legislative branch of government: expenses for Members and expenses for partisan employees are the ‘bounty’ of the election winner that takes the lion share. Budgets for partisan employees as well as for staff or travel expenses are largely appropriated by the majority19 and by the committee chairs belonging to the majority. The budgets allocated to committees also reflect the intra-partisan hierarchy between different committee chairs who will, ultimately, manage them20.

17 Interviews with US Congress junior staffers, Strasbourg, 12th June 2012.
18 For that discussion see: Eric Schickler, The Development of the Congressional Committee System., op. cit.
20 Eric Schickler, The Development of the Congressional Committee System., op. cit.
As a result, non permanent positions, non permanent structures and highly variable figures for similar activities and functions have remained a distinctive feature of the US Congress compared to European counterparts. This partisan appropriation of the Congress budget seems to be more systematic in the House of Representatives than in the Senate, where partisan influence is more limited and the minority better treated when it comes to resource allocation.

2) The **seniority principle** has had effect on Congress budget structure. For a long time, only senior Representatives in Committees (on the majority side) effectively contributed to the drafting of legislation or to agenda setting.

Other Representatives dealt with negotiating detailed amendments or participated more actively in non direct legislative activities in delegations, investigation committees, special committees and various activities related to the oversight of the Executive.

The academic literature distinguishes non legislative functions in which members invest themselves in Congress. They are associated with **bicameral representation** (all mechanisms and functions within the Congress needed between the House and the Senate), **dyadic representation** (partisan functions), **distributive representation** (‘pork barrel’ politics) and **collective representation** (functions needed to represent the House and the Congress as a whole and enhance its perception by the general public).

All those non legislative functions are provided with resources that result from internal negotiations between members. In order to achieve their legislative agenda at the national level, senior Congressmen of the two Houses negotiate with back benchers having institutional responsibilities in those non-legislative functions.

As a result of the seniority principle:

**Committee chairs** are entitled to a very large staff and budget compared to ordinary members. They manage this staff directly, with both partisan employees as well as permanent and temporary staff under administrative status. A large part of their work has to do with the pre-legislative. They are able to call hearings, to launch studies, outsource research, and do impact assessment or opinion polls. They decide over fact finding missions or investigations. They enjoy a significant degree of autonomy concerning recruitment and allocation of resources. Committee chairs also contribute to setting the agenda, time being the scarcest resource during a short period of two years.

Many Congressmen are actively involved in ‘distributive democracy’ also called ‘pork barrel politics’ mainly in the **House Appropriations committee or subcommittees** whose chairs used to

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be called ‘cardinals’. Direct subsidies, grants, earmarks and specific taxation represent a limited portion of the US budget. Nonetheless the local effect may be huge and its political consequences for members long lasting.

“Committee changes in the 1970-90s have reinforced party leverage over the committee system, particularly in the House. The Speaker regained control of the Rules Committee (...) Since then, the Committee has become a key agenda-setting tool for party leader using creative special rules to structure floor consideration of bills. The Speaker was also granted the power to refer bills to multiple committees, which proved a tool for coordinating committee consideration of complex legislation Party leaders have also experimented with the use of task force to formulate major bills that cross cut the jurisdiction of multiple committees”

As a result, the office of the Speaker draws significant resources, as well as offices of the Minority Floor leader. The leadership offices provide further assistance comparable to that of political groups in the European Parliament.

23 Eric Schickler, The Development of Congressional Committee System..., op. cit., p. 733
Only administrative costs and expenses for supporting offices reflect the more permanent part of Congressional spending, of which many are associated with the development of independent oversight of the Executive. A part of administrative expenses and supporting offices expenses directly contribute to the pre-legislative and legislative activities. But a large part is also dedicated to institutional efforts to welcome citizens, provide them with information and promote the American democracy (Library of Congress, Visitors’ Center, Congress publications, etc.).
IV. Why and how the House of Representatives largely externalises pre-legislative work: the changing role of policy networks

The pre-legislative work consists of interaction with citizens, interest groups, companies and NGOs to discuss the need for new or amended legislation.

Pre-legislative work usually leads to the creation of formal or informal ‘policy networks’ in which senior politicians, interest groups and top civil servants of Executive agencies join forces to prepare and to push legislation. By doing so, policy networks are usually successful in shaping the agenda more than in reformulating the content or structure of future legislative proposals.

The contribution of policy networks to democracy in Washington and in Brussels is important despite important institutional differences. In Brussels, consultation and initiative are institutionally centralized, while consultations and legislative initiatives are highly decentralized in the US context.

The European Parliament\(^{24}\), granted new capacities since the Lisbon Treaty, is not so different from the Congress and is well placed to become more and more the public forum for complex coalition building on EU regulatory frameworks.

Policy networks in Brussels help in preparing decisions with the Commission and the relevant Committees of the European Parliament. They help in the legislative process to convince reluctant political groups or Member States. They help in creating compromises when the decisions come to comitology for implementation.

The activity of policy networks goes beyond Brussels. They create a bridge between institutions and interested citizens, businesses and NGOs in member states: “(Policy networks are ...) coordinating the authorised institutions \textit{inter se} and with their most identifiable policy addressees”\(^{25}\).

In Brussels, policy networks play a part of the role that large political parties with their specific policy departments (foreign affairs, agriculture, industrial affairs, economic affairs) used to play and are still playing at the national level.

‘Policy networks’ are not fundamentally different in Brussels from similar policy networks in Washington. They have been affected by the same trends: importance of private sector involvement, rise of continental or global NGOs, growing importance of foreign “organized interest”.

The contribution of policy networks is challenged on both sides for its lack of transparency more than for its overall ability to contribute to legislative output.


But in both cases, the involvement of private interests remains still to be properly understood by the public and be put in check by the institutions: “The Union may not have collapsed into “private interest governance but the networks in which so much of the European Union decisions are made involve an implicit bargain actors in which the latter trade their cooperation in the realisation of policy for the benefit of a pan-European regulatory framework and a measure of public legitimisation at that level”.

The European Parliament with its elected members, national and pan-European political forces, numerous contacts with foreign governments and Parliaments, structured relations with business associations, NGOs, trade unions, collaboration with national Parliaments and regional authorities may be the place where coalition building becomes public.

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Case Study:
Key points on the present reality of pre-legislative work in the House of Representatives as seen by Congressional staffers

**Pre-legislative work** has to be understood in the context of the present reality of American politics at the federal level.

Professional politicians only progressively specialise in one domain of expertise.

Political entrepreneurship having two core elements:
- Independent fund raising by Congressmen themselves;
- Institutional spoil system: staff expenses are clearly a way to get a return on the initial investment.

Political parties have limited legislative programmes but partisan leaders have a strong say about the agenda and the rules that shape the agenda. Much pre-legislative work is devoted to agenda and rules; this work mobilises senior political figures. Senior political figures work on agenda setting and on internal rules.

Washington is the most important lobbying hub with fierce competition for qualified well trained experts. Congress can cope with such a competitive market. Junior people start in Congress as a training exercise and then rejoin lobbyists or law firms and continue to work with Congressmen and senior staffers.

Pre-legislative work is largely **decentralised**, unlike the European consultation process. Members of Congress try to defend local interests and specific group interests more than overall general political lines.

**Individual commitments** to interest groups are made by members during the campaign, independently from political party options.

Throughout their mandate, Representatives carry out (pre-) **legislative activities** and **fundraising activities** at the local or national level. Both processes inevitably influence each other.
- The local focus of pre-legislative activities remains very important;
- The Representatives are often called to comment publicly about the need for new legislation and to support interest group initiatives; this outreach is very important for fund raising; therefore Representatives are very present at breakfast meetings, talk shows, public gatherings

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27 Based on interviews with US Congress junior staffers carried out in Strasbourg, 12th June 2012.
discussing the future of legislation in their district as well as in Washington; the preparation of these numerous meetings (and papers) is done by political staff and also by adjunct campaign staff paid through campaign funds;

- Political staff spending by the Congress covers fund raising activities, secretarial work and also pre-legislative work, media and communication activities of the Members; for senior members of Committee, the proportion of staff dedicated to pre-legislative and legislative work is much higher.

Only senior members have a real access to decisive policy networks composed of leading lobbyists, senior officials, key experts; junior members strive to be accepted in policy networks and famous Washington power lunches.

Think tanks play a less important role than expected in defining policy objectives than law firms, lobbies, caucus groups, NGOs and key media figures. Staffers are in charge of updating files and contacts with those different groups of stakeholders. They rarely substitute for the stakeholder when it comes to preparing agenda, draft bills or even draft amendments. They rather bring together and package different elements coming from many heterogeneous sources.

A large part of pre-legislative work occurs outside of Congress and does not mobilise the administrative staff of Congress.

Impact assessment is not systematic. Independent legal advice takes place at the end of the drafting process and is organised by heads of the legislature. The cost of legislation and the cost of non legislation are not systematically computed.

The mobilization of Congressional research services varies according to the field and scope of the proposed bill. In most cases, CRS and the Library of Congress are used just marginally in the pre-legislative phase.

The legislative agenda is constantly on the move. The first victory of any lobby or interest group in the pre-legislative work is to place its item on the agenda.
CHAPTER 2
LEGISLATIVE PROCESS IN THE US CONGRESS

Introduction

In the United States, unlike some other parliamentary bodies, both the Senate and the House of Representatives have equal legislative functions and powers with certain exceptions. For example, the Constitution provides that only the House of Representatives may originate revenue bills. By tradition, the House also originates appropriation bills. As both bodies have equal legislative powers, the designation of one as the ‘upper’ House and the other as the “lower” House is not applicable. The Senate has the function of advising and consenting to treaties and to certain nominations by the President¹. In the matter of impeachments, the House of Representatives presents the charges - a function similar to that of a grand jury - and the Senate sits as a court to try the impeachment.

Separate institutions sharing powers


Under the Constitution of the United States, the powers of the federal government are distributed in a way that is intended and almost guaranteed to create competition and conflict between the legislative and executive branches. The U.S. system of government is characterized by a “separation of powers”. In addition, it is also viewed as a system of “separate institutions sharing powers”¹.

The executive and legislative branches are distinctly separate institutions. In contrast to parliamentary systems, for example, Members of Congress may not hold positions of authority in the executive branch. Congress normally plays no part in selecting the President or Vice President, nor may it remove either of them from office only because of disagreements about policy. The Vice President does serve as President of the Senate, but the formal power of that position is very limited. Further, the President may not remove Members of Congress, nor is there any provision for early dissolution of a Congress by the executive.

¹ This arrangement has led to a shifting balance of power between the two branches, as well as occasional conflicts with the Supreme Court, during more than 200 years of experience under the U.S. Constitution. During some periods, the American Congress exerted more influence over national policy than the President; at other times, the situation has been reversed.

¹ Under the 25th Amendment to the Constitution, a vote in each House is required to confirm the President’s nomination for Vice-President when there is a vacancy in that office.
House Representatives, Senators, and the President all serve for fixed terms and for different periods of time. Even when a President wins an overwhelming election victory, therefore, he still finds that two-thirds of the Senators had been elected two or four years earlier, and that all Representatives will run for re-election two years later when the President is not a candidate.

Yet these separated institutions are linked by their shared powers. For example, Congress has the primary legislative power under the Constitution. The President may recommend any legislation he thinks desirable, but Congress is under no obligation to act on, much less approve, his proposals, though they usually do receive respectful and careful study. On the other hand, the President does have the constitutional power to disapprove (or veto) any bill approved by Congress, in which case it can become law only if approved again by two-thirds of the votes in both houses. So the legislative power is shared, and the threat of a presidential veto usually gives the President great influence over Congress’s legislative decisions.

Presidential powers also are shared. For instance, the President has the constitutional authority to nominate senior officers of the executive branch and all federal judges and justices and to negotiate treaties with other nations. The Senate must agree, however, by majority vote to each of his nominations, and no treaty can take effect unless the Senate approves it by a two-thirds vote. The President also is Commander-in-Chief of the Armed Forces, but Congress passes legislation controlling the size, composition, and budget of the military. In short, if either branch of government is to fulfill its constitutional responsibilities effectively, it needs the cooperation, or at least the acquiescence, of the other.

The reason for this system of shared powers lies in both an historic mistrust of government power and a concern over the efficient administration of the law. The authors of the Constitution had experience with excessive power in the hands of executive officials (the British King and his ministers), but they also feared that an uncontrolled legislative majority also might be liable to abuse its power. The best way to protect against abuses of power, they concluded, was to divide it among officials of different institutions, giving these officials an incentive to restrain each other in their own self-interest. The authors’ experience with the ineffective Articles of Confederation also convinced them of the need for a strong apparatus to administer the law, a responsibility they saw better vested in an executive body than the legislature. In this way, a system of “checks and balances” prevents any single institution of government from becoming too powerful. In order for the sharing of power to protect

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2 One possible result, which has occurred frequently since World War II, is that a President of one political party may confront one or both houses of Congress controlled by the other party. In this circumstance, the competition between separated institutions is made even more intense by the added dimension of competition between the different political parties controlling them.

3 See page 32

4 The Federalist Papers, Hamilton-Madison-Jay, Mentor ME 2541
I. The Legislative Process

It is the legislative branch of government, that is, the Congress (the House of Representatives and the Senate), which writes, considers, and votes to pass new laws. The President may ask a Member of Congress to introduce a bill on his behalf, or provide advice to Members on a bill. Any House Representative or Senator may introduce a bill into the House or Senate, respectively.

To the average person, the process of getting a bill through Congress may seem highly complex and technical. Actually, the process itself is fairly simple. What can be confusing to the layperson is (1) the volume of legislation pending before Congress and (2) the system Congress has for distributing its work. It is true that Congress handles a great deal of legislation each year. But only a handful of bills will be of particular interest to a specific interest or lobbyist group or company.
So long as the interested group keep their sights on the legislation that affects them, a specific interest or lobbyist group or company should have no trouble following the progress of those bills. And once familiarized with the key committees responsible for handling their issues, following the progress of legislation for them will become much easier.

The key to deciphering the legislative process is in understanding that legislation is grouped into three main categories:

**Authorizing legislation:** A bill that creates a new federal program, extends the life of an existing program, or repeals existing law. Authorizing bills usually set a limit on the amount of funds that can be spent annually by a program over a period of three to five years. But it’s important to remember that an authorizing bill only establishes the framework for a federal program - it does not provide funds to operate the program;

**Appropriations bill:** A bill that allocates funding for specific federal programs. Unlike authorizing legislation, which remains in effect for three or more years, an appropriations bill must be enacted into law every year. Each year, in fact, Congress must pass a series of 13 appropriations bills to keep federal departments and agencies operating;

**Entitlement legislation:** A measure that guarantees a certain level of benefits to persons who meet eligibility requirements set by law, such as Medicare, Medicaid and college student loan programs. Entitlement programs typically do not need to be reauthorized, nor do they require annual appropriations.

II. Laying the Groundwork: The Role of Individual Members of U.S. Congress

The first formal step in the legislative process occurs when one or more members of Congress introduce a proposal in one of four forms: the bill, the joint resolution, the concurrent resolution, and the simple resolution. The most customary form used in both Houses is the "bill". During the 109th Congress (2005-2006), 10,558 bills and 143 joint resolutions were introduced in both Houses, out of which 6,436 bills and 102 joint resolutions originated in the House of Representatives.

But from an advocate’s perspective, the work begins much earlier than that. For example, once a lobbyist or interest group or a law firm or a company has identified an issue or problem that merits special attention, one or two members of Congress should be identified whose philosophy and voting record indicate that they would be willing to play a leadership role in supporting the issue. After extensive discussions with the identified Senator or House Representative and their staff, formal legislation is prepared for introduction. There are two types of bills - public and private. A ‘public’ bill is one that affects the public generally. A bill that affects a specified

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individual or a private entity rather than the population at large is called a ‘private’ bill. Bills introduced in the House are assigned an ‘H.R.’ number (e.g. H.R. 2037) and bills introduced in the Senate are given an “S.” number. The term ‘companion’ bill is used to describe a bill introduced in one House of Congress that is similar or identical to a bill introduced in the other House of Congress.

Of course, having legislation introduced and getting it enacted into law are two different things. Preventing a bill from languishing in someone’s files requires broad support for the issue. Constituents must contact their own Senators and House Representatives and convince them to co-sponsor the bill. The way that is done is by having the lawmaker’s staff contact the original sponsor and ask to have his or her name listed as supporting the bill. Generally speaking, the earlier an interest or lobbyist group or company gets involved, the better chances of having an impact on the decision making process. The further along a bill advances in the legislative process, the more difficult it becomes to change or modify. This is especially true now that the U.S. Congress often groups several issues into one bill.

III. The Importance of the Committee System

Congressional committees are the ‘workhorses’ of U.S. Congress. As the number of issues brought before Congress grows, lawmakers increasingly rely on the committee system to sift through the facts and determine how issues should be resolved. Congress is made up of both standing committees and select committees. Generally, standing committees have the power to generate legislation in their particular areas of jurisdiction, such as tax writing or appropriations. Select committees, such as the Senate Special Committee on Aging, are primarily advisory in nature.

Most committees have delegated specific issues under their jurisdiction to subcommittees, whose job is to analyze each issue and eventually make a recommendation to their parent committee (or full committee, as it is sometimes called). Here again, it is vitally important that constituent contacts be made with the subcommittees as early in the process as possible. In their earliest stages of review, subcommittees welcome input from interested organizations and individuals. At this point, letters and personal visits with members of the subcommittee and their staff can have a tremendous effect on the panel’s recommendations. In many instances, a subcommittee will hold public hearings, either in Washington, D.C. or elsewhere, where constituents may ask to present their positions.

If a Senator or House Representative is not on the relevant subcommittee, does that mean you have no influence over the outcome? It is true that members of a subcommittee are regarded as ‘specialists’ by their colleagues and, therefore, can wield considerable power in deciding whether or not an issue will be advanced through the legislative process. However, your own senators or representatives, whether or not they are on the subcommittee, often can be effective intermediaries, depending on their personal or political relationships with the subcommittee members.

IV. Committee action-referral and floor action

Once introduced, bills are referred to one or more Committees that have jurisdiction on the topic(s). Several Committees may act on a bill at the same time or sequentially. Once a bill is referred to committee, it may or may not be subject of further action. Many bills ‘die’ in committees. Many bills become the subject of Committees hearings, at which expert witnesses testify. At least one witness is recommended by the minority party.

Very often these hearings are meant to inform the broader public as well as to gather information for Congressional actions. The Questions & Answers (Q&A) session at the end of the hearings often is the most interesting part of the event. Testimony often is posted on the Committee website as well in order to get a broader public. Hearings can also be organised on a specific issue without necessarily being linked to an introduced bill. This may be true especially on current events, oversight of the Executive branch, or information-gathering prior to the drafting of a bill.

Many bills are amended by Committee work. Meetings for the purpose of amending a bill are called ‘mark ups’ or mark-up sessions. In most cases, if a Committee marks up a bill and votes to recommend its approval, the Committee sends a formal report to the full chamber (House of Representatives or Senate). At this stage the bill is considered ‘reported’.

Once a committee has approved legislation, it becomes eligible for debate on the House and Senate floors, where it may be passed, defeated or amended. Because floor debates often are scheduled on short notice, position papers or messages or advocacy actions by interest/lobbyist group (e.g. e-mails, letters etc.) must be prepared well in advance. However, it is fundamental to keep in mind that timing is extremely critical. Any communication about legislation that is coming up for floor debate should arrive as close to the time of voting as possible.

V. Conference Action

It is usually the case that the House and Senate pass different versions of the same bill. When that occurs, a handful of members from each chamber are appointed to serve on a ‘conference committee’ that attempts to work out a compromise. A conference committee usually consists of selected members of the House and Senate subcommittees that originally developed the legislation. In some instances, conference committees may need to resolve only a few issues; in the case of appropriations bills, there may be several hundred to be reconciled. Constituents whose Senators or House Representatives happen to be on a conference committee can play a crucial role in the deliberations.

The end product of the meetings is a conference report containing a ‘compromise bill’ and a section-by-section explanation of the agreed-upon compromise. Once both the House and Senate agree to the conference report, the measure is sent to the President for approval (or veto).
VI. The Importance of Staff(ers) Contacts

While Senators and House Representatives are the ultimate decision makers, it is important to recognize that their staff members (staffers) can have significant influence over the course and content of legislation. Constituents are urged to maintain ongoing contacts with these individuals, especially subcommittee staff and the lawmakers’ own legislative aides. When the time comes to contact a lawmaker about specific legislation, his or her staff(ers) aide also should be alerted.

This is one way of ensuring that a specific interest or lobbyist group or firm or company issues is not lost or overlooked among the stack of legislation that is discussed every day. Also, it is crucial to keep in mind that every Senator and House Representative maintains an office(s) in his or her home state. These district offices offer an excellent opportunity to build relationships with key staff, channel the latest information back to Senators and House Representatives and generally get specific message(s) across to the legislator.

VII. The legislative process: voting procedure

In the U.S. Congress, to become a law, a bill must be considered by the House of Representatives and the Senate separately and passed by a simple majority vote in each chamber. In certain instances, it is easier in the House of Representatives to adopt a bill as it is requires a simple majority for approval, meaning out of 435 Members.

The U.S. Senate has a rule, called “filibuster” which allows a Senator to delay proceedings by continuing debate. To overcome the filibuster, a bill needs 60 votes in favour out of 100 to close the debate and move to voting on the bill. Filibustering used to be rare, but has become a frequent means to block passage of a bill that could have a majority but not 60 votes in favour.

<table>
<thead>
<tr>
<th>U.S. President signs the common text bill</th>
<th>U.S. President vetoes the common text bill</th>
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</thead>
<tbody>
<tr>
<td>The text is enacted</td>
<td>The text bill goes back to both chambers: House of Representatives and Senate</td>
</tr>
<tr>
<td>The bill becomes public law and is codified as a “statute” (entered into the U.S. Code of laws)</td>
<td>The text bill can be enacted in this case by a 2/3 majority in both chambers</td>
</tr>
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The House of Representatives and Senate must pass exactly the same bill before it may become law. Frequently, however, the House and Senate initially pass bills with different language on the same topic. When two different bills texts have been approved by the Senate and House, leadership may form a Conference Committee to make one text that could pass both chambers. If it

5 John V. Sullivan, Robert A. Brady, How our laws are made..., op. cit., p. 5
agrees on a common and unique text, the Conference Committee reports the bill back to the House and Senate, which each may then vote on the ‘conference bill’. Alternatively, one chamber may decide to vote on the bill passed by the other chamber.

The House of Representatives has rules that can be changed easily by the majority leadership. The Senate has more fixed rules.

The House of Representatives has a fixed rule that each amendment proposed to a bill must be ‘germane’: it must be relevant to the point in question (but the rule is often ignored). The Senate does not have the ‘germaneness rule’: this means that amendments of almost any kind could be introduced on any bill.

If both chambers vote to pass a bill, it is said to be ‘enrolled’. The enrolled bill is printed on parchment paper and certified by the Clerk of the House stating that the bill originated in the House of Representatives. A bill originating in the Senate is examined and certified by the Secretary of the Senate. A House bill is then examined for accuracy by the Clerk. When satisfied with the accuracy of the bill, the Clerk attaches a slip stating that the bill is truly enrolled and sends it to the Speaker of the House for signature. By tradition, all bills are signed first by the Speaker of the House and then by the President of the Senate.

VIII. The role of the U.S. President in the legislative process

At this stage of the decision-making process, the U.S. President has several options, which are summarized as follows: Presidential approval; or failure by the President to return it with objections to the House in which it originated within 10 days (Sundays excepted) while Congress is in session.

If the President signs the bill, it is ‘enacted’ into law and, as from this point, called a ‘statute’. If, on the other hand, the President vetoes the bill, it still may be enacted into law, if it passes both chambers by at least a 2/3 vote, i.e. 290 votes in the House of Representatives and 67 votes in the Senate.

IX. The role of the Executive branches and rulemaking steps

Under the U.S. Constitution, the Executive, Legislative, and Judicial branches are independent and have ‘checks and balances’ on the power of the others. The executive branch of the federal government includes the Executive Office of the President and the United States

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6  Ibidem, p. 5, p. 49-50
federal executive departments, whose secretaries belong to the Cabinet (i.e. Department of State, Department of Treasury, Department of Justice or Department of Homeland Security) and it has only the powers given it in the Constitution or by the U.S. Congress. There are scholarly disagreements over how much power the President has over the executive agencies, particularly the ‘independent agencies’, such as the Environmental Protection Agency (EPA).

Independent agencies of the United States federal government, also classified as executive agencies, are those agencies that exist outside of the federal executive departments (those headed by Cabinet secretaries). Only a few independent agencies, such as the Library of Congress and Congressional Budget Office, are part of the legislative or judicial branches.

Most federal agencies are created by Congress through statutes called ‘enabling acts’ which define the scope of an agency’s authority, define the goals the agency must work towards, as well as what substantive areas, if any, over which it may have the power of rulemaking. Although the Constitution does not expressly mention federal agencies, the agency rules or regulations, while in force, have the power of federal law.

The Executive Branch of government writes rules to implement the laws. These are called ‘regulations’. The executive agencies also have authorities to gather information, monitor compliance with regulations, and (in many cases) enforce the laws and regulations. Many laws specify the criteria that agencies must use to decide among options in writing the regulations, for example,

8 Selected examples of independent agencies:

- The Central Intelligence Agency (CIA) coordinates the intelligence activities of certain government departments and agencies;
- The United States Environmental Protection Agency (EPA) works to control and abate pollution in the air and water and to deal with problems related to solid waste, pesticides, radiation, and toxic substances;
- The Federal Election Commission (FEC) oversees campaign financing for all federal elections;
- The Federal Communications Commission (FCC) is charged with regulating interstate and international communications by radio, television, wire, satellite, and cable;
- The Federal Maritime Commission (FMC) regulates the international ocean transportation of the United States;
- The Board of Governors of the Federal Reserve System is the governing body of the Federal Reserve System (frequently referred to as “the Fed”), the so called central bank of the United States;
- The Federal Trade Commission (FTC) enforces federal antitrust and consumer protection laws, including certain data protection issues related to the Safe Harbor Principles;
- The General Services Administration (GSA) is responsible for the purchase, supply, operation, and maintenance of federal property, buildings, and equipment, and for the sale of surplus items;
- The National Aeronautics and Space Administration (NASA) established in 1958 to run the American space program;
- The National Transportation Safety Board (NTSB) investigates all commercial aviation accidents in the United States, and certain major railroad and other accidents;
- The Office of Personnel Management (OPM) is the federal government's human resources agency;
- The Social Security Administration (SSA) manages the nation's social insurance program, consisting of retirement, disability, and survivors benefits;
- The Securities and Exchange Commission (SEC) was established to protect investors who buy stocks and bonds;
- The United States Agency for International Development (USAID) administers U.S. foreign economic and humanitarian assistance programs in the world;
- The National Security Agency/Central Security Service (NSA/CSS) is a cryptology intelligence agency of the United States Department of Defense responsible for the collection and analysis of foreign communications and foreign signals intelligence, as well as protecting U.S. government communications and information systems.

9 Note prepared by the EP LIBE Committee to Members on US Agencies, December 2010.
cost-effectiveness, impact on industries, the level of risk remaining, etc. These vary across laws. Agencies may publish in the Federal Register an Advance Notice of Proposed Rulemaking (ANPRM). Often the notice includes a request for public comments. Agencies must publish a Notice of Proposed Rulemaking (NPRM). At this stage the rule is a Proposed Rule. Again, public comments are requested and any received must be considered. A docket is opened for each rule into which documents are placed that are relevant to the rule. Dockets are posted at: www.regulations.gov

Agencies consider public comments and may hold hearings to receive additional comments. After at least 60 days following the ANPRM, the agency may publish a Final Rule. At this stage the rule is said to be “promulgated”. Throughout rulemaking, agencies consult with the President’s Office of Management and Budget (OMB). Rules must be approved by OMB before they are published.

One of the most significant ways in which the U.S. Congress exercises a check over the executive branch is its solemn power to set the budget, called “the power of the purse”. It plays a critical role in the relationship of the United States Congress with the executive, and has been historically the main tool by which Congress can limit powers of the executive.

Although it is famously used today by Congress especially in military affairs, it was once a larger power. Congress used the power of the purse to choose whether to appropriate funding to any area which the executive might desire. If the executive wanted to spend money, Congress would have to write a bill, pass that bill into law, and appropriate the funds for it. This was the check of the legislative upon the executive authority in domestic as well as foreign affairs. However, after the Great Depression and the passage of the National Industrial Recovery Act\(^\text{10}\), bureaus and agencies have enough spending power that the Congress no longer held the reins of power over domestic spending. The authority for spending is frequently included in the authorization legislation (enabling acts). Therefore the domestic power of the purse check is no longer so meaningful\(^\text{11}\).

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10 Officially known as the Act of June 16, 1933.
X. Challenges to Statutes and Regulations

Statutes or regulations (rules) may be legally challenged in court once they are final. If that is the case, they are called ‘ripe’\textsuperscript{12}. A lawsuit may allege that a statute is un-Constitutional. The Supreme Court would decide such a challenge.

A final agency action (usually a rule) may be legally challenged, most often because it is ‘arbitrary and capricious’ or not authorized by statute or does not conform to the criteria identified in the authorizing statute.

A legal challenge may delay the date on which the law or regulation takes effect (is enforceable). The litigation process can sometimes delay regulation for many years.

Stakeholders may also, in some circumstances, sue an agency to force it to regulate by a certain date, arguing that the agency has not taken action (e.g., to write or update a regulation) in accordance with statutory requirements.

\textsuperscript{12} In constitutional law, referring to a law case appealed from a state or federal court which is ready for consideration by the Supreme Court, meaning that all other avenues for determining the case have been exhausted, there is a real controversy and the law needs to be settled on one or more issues raised by the case. See \url{http://lawdictionary.sovets.com/r/ripe}
ANNEX to CHAPTER 2

Sources of information for and assistance provided to Members of the US House of Representatives during the legislative process

Stages of the legislative process

- Draft bill introduced in House
- Committee consideration of draft bill and amendments
- Committee chair
  Minority ranking member
- Speaker of the House / Floor Managers (the spokespersons for a bill)
- Conference committee (with Senate)
- Conference procedure House (with Senate)
- Compromise text
- Enactment into law
- Publication in Statutes and Codification
- Reported bill
- US President
- Law Revision Counsel

Key actors

- Members
- Committee chair
  Minority ranking member
- Speaker of the House / Floor Managers (the spokespersons for a bill)
- Conference committee (with Senate)
- Compromise text
- Enactment into law
- Publication in Statutes and Codification
- US President
- Law Revision Counsel

In-House support services

- **Committee staff** carry out preparatory work, draft background notes for meetings and hearings, draft committee and conference reports (**partisan**)
- **Office of the Legislative Counsel (OLC)**: provides advice on and assists with drafting of bills and amendments (**non-partisan**)
- **Congressional Research Service (CRS)**: provides advice on procedures in committee, on interpretation of law and on order of vote of amendments (**non-partisan**)
- **Parliamentarian**: provides advice on procedures, on referral to committees, on precedents and on admissibility of amendments (**non-partisan**)
- **Congressional Budget Office (CBO)**: provides budget-related information, cost estimates and forecasts (**non-partisan**)
- **Clerks**: provide technical assistance relating to processing of adopted bills (**non-partisan**)
- **Law Revision Counsel (LRO)** responsible for the codification of legislation and for official publication and updating of the US Code (**non-partisan**
Case studies: The Dodd-Frank and the Leahy-Smith Acts

With a view to assessing the support services provided to Members of the US House of Representatives, two case studies have been chosen: The Dodd-Frank Wall Street Reform and Consumer Protection Act; and the Leahy-Smith America Invents Act. While there are significant differences between the two bills as concerns, for instance, the context leading to their adoption, the duration of the legislative procedure, media coverage and level of involvement of partisan actors and interest groups, the support provided to legislators by the non-partisan services, such as the OLC, the CRS and the CBO, was a key element in both legislative procedures. Drafting and procedural advice, together with cost estimates, are available to Members on an ongoing and reliable basis throughout the legislative procedure, irrespective of the length or complexity thereof.

I. The Dodd-Frank Act

The Dodd-Frank Act is a highly complex piece of legislation that has reshaped the US financial regulatory environment. Given the context of its adoption, it was a controversial bill, bringing about changes aimed at streamlining the regulatory process, ensuring better oversight of specific institutions given their systemic risk, increasing transparency, imposing registration requirements for investment entities and ensuring better consumer protection.

<table>
<thead>
<tr>
<th>Short title</th>
<th>Dodd-Frank Wall Street Reform and Consumer Protection Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long title</td>
<td>An act to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end the ‘too big to fail’ problem, to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes</td>
</tr>
<tr>
<td>Ref. Nr.</td>
<td>Public Law 111-203, 111th Congress; H.R 4173</td>
</tr>
<tr>
<td>Key actors (sponsors)</td>
<td>Barney Frank, Chairman of the House Financial Services Committee&lt;br&gt;Chris Dodd, Chairman of the Senate Banking Committee</td>
</tr>
<tr>
<td>Length of text</td>
<td>approximately 900 pages</td>
</tr>
<tr>
<td>Content (complexity)</td>
<td>the Act requires the regulators to create 243 rules, conduct 67 studies and issue 22 periodic reports</td>
</tr>
<tr>
<td>Main procedural steps</td>
<td>July 2009&lt;br&gt;2 December 2009&lt;br&gt;11 December 2009&lt;br&gt;20 May 2010&lt;br&gt;29 June 2010&lt;br&gt;30 June 2010&lt;br&gt;15 July 2010&lt;br&gt;21 July 2010</td>
</tr>
<tr>
<td></td>
<td>- first draft introduced in the House and referred to Financial Services Committee&lt;br&gt;- revised versions introduced in House and in Senate&lt;br&gt;- the House passed the bill&lt;br&gt;- the Senate passed the bill with amendments&lt;br&gt;- the joint conference committee reported the bill&lt;br&gt;- the House approved the joint conference text&lt;br&gt;- the Senate approved the joint conference text&lt;br&gt;- the President signed the bill into law</td>
</tr>
</tbody>
</table>
Sources of support to Members of the House during the legislative process

In the House, work was carried out by the Financial Services Committee, with the active involvement of the non-partisan services of the House and in consultation with external stakeholders representing the financial industry.

• **Committee consideration**

A first draft of the Dodd-Frank bill originated from the Treasury Department of the Presidential administration. That draft was approximately 250 pages long. The basic concepts of the draft were kept during the procedure, but it was significantly reworked within the House. Between July and December 2010, staff of the Financial Services Committee examined the text together with OLC attorneys. Committee hearings and meetings with executive branch agencies as well as representatives of the financial industry were organised. OLC attorneys received hundreds of drafting requests for changes to the draft bill. In some of those cases, drafts were given to Representatives by lobbyists within the banking sector, with appropriate legal support, and - to a lesser extent - by consumer protection organisations, but they still needed redrafting within the House. In view of the length and complexity of the proposed bill, a team composed of six specialised attorneys in the financial services area was set up within the OLC. The aim was to have an overview of the entire process, in order to ensure, to the greatest possible extent, internal coherence and consistency. The team worked in close collaboration with committee staff and examined drafting proposals from their inception. Based on the work carried out on the first version of the draft bill, a revised version was introduced in December 2009 by Barney Frank, the Chairman of the House Financial Services Committee.

Attorneys in the American Law Division of the CRS were also called upon to provide advice on existing legislation and on the effects of the proposed bill. They also provided input to Members on policy issues and policy choices. Their main points of contact were the Financial Services Committee staff and the Chairman’s staff.

**CBO** analysts provided cost estimates to the Financial Services Committee, analysing the cost of enacting the Dodd-Frank bill and its impact on the federal budget.

• **Floor consideration**

Floor consideration took place in accordance with two resolutions adopted by the Rules Committee of the House: the first resolution limited the general debate to three hours and waived all points of order against consideration of the bill, and the second resolution established which amendments were admissible and their order of debate and vote.
At this stage, the Parliamentarian provided advice to the Rules Committee on procedure for Floor consideration and on the admissibility of amendments.

Approximately 700 amendments were prepared by OLC attorneys and tabled for Floor consideration during a time span of just three days. According to information provided by the OLC, approximately 50% of those amendments were considered and only a third were finally adopted by the House.

- Conference procedure
  Once adopted by the House, the Dodd-Frank bill was considered by the Senate Banking Committee and the Senate passed it with amendments.

  In accordance with the US Constitution, a bill becomes law only if it is adopted in an identical form by both chambers of Congress. Whenever different versions of the same bill are adopted by the House and the Senate, a conference procedure is set up to resolve disagreement between the two chambers. The conference committee is composed of senior Members of the standing committees of the two chambers that reported the bill. Meetings of the conference committees are private, and the Chairs of the standing committees lead the procedures. Committee staff and attorneys in the OLC are present at conference committee meetings.

  The joint conference committee set up for the Dodd-Frank bill worked on the basis of the version adopted by the Senate. Members who were part of the joint conference committee once again offered a substantial number of amendments, many of which were drafted ‘on the spot’, with the assistance of OLC attorneys. In this specific case, White House staff were also present during the conference meetings, which does not, however, seem normally to be the case. After two weeks of intensive work, agreement was reached on 25 June 2009 and the conference committee reported the joint text on 29 June 2009. The final act is approximately 900 pages long, i.e. a substantially more extensive text than the draft prepared by the executive at the beginning of the legislative procedure.
II. The Leahy-Smith Act

The Leahy-Smith Act is a less controversial but equally important piece of legislation, which introduced significant changes to US patent law, in order to bring it further into line with EU law.

<table>
<thead>
<tr>
<th>Short title</th>
<th>Leahy-Smith America Invents Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long title</td>
<td>An act to amend title 35, United States Code, to provide for patent reform</td>
</tr>
<tr>
<td>Reference numbers</td>
<td>Public Law 112-29, 112th Congress; H.R 1249</td>
</tr>
</tbody>
</table>
| Key actors (sponsors)| Patrick Leahy, Chairman of the Senate Judiciary Committee  
                         Lamar Smith, Chairman of the House Committee on the Judiciary |
| Length of text       | approximately 60 pages |
| Content (complexity) | the Act amends US federal patent law and introduces several clarifications concerning patent applications, reporting, fees and other procedural aspects |
| Main procedural steps| 25 January 2011  
                         8 March 2011  
                         23 June 2011  
                         8 September 2011  
                         16 September 2011 |
|                      | - first draft introduced in the Senate and referred to the Judiciary Committee  
                         - the Senate passed the bill  
                         - the House passed the bill with amendments  
                         - the Senate agreed to the House amendments (no conference procedure)  
                         - the President signed the bill into law |

Sources of support to Members of the House during the legislative process

- Committee consideration
  After the Senate had passed its version of the bill, in early 2011, the House Judiciary Committee staff asked the OLC to examine the text. The OLC was given time to redraft the bill and address drafting and other technical errors identified in the Senate version. A revised version of the bill was introduced in the House in March 2011.

  A team of two OLC attorneys drafted many amendments for consideration in committee. After the Judiciary Committee reported on the bill, meetings with House and Senate staff (from both parties) and staff from the US Patent and Trademark Office (the executive branch agency that implements patent law) were organised in order to go through the bill and address issues that had arisen, and propose amendments for consideration on the House floor. The aim of those meetings was to resolve those issues and, more importantly, to end up with a bill that the Senate could accept without further amendment. Although Representatives may have been approached by lobbyists during the drafting of the bill and some concepts may have originated from outside sources, the bulk of the work on the preparation of the bill was carried out in-house.
• **Floor consideration**

Floor consideration of the Leahy-Smith bill took place under a rule adopted by the Rules Committee that allowed one hour of general debate and consideration of specified amendments, including those agreed to during meetings organised after the committee vote. The OLC’s attorneys received numerous drafting requests for amendments from individual Members.

Some days before the bill came to the floor, a dispute arose between the Judiciary Committee and the Appropriations Committee over certain funding provisions in the bill. The OLC was called upon to draft several different versions of the wording concerned before the two committees were able to agree. As is frequently the case, a change to one part of the bill required changes to other parts of the bill.

The Parliamentarian provided advice on procedure for Floor consideration and on the admissibility of amendments.

The bill passed the House including a small number of amendments that the House Majority was not fully satisfied with. The Senate took up the House passed bill and also passed it. The bill became law on 16 September 2011.

The CBO issued a cost estimate of the Leahy-Smith bill in August 2011, explaining its impact on the federal budget.

### III. Background information

#### 1. Sources of legislation

Legislative proposals (bills) may originate in either the House of Representatives or the Senate, with the exception of appropriation bills (budget) which may originate only in the House of Representatives. The Member (of either chamber) who introduces the bill is known as the ‘primary sponsor’.

Some of the more common sources of ideas for legislation are the following:

- **Executive branch proposals:** in accordance with the US Constitution, the President ‘gives to the Congress information on the State of the Union, and recommends to their consideration such measures as he shall judge necessary and expedient’;
- **Party and constituency priorities:** there is a constant flow of information between constituents and their Members;
- **Law firms and groups of lobbyists:** they play an active role in the legislative process and are perceived as sources of information for legislative needs and, at the same time, providers of feedback to Members of Congress on the possible effects and applicability of proposed legislation.
2. Non-partisan support services assisting Members of Congress

The Office of the Legislative Counsel (OLC)¹
The role of the OLC is to assist, on an impartial and confidential basis, committees and Members of the Congress, when requested by them, in the drafting of proposed legislation.

Requests to the OLC for drafting advice tend to be received from the Staffs of the Members or from the Majority or Minority Staffs of the committees. Such requests may be in the form of draft word documents or simply in the form of ideas, leaving it to the attorneys to choose the appropriate legislative drafting form and style. The vast majority of bills and amendments considered by committees are drafted by OLC attorneys, and the OLC is the first port of call for advice in this area. Its role as a crucial support function in the legislative process is therefore well-established.

The Parliamentarian²
The Parliamentarian is an official of the House who provides objective advice to Members and staff on legislative and parliamentary procedure. The Parliamentarian has a number of key tasks, most notably to advise on the referral of draft bills to committees and on conflicts of competence, and to decide on the ‘germaneness’³ of amendments drafted for the Floor. The proposed drafting for a bill or for amendments is often discussed with the Parliamentarian, prior to the formal introduction of that bill or the formal submission of amendments for consideration, with a view to influencing referral of a bill to a particular committee or to avoiding drafting non-germane amendments.

The Congressional Research Service (CRS)⁴
The CRS is an agency within the Library of Congress. It provides detailed information to Members of Congress and their staff, and to committees, on issues of national policy, as well as procedural advice concerning the legislative process in Congress. Within the CRS, there is a team called the American Law Division, which is composed of attorneys. It provides confidential legal opinions to Members, as well as analyses of the legal effects of a proposed bill or of amendments to a bill on current legislation.

¹ Budget 2012: 8,8 Mio. USD. This figure includes staff, offices and all operational expenses and makes it thus difficult to compare with any benchmark in the European Parliament.
² Budget 2012: 2 Mio. USD. This figure includes staff, offices and all operational expenses and makes it thus difficult to compare with any benchmark in the European Parliament.
³ ‘Germaneness’ means that an amendment addresses the same subject matter as the underlying bill.
⁴ Budget 2012: 106,8 Mio. USD. This figure includes staff, offices and all operational expenses and makes it thus difficult to compare with any benchmark in the European Parliament.
The Congressional Budget Office (CBO)\textsuperscript{5}

The CBO is an agency which provides analyses of economic and budgetary issues, in particular during the annual budgetary process. The CBO issues general or thematic reports and forecasts, and cost estimates of proposed bills (showing the budgetary impact of draft bills). The CBO also examines interactions between different pieces of legislation and possible scenarios (for instance what would happen if one bill is adopted before another related bill). During the early stages of the legislative process, the CBO is called upon by the authors of a draft bill to provide preliminary informal cost estimates.

The Clerk\textsuperscript{6}

Following adoption of the bill, in identical wording by the two chambers, the Clerks of the House and of the Senate are responsible for the technical preparation of the act to be submitted to the President in order for him to be able to sign the bill into law.

The Law Revision Counsel (LRC)\textsuperscript{7}

The LRC is responsible for the codification of existing and new legislation and for the official publication and updating of the US Code. \textit{Codification} means the restatement of existing general and permanent laws by means of legislative enactment. Once codified, the various parts of the US Code (‘Titles’) become ‘positive law’ and repeal the underlying provisions. Codification is understood to be a technical, non-partisan procedure, thus ensuring the smooth passage of codification bills through Congress.

\textsuperscript{5} Budget 2012: 43,8 Mio. USD. This figure includes staff, offices and all operational expenses and makes it thus difficult to compare with any benchmark in the European Parliament.

\textsuperscript{6} Budget 2012: 22,4 Mio. USD. This figure includes staff, offices and all operational expenses and makes it thus difficult to compare with any benchmark in the European Parliament.

\textsuperscript{7} Budget 2012: 3,26 Mio. USD. This figure includes staff, offices and all operational expenses and makes it thus difficult to compare with any benchmark in the European Parliament.
CHAPTER 3
OVERSIGHT WORK IN THE US CONGRESS

I. Definitions of ‘oversight’

The dictionary definition1 of the noun ‘oversight’ strictly refers to three possible options as follows:
1) An omission or error due to carelessness; or
2) Unintentional failure to notice or consider; lack of proper attention; or
3) Supervision; watchful care.

“The first two meanings of oversight imply a failure to notice or an omission, a mistake or something that is overlooked or inadvertently omitted. The third definition denotes some form of legislative supervision or watchfulness of delegated authority to executive branch entities and officials. Ironically these definitions may sometimes overlap one another. These options may also merge perfectly the fundamental objective of the congressional oversight which is to ‘hold executive officials accountable for the implementation of delegated authority.’”2

This objective is especially important given the huge expansion of the executive branches and ministerial departments in the modern era. Congressional and/or parliamentary questions and oversight action on both sides of the aisle now represent the direct link between the policy process in democratic political systems, the parliamentary systems and the voters’ role to make all political actors accountable to those who authorise them. In parliamentary systems, voters delegate to political parties in parliament, who delegate decisions to a government, which delegates jurisdictions to cabinet ministers, who, in turn, delegate to bureaucrats to implement policies3.

Political scientists have advanced a number of definitions of the noun ‘oversight’ that go beyond the meanings provided in dictionaries and mentioned at the beginning of this chapter. Among other definitions, some American political scientists referred to the oversight as “to review after the fact. It includes inquiries about policies that are or have been in effect, investigations of past administrative actions, and the calling of executive officers to account for their financial transactions”4. Another definition provided by a political scientist refers to “the behaviour by legislators and their staffs, individually or collectively, which result in an impact, intended or not, on bureaucratic behaviour”5. A narrower definition presented by another political scientist emphasises “the congressional review of the actions of federal departments, agencies, and commissions, and of the programmes and policies they administer, including review that takes place during programme and policy implementation as well as afterward”6.

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1 http://dictionary.reference.com/browse/oversight
4 Joseph P. Harris, Congressional Control of Administration, Garden City, NY, Anchor Books, 1964, p. 9
The differences on a precise definition may lead to the difficulty, quantitatively, to know how much oversight the US Congress is really performing, largely through its committees and subcommittees.

In its report, Walter J. Oleszek, CRS expert, states that “oversight is a ubiquitous activity on Capitol Hill that occurs in various ways, forums, and activities. It is subsumed in many hearings, meetings, or informal settings that may not be labelled as “oversight”. Indeed, the review function is a by-product of many congressional activities - committee meetings on legislation, the confirmation process, casework, informal Member and staff meetings with executive officials, legislative communications with administrative leaders. Thus questions about whether US Congress does enough oversight are difficult to answer because of methodological limitations (time and resources, for instance) in measuring its frequency comprehensively and systematically. Moreover, how “oversight” is defined affects what oversight one finds”. Suffice it to say that undercounting surely characterizes the amount of oversight carried out by the US Congress primarily through the work of its committees, Members, staff, aides, and legislative support units, such as the Government Accountability Office (GAO).

II. Oversight of the executive branch and federal agencies

The system of oversight was established long ago at the time of the US Founding Fathers. Thus, if the Founding Fathers returned to observe their handiwork, they would likely be surprised by such developments as the creation of a ‘presidential branch’ of government (the Office of Management and Budget, the National Security Council, and the like) and the establishment of so many federal departments and US agencies. From the three initial departments in 1789 (State, Treasury, and War, renamed Defense in 1974), a dozen more have been added to the Cabinet. The Cabinet itself includes the Vice President and the heads of 15 executive departments — the Secretaries of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, State, Transportation, Treasury, and Veterans Affairs, as well as the Attorney General. The newest creation in 2002 is the Department of Homeland and Security (DHS). Formed from the merger of 22 separate executive branch unites, it employs roughly 180,000 people.

Clearly, given the role and scope of the federal establishment, the importance of Congress's review function looms large in checking and monitoring the delegated authority that it grants to federal departments and agencies.

7 Morris S. Ogul, Congress Oversees the Bureaucracy..., op. cit., p.7
8 http://www.gao.gov/
9 http://www.whitehouse.gov/omb
10 http://www.whitehouse.gov/administration/eop/nsc
11 http://www.state.gov/
12 http://www.treasury.gov/Pages/default.aspx
13 http://www.defense.gov/
14 http://www.whitehouse.gov/administration/cabinet
15 http://www.dhs.gov/index.shtm
III. Accountability on the US budget expenses

Four times a year, the Chief Administrative Officer of the US House of representatives releases a report of expenditures for US House of Representatives members, committees, chairmen, officers and offices.

More general, the legislative branch appropriations bill provides funding for the Senate; House of Representatives; Joint Items; Capitol Police; Office of Compliance; Congressional Budget Office; Architect of the Capitol; Library of the Congress including the Congressional research service (CRS); Government Printing Office; Government Accountability Office; and Open World Leadership Center.

The legislative branch FY2013 budget request of $4.512 billion, which is submitted to the President by the legislative branch agencies and entities and included in the budget without change, was submitted to Congress on February 13, 2012. The request represents an increase of $205.5 million over the $4.307 billion in discretionary funding (provided in Division G of the FY2012 Consolidated Appropriations Act).

The Subcommittees on the Legislative Branch of the House and Senate Appropriations Committees both held hearings during which Members considered the FY2013 legislative branch requests. Among other issues that were considered during hearings were the following:

- the tight budget environment, prioritization of budget resources, and further options for potential savings or efficiencies;
- state and district office security;
- preparations and funding for the January 2013 Presidential Inauguration;
- deferred maintenance around the Capitol Complex; and
- the future of government printing in the digital age.

IV. Investigation techniques: Committees, hearings and more

In carrying out its oversight responsibilities, Congress must be able to choose from a variety of techniques to hold agencies accountable, so that if one technique proves to be ineffective, committees and Members can employ others singly or in combination. Most of these techniques are utilized by the committees of Congress: standing, subcommittee, select, or special. They include such oversight methods as discussed briefly, in no particular order, on the following pages.

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Oversight and accountability: Laws, rules and investigating techniques

To encourage, promote, and prod the legislative branch to do more oversight, the US House of Representatives and the US Senate have enacted an array of laws and rules that help to complement its many techniques for monitoring executive branch performance. Mention of a few laws and rules illustrates Congress’s continuing interest in strengthening its own procedures for oversight, as well as obtaining oversight-related information from the executive branch. Two statutes worth briefly noting for illustrative purposes are the Government Performance and Results Act of 1993 (GPRA or the Results Act) and the Congressional Review Act of 1996 (CRA).

1) Selected Laws

The Results Act aims to promote more cost-effective federal spending by requiring agencies to set strategic goals—for example, a statement of their basic missions and the resources required to achieve those objectives—and to prepare annual performance plans and annual performance reports, which are submitted to Congress and the President. The Results Act strengthens legislative oversight by enhancing committees’ ability to hold agencies accountable for the implementation of their performance goals and actual outcomes; to evaluate the budget requests of various agencies, and to reduce or eliminate unnecessary overlap and duplication among federal agencies that implement similar policy areas.

For example, various lawmakers have urged an overhaul of the food inspection structure, because there are “at least 15 government agencies [that] have a hand in making sure food is safe under at least 30 different laws.” The administrative reality, exclaimed a House Appropriations subcommittee chair, is that there is “no one person, no individual today who is responsible for food safety.” The chair’s observation was underscored by a House majority leader when he held up a pizza box: “If this were a cheese pizza, it would be inspected by the [Food and Drug Administration]. If it were a pepperoni pizza, it would be inspected by the [Department of Agriculture]. We definitely have a great deal of duplication here.”

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1 Walter J. Oleszek, Congressional Oversight..., op. cit., pp. 7-9
2 http://govinfo.library.unt.edu/npr/library/misc/s20.html
3 http://usgovinfo.about.com/library/bills/blcra.htm
The Congressional Review Act enables Congress to review and disapprove agency rules and regulations. Under the CRA, agencies must submit their major rules to the House, Senate, and Government Accountability Office (GAO) before they can take effect. The act provides for expedited procedures in the Senate (but not the House of Representatives) if a lawmaker introduces a joint resolution of disapproval. “To be eligible for consideration under the terms of the Act, a disapproval resolution must be submitted in either house within 60 days after Congress receives the rule.” This law, however, has been little used by Congress to block agency rules. Since the law went into effect, only one rule has been rejected (an ergonomics rule in March 2001) despite nearly 50,000 rules that have become effective. Various interpretive ambiguities, such as whether the act allows disapproval of parts of a rule or only its entirety, account in part for its limited use. Analysts also acknowledge that the law contains a potential flaw: The President can veto the joint resolution of disapproval—which is likely if the underlying rule is developed during his administration. Congress is unlikely to override the President’s veto given the two-thirds vote required of each chamber. Still, the law is available to either chamber to express its views about agency rulemaking. Congress, to be sure, can repeal rules by passing statutes, including appropriations measures that include provisions “designed to prevent or restrict the development, implementation, or enforcement” of certain rules or types of rules.

2) Chamber Rules

The two chambers, especially the larger House, have a number of formal oversight rules. For example, the House has a rule requiring all standing committees to prepare at the start of each US Congress an oversight plan that, among other things, ensures to the maximum extent feasible that “all significant laws, programs, or agencies within its jurisdiction are subject to review every 10 years” (House Rule X, clause 2).

At the start of the 111th Congress (2009-2011), the House amended its rules “to require each standing committee to hold at least three hearings per year on waste, fraud, and abuse [in the programs and agencies] under each respective committee’s jurisdiction.” Committees, moreover, are obligated to hold a hearing if “an agency’s financial statements are not in order” and if a programme under the panel’s jurisdiction is “deemed by GAO to be at high risk for waste, fraud, and abuse.”

The Senate, too, has a number of rules that address oversight. Committee reports accompanying each bill or joint resolution must contain an evaluation of their regulatory impact, including “a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution” (Senate Rule XXVI, clause 11). The Senate assigned compre-

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7 A Congressional Research Service report found that various federal agencies since 1999 had failed to provide notice to Congress or the Government Accountability Office of more than a 1,000 final rules, as required by the Congressional Review Act. See Curtis W. Copeland, Congressional Review Act: Rules Not Submitted to CAO and Congress, CRS Report R40997, 2009
8 See Richard S. Beth, Disapproval of Regulations by Congress: Procedure Under the Congressional Review Act, CRS Report RL31160, 2001
hensive oversight authority to certain standing committees (see Rule XXV) for specific policy areas, such as oceans policy or energy and resources development. The Senate chair who authored the rule explained its purposes:

Standing committees are directed and permitted to undertake investigations and make recommendations in broad policy areas—for example, nutrition, aging, environmental protection, or consumer affairs—even though they lack legislative jurisdiction over some aspects of the subject. Such oversight authority involves subjects that generally cut across the jurisdictions of several committees. Presently, no single committee has a comprehensive overview of these policy areas. [This rule change] corrects that. It assigns certain committees the right to undertake comprehensive review of broad policy issues13.

The House has a similar rule which it calls “special oversight.” For instance, the Committee on Homeland Security is authorised to “review and study on a continuing basis all Governmental activities relating to homeland security” (House Rule X, clause 3) even though some of those activities fall within the legislative jurisdiction of other standing committees.

3) Hearings and Investigations

A traditional method of congressional oversight is hearings and investigations into executive branch operations14. Legislators need to know how effectively federal programs are working and how well agency officials are responding to legislative or committee directives. And they want to know the scope and intensity of public support for government programs to assess the need for statutory changes. Although the terms “hearings” and “investigations” overlap (“investigative hearings,” for example) and they may look alike in their formal setting and operation, a shorthand distinction is that hearings focus generally on the efficiency and effectiveness of federal agencies and programs. Investigations, too, may address programmatic efficiency and effectiveness, but their primary focus — triggered by widespread public interest and debate — is often on allegations of wrongdoing, lack of agency preparedness or competence, fraud and abuse, conflicts of interest, and the like. Famous examples include investigations so well-known that a few words are often enough to trigger the attentive public’s recollection, such as the 1972 Watergate break-in, the 1987 Iran-Contra affair, or the Hurricane Katrina debacle of 2005.

4) The Authorising Process

The US Congress can pass authorising legislation that establishes, continues (a reauthorization), or abolishes (a de-authorization) a federal agency or program. It can enact statutes “authorising the activities of the departments, prescribing their internal organization and regulating their procedures and work methods”15. Once an agency or programme is created, the reauthorization process, which typically occurs on an annual or multiyear cycle, can be an important oversight tool.

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13 Congressional Record, vol. 1 23, February 1, 1977, p. 2897
14 There are numerous U.S. Supreme Court decisions that bolster and buttress Congress’s investigatory power. For example, in the 1957 case of Watkins v. United States (354 U.S. 178) the majority opinion stated that the “power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes.”
15 Joseph Pratt Harris, Congressional Control of Administration, Praeger, 1980, p. 284
As a House member observed during debate on a bill to require the annual reauthorization of the Federal Communications Commission (FCC):

Our subcommittee hearings disclosed that the FCC needs direction, need guidance, needs legislation, and needs leadership from us in helping to establish priorities. Regular oversight through the reauthorization process, as all of us know in Congress, is necessary, and nothing brings everybody’s attention to spending more forthrightly than when we go through the reauthorization process.16

Significant issues are often raised during the authorization or reauthorization process. Lawmakers may ask such questions as:

• Can the agency be made smaller?
• If this programme or agency did not exist, would it be created today?
• Should functions that overlap several agencies be merged or consolidated?
• What fundamental changes need to be made in how the department operates?

5) The Appropriations Process

The US Congress probably exercises its most effective oversight of agencies and programs through the appropriations process. As James Madison wrote in The Federalist Papers No. 58: “The power of the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.” By cutting off or reducing funds, Congress can effectively abolish agencies or curtail federal programs. For example, in its various committee reports to accompany FY2010 appropriations measures, the House Appropriations Committee includes “a three-part list of terminations, programme reductions and White House initiatives that have been denied”17.

By increasing funds, appropriators can build up neglected programme areas. In either case, the appropriating panels in each chamber have formidable power to shape ongoing federal agencies and programs. A noted, congressional budget expert remarked that the appropriating process as an oversight method is comparable to a Janus (after the mythical Roman god)-like weapon: “The stick of spending reductions in case agencies cannot satisfactorily defend their budget requests and past performance, and the carrot of more money if agencies produce convincing success stories or the promise of future results.”18

16 Louis Fisher, “Annual Reauthorizations: Durable Roadblocks to Biennial Budgeting,” Public Budgeting and Finance, spring 1983, p. 38. The annual defence authorization process might be the most noteworthy example of the authorizing process as an oversight tool.
18 Workshop on Congressional Oversight and Investigations, Ft. Doc. No. 96-217 (Washington, DC: GPO, 1979), p. 19. The budget expert was Professor Allen Schick of the University of Maryland and The Brookings Institution. Appropriations bills must be signed by the President before they can become law.
6) Inspectors General

The US Congress has created statutory offices of inspectors general (IGs) in nearly 70 major federal entities and departments. The IGs, for example, are located in all fifteen cabinet departments, the Central Intelligence Agency (CIA), and the independent regulatory commissions. Granted substantial independence by the Inspectors General Act of 1978, as amended in 1988 and again in 2008, these officials are authorised to conduct investigations and audits of their agencies to improve efficiency, end waste and fraud, discourage mismanagement, and strengthen the effectiveness and economy of agency operations.

Appointed in various ways—in most cases either by the President subject to Senate confirmation or by agency heads—IGs report their findings and recommendations to (1) the Attorney General in cases of suspected violations of federal criminal law, (2) semi-annually to the agency head, who must transmit the IG report to Congress within thirty days with no changes to the report but with his or her suggestions; and (3) in the case of “particularly serious or flagrant problems,” immediately to the agency head who must send the report to Congress within seven days unaltered but with his or her recommendations19. Inspectors’ generals, said a Senator, are “the government’s first line of defense against fraud”20.

The US Congress also has created special inspectors generals (SIGs) who have responsibility for auditing and investigating specific programs. For example, there is a SIG for Iraq Reconstruction (SIGIR) another SIG for Afghanistan Reconstruction (SIGAR)21, and still another SIG for the Troubled Asset Relief Program (SIGTARP)22.

Whether regular or special, IGs strive to keep Congress fully and currently informed about agency activities, problems, and programme performance through such practices as the issuance of periodic reports and testimony before House and Senate committees.

7) Government Accountability Office

The Government Accountability Office (GAO)23, formerly titled the General Accounting Office until the name change in 2004, was established by the Budget and Accounting Office of 1921. With about 3,100 employees, GAO functions as Congress’s investigative arm, conducting financial and programme audits and evaluations of executive activities, operations, and programs. For example, in one study, GAO reported “that 19 of 24 Federal agencies ... could not fully explain how they had spent taxpayer money appropriated by Congress”24. The head of GAO is the Comptroller General (CG), who is nominated by the President (following a recommendation process involving the bipartisan leaders of the House and Senate) and subject to the advice and consent of the Senate for a non-renewable 15-year term.

21 http://www.sigar.mil/
23 http://www.gao.gov/
The GAO conducts field investigations of administrative activities and programs, prescribes accounting standards for the executive branch, prepares policy analyses, adjudicates bid protests, makes recommendations for legislative action, evaluates programs, and provides legal opinions on government actions and activities. The office submits hundreds of reports to Congress annually, describing ways to root out waste and mismanagement in executive branch programs and to promote programme performance. One of its traditional reports to Congress is on government programs and activities that are “high risk,” that is, they require significant improvements in their operations and performance.

8) Reporting Requirements
Numerous laws require executive agencies to submit reports periodically, and as required by specific events or certain conditions, to Congress and its committees. As one scholar explained:

Reporting requirements are provisions in laws requiring the executive branch to submit specified information to Congress or committees of Congress. Their basic purpose is to provide data and analysis Congress needs to oversee the implementation of legislation and foreign policy by the executive branch.

Generally the report requirement encourages self-evaluation by the executive branch and promotes agency accountability to Congress. Reporting requirements involve weighing Congress’s need for information and analysis to conduct evaluations of agencies and programs against the imposition of burdensome or unnecessary obligations on executive entities.

9) Senate Confirmation Process
High-ranking public officials are chosen by the President “by and with the Advice and Consent of the Senate,” in accord with the Constitution. In general, the Senate gives the President considerable latitude in selecting cabinet heads, nominees to regulatory boards and commissions, and other significant executive branch positions. Nomination hearings establish a public record of the policy views of nominees, on which they could be called to account at a later time. Committees, for example, might ask agency nominees to discuss their plans for addressing the high-risk programs under their jurisdiction that GAO identified as being vulnerable to waste, fraud, and abuse. Committees may also extract pledges from nominees that they will testify at hearings when requested to do so, with the implicit acknowledgement that otherwise the appointee’s name might not be reported for consideration to the full Senate. They can also inquire into nominees’ previous government experience and other pertinent matters.

10) Programme Evaluation
Programme evaluation is an approach to oversight that uses social science and management methodology, such as surveys, cost-benefit analyses, and efficiency studies, to assess the effectiveness of ongoing programs. This type of analysis is often conducted by the GAO, IGs, and the agencies themselves. President

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27 Recall, too, that IGs regularly report to Congress.
Obama has stressed the importance of measuring the effectiveness of government programs. “All programs—from Medicare to small-business loans—will be judged based on their progress in meeting certain quantifiable goals developed with input from agencies, Congress, management experts and the public,” he said28. Peter Orszag29, the director of the Office of Management and Budget (OMB)30, added: “Rigorous, independent programme evaluation can be a key resource in determining whether government programs are achieving their intended outcomes as well as possible and at the lowest possible cost”31.

11) Casework

Each lawmaker’s office handles thousands of requests each year from constituents seeking help in dealing with executive agencies. The requests range from inquiries about lost Social Security checks or delayed pension payments to disaster relief assistance and complicated tax appeals to the Internal Revenue Service. “Constituents perceive casework in non-political terms,” wrote two scholars. “They expect their representatives to provide [this service]”32. Casework, an ombudsman-like function, has the positive effect of bringing quirks in the administrative machinery to Members’ attention. Solutions to an individual constituent’s problems can suggest legislative remedies on a broader scale33. On occasion, constituents’ casework requests may be used in oversight hearings by Members to highlight and lend support to a problem or shortcoming in the operations of a programme or agency.

12) Impeachment and Removal

The ultimate check on the executive (and judicial) branch is impeachment and removal from office, and it is vested exclusively in Congress. Article II, section 4, of the Constitution states: “The President, Vice President, and all Civil Officers of the United States, shall be removed from office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and misdemeanours.” The House has the authority to impeach an official by majority vote. (Impeachment is the formal lodging of charges against an official.) House trial managers then prosecute the case before the Senate, where a two-thirds vote is required for conviction. The process of impeachment and removal is complex and cumbersome; as a result, it has been employed in over 200 years only in a limited number of instances involving executive branch officials, judges, and Presidents.

13) Incentives and Disincentives

Despite the importance of oversight, “pass it and forget it” lawmaking sometimes occurs on Capitol Hill. This reality is not to suggest that committees and subcommittees fail to hold regular oversight hearings and meetings, often aimed at rooting out government waste and abuse and, more broadly,
monitoring the executive branch. Instead, there are various institutional and other developments that have limited the ability of committees and lawmakers to carry out their “continuous watchfulness” function in a continual manner. There are, in brief, various disincentives and incentives associated with the conduct of oversight. Three will be spotlighted in each category for illustrative purposes.

**Disincentives**

First, there are time and energy limits. Workload-packed legislative schedules, constant campaign fundraising, weekly travel back-and-forth to Members’ districts or states, periodic meetings with constituents visiting Washington, or print and media interviews are among the factors that combine to reduce constant attention to oversight. The term lawmaker, moreover, suggests where many Members prefer to spend much of their time. As former Speaker Newt Gingrich, R-GA (1995-1999) put it: “This is the city [Washington, DC] which spends almost all of its energy trying to make the right decisions and almost none of its energy focusing on how to improve implementing the right decisions. And without implementation, the best ideas in the world simply don’t occur.”

Second, unified government could act as a disincentive to assertive and aggressive oversight of administrative departments and agencies, especially during an era of partisan polarization. As one senior House Republican said of President George W. Bush’s Administration: “Our party controls the levers of government. We’re not about to go out and look beneath a bunch of rocks to try and cause heartburn. Unless they really screw up, we’re not going to go after them.” Added another experienced GOP lawmaker: “We ended up functioning like a parliament, not a Congress. We confused wanting a joint agenda with not doing oversight.”

Third, the policy or political payoff might be minimal at best or counterproductive at worst. Oversight can be unglamorous, tedious, technical, and long-term work that achieves few results. “To do it right,” said a Republican Senator, “you have to hear an endless stream of witnesses, review numerous records, and at the end of it you may find an agency was doing everything right. It is much more fun to create a new program.” Moreover, lawmakers recognize that hard-hitting investigations might arouse the ire of numerous constituents and special interests, which could jeopardize their chance of winning re-election.

**Incentives**

One of the principal incentives that encourage legislative oversight of the executive branch is divided government (one party in charge of one or both chambers or Congress, the other party in control of the White House). Political and substantive issues are important factors that prompt heightened interest in oversight. Politically, as former Representative Lee Hamilton, D-IN, noted, when Democrats controlled

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37 _Congress Speaks: A Survey of the 100th Congress_, Washington, DC, Center for Responsive Politics, 1988, p. 163
the House during the first two years of the Clinton administration, no subpoenas were issued to executive officials by the panel with broad oversight jurisdiction. However, when Republicans captured control of the House, that same committee handed out “well over a thousand subpoenas to Clinton administration officials”\textsuperscript{38}.

Substantively, policy disagreements between the President and the congressional majority party also contribute to the amount and scope of oversight. As one scholar concluded:

\textit{Policy divergence is most likely to occur under divided government}, so the majority party in Congress will want to constrain the agencies under the president’s control. In addition, members of the majority party may believe they can benefit from using oversight to emphasize policy differences between their party and the president’s party, and if in the case of such hearings and investigations they embarrass a president and his agency, this is not an insignificant [political] side benefit\textsuperscript{39}.

Electoral incentives are another factor that can motivate lawmakers to oversee the bureaucracy. The opportunity to assist constituents in their dealings with federal agencies or to receive favourable publicity back home for resolving flaws or inequities in executive programs is a potential electoral bonus for members of Congress. Committee and subcommittee chairs “seek a high pay off—in attention from the press and other agencies—when selecting federal programs to be their oversight targets”\textsuperscript{40}. Electoral support from constituents, combined with press and media attention, are likely to prompt additional oversight activity by committees and lawmakers.

A third incentive for more oversight is large public concern about various issues (surging federal deficits, for instance) or events (a terrorist incident, for example). Numerous analysts and studies emphasize that the nation faces short- and long-term fiscal challenges. Growing citizen concern about the urgency of this issue could provoke committees to devote considerable resources to scrutinizing federal programs for waste and inefficiency, even eliminating or scaling back agencies or programs that are duplicative or not working. The money saved might then be used more productively. To be sure, a specific event can also prompt oversight. The unsuccessful 2009 Christmas Day attempt to blow up an airplane reportedly triggered no fewer than eight House and Senate committee hearings and investigations “to explore the intelligence, homeland security and foreign policy ramifications of the failed attack” by a Nigerian-born terrorist\textsuperscript{41}.

\textsuperscript{38} Lee H. Hamilton, \textit{Strengthening Congress}, Bloomington, IN, Indiana University Press, 2009, p. 25
\textsuperscript{40} Richard Cohen, “King of Oversight”, in \textit{Government Executive}, September 1988, p. 17
\textsuperscript{41} Tim Starks and Caitlin Webber, “Bombing Attempt Generates Wave of Probes”, in \textit{CQ Today}, January 13, 2009, 1
US Congress supporting agencies for the budget

I. General Background: summary of the US federal budget

The US federal budget distinguishes between two types of government spending: direct spending (mandatory for programmes established by the authorising legislation, e.g. social security, Medicaid, veterans benefits, etc.) and discretionary spending, which represents approximately one third of the annual budget. Only the discretionary part depends on the annual appropriations process.

The annual appropriations cycle starts at the beginning of February, when the President sends his budget proposal to the Congress. By mid April the Congress adopts a budget resolution, which sets the overall spending levels for the year. The appropriations subcommittees (12 in each Chamber) allocate the funds set by the budget resolution for their area of responsibility, traditionally before the summer recess. Each of the twelve appropriation bills needs to be adopted in exactly the same form in the House of Representatives and in the Senate. The aim is to finish this work before 1st October, when the new fiscal year starts. If any differences arise, House and Senate committees try to resolve them in conference committees. If any of the appropriations bills are not adopted by 1st October, the Congress passes a Continuing Resolution for such bills. In practice, most appropriation bills are approved four to six months after 1st October.

In order to obtain non-partisan expertise, independent from the executive branch in the budget process, and fact-based analyses on cost estimates of the pending legislation, the Congress established two agencies: the Congressional Budget Office and the Government Accountability Office.

II. Congressional budget office

The Congressional Budget Office (CBO) was established in 1974 to provide the Congress with information on the costs of legislation and on projections of the budget as defined by the law. This is mainly done with the input of objective, independent and transparent analyses to aid in economic and budgetary decisions, including the congressional budget process.

The CBO is a non-partisan and transparent agency that enjoys a high reputation and the trust of both political parties. It works both for the majority party and the minority party (approximately 60 to 40 percent ratio). It was established as a support agency for the Congress, but it also receives and responds to numerous requests by the public, explaining to citizens the budget and the analyses it produces. It employs about 250 people, mostly economists and public policy ana-

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17 Budget 2012: 43,8 Mio. USD. This figure includes staff, offices and all operational expenses and makes it thus difficult to compare with any benchmark in the European Parliament.
ysts. To emphasise its independence, it is also physically separated from Capitol Hill, and its staff is truly willing to maintain its freedom of reliance in order to guarantee work that is not directly influenced by politicians. CBO’s reports and analyses include:

- **Budget and economic outlook**, published every January and August. It is a 10 year baseline projection of current law and assessment of possible alternatives. It serves as the neutral benchmark against which members of the Congress can measure the potential effects of the proposed legislation.
- **Long-term budget outlook**, issued every June. It presents illustrative scenarios for federal spending and revenues and describes the implications of those scenarios for the economy.
- **Cost estimates of the pending legislation**. The CBO analyses the spending or revenue effects of legislative proposals (each committee report includes a financial estimate of the bill), including estimates of the federal costs and effects on state and local governments as well as on the private sector. It should be noted that sometimes legislation is not detailed enough to assess the budgetary impact. In 2010 (Oct. 2009-Oct. 2010), the CBO completed approximately 1500 such estimates.
- **Analytical studies related to budget**. These are broader economic analyses that can also be presented in the form of testimony in front of any of the congressional committees.
- **Analysis of the President’s budget proposals**, issued in March every year.

### III. Government Accountability Office

The Government Accountability Office (GAO) is a non-partisan, independent agency that provides the Congress with timely, objective, fact-based, and balanced information on government spending. This information serves as support for the congressional oversight of the US Government. It employs about 3350 people and is headed by the Comptroller General of the US, who is appointed by the President for a 15-year term. The GAO is based in Washington, D.C., and has offices in 11 other US cities. The GAO’s work in supporting the congressional oversight includes:

- **Performance audits**: what value the taxpayers get for their money.
- **Programme evaluations**: if/how government programmes/policies meet their objectives.
- **Financial audits**: reporting on the efficiency and effectiveness of federal funds (financial audits are done by the Inspectors General; each government department and major agency has one such auditor). In particular, the GAO also tracks how the Recovery Act money is spent, and reports on this to the Congress every two months.
- **Investigations** of allegations of illegal or improper activities.
- **Policy analyses** as well as **legal decisions and opinions**.

The GAO’s flagship products are reports and testimonies before the Congress. GAO’s reports can be mandated either by law or committee reports or requested by the members of Congress (Chairs/Ranking Members/individual members). The GAO has discretion to do research on its

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18 Budget 2012: 511.3 Mio. USD. This figure includes staff, offices and all operational expenses and makes it thus difficult to compare with any benchmark in the European Parliament.
own initiative, under the authority of the Comptroller General (approximately 10% of reports). All GAO reports are available to the public unless they include classified information. An important part of GAO reports and testimonies are the recommendations to the Congress or agencies; about 60% of reports include such recommendations. When a recommendation concerns the performance of an agency, the GAO gives the agency in question an opportunity to comment on the draft. After the final recommendation is issued, the agency in question is obliged to report to the Congress within 60 days. What is important in this process is that the GAO also tracks whether the recommendations are implemented; as much as 80% of the recommendations by the GAO are actually put into practice. The GAO issues about 1000 reports and recommendations per year.

In addition, every two years the GAO issues an update on its High-Risk Program, which highlights major problems that are at high risk for waste, fraud, and abuse mismanagement, as well as programmes that are in need of broad reform. The GAO’s High-Risk list currently includes 30 areas.

IV. Conclusions

The two congressional agencies, briefly presented above, could serve as best practice examples for improving the scrutiny and lawmaking abilities of the European Parliament. There are some parallels between the EP/EU structures/institutions and the US Congress agencies that we can already draw. The European Parliament, however, so far does not have comparable in-depth analytical support for ex-ante and ex-post impact assessment of legislation. The new Directorate for Impact Assessment (DIA) could, in some way, fill this loophole and have similar tasks to those developed by the CBO and, to a lesser extent, by the GAO.

The role of the GAO is already partly covered by the work of the Court of Auditors (and internal auditors in the various EU Institutions) which scrutinises the spending of the EU institutions by financial, performance, and compliance audits. Even though these audits include observations and recommendations, the work of GAO goes beyond the scope of the Court of Auditors with its investigations, recommendations, policy analyses and legal opinions.

The DIA would have among its tasks the adoption of ex-post impact assessments; thus, some of the GAO’s work could serve as a good example of best practices for the DIA. These include the production of policy analyses and programme evaluations as well as the discretion to carry out research at its own initiative. Naturally, the Committee on Budgetary Control also has an important role in this regard.

Even if some parallels may be found between the GAO and the Court of Auditors, this is not the case for the CBO. Currently, no body or structure supports the European Parliament in a similar way as the CBO supports the Congress with fact-based information on the cost estimates of legislation, and with short and long term budgetary forecasts. It has to be emphasised that, because of its independence and objectivity, the CBO is highly respected by both parties in the Congress.
Of course, the structure and work of the CBO cannot be copied, but its work and tasks could be considered as a best practice example for the DIA, as it would be able to draw on the CBO’s experience. As stressed in the Niebler report, the independence and transparency of the new structure will be of paramount importance. The CBO implies a twofold independence: firstly, independence of the agency from any political pressure, and secondly, the independence of the Congress in relation to the federal government. The DIA, as part of the European Parliament’s secretariat, could respond to such a role and assure the independence of the European Parliament.

The three main tasks of the DIA (IA on parliamentary activities, budgetary IA and cost/benefit analyses in all policy areas) largely mirror the activities undertaken by the CBO. Therefore, it could be worthy to conduct a more in-depth analysis of the different works of the CBO to find best practices that could be used in the European Parliament. Apart from drafting the budget for the US Congress and producing budgetary assessments, the CBO produces cost estimates for draft legislation, including the estimates of the impact at the local level and on the private sector.

The cost-benefit analysis and, in particular, the implications for the SMEs, are also stressed in the Niebler report19 (paragraph 16), and the CBO’s experience could serve as an example how to perform such analyses. The CBO’s broader analytical studies and briefs on issues of economic or budgetary importance are partly already produced by the European Parliament’s Policy Departments. The new Directorate could enhance this function by following the example of the CBO, and may consolidate this expertise in a single body to more efficiently support the work of the European Parliament.

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CHAPTER 4
CONSTITUENCY ACTIVITIES OF US REPRESENTATIVES

The US Congress is undoubtedly one of the Parliaments where its Members (both Representatives and Senators) have more of an intensive connection with their constituents and undertake a large number of constituency-oriented activities and services. The US majority voting system (in which the winner takes-all) and the 2-year electoral cycle are clearly the main reasons for this.

This chapter provides an overview of the main activities that Members of the US House of Representatives do for or on behalf of their constituents, the internal rules applied within the House of Representatives in this regard and concrete examples of these activities. The chapter also presents an outline on the human and financial resources devoted to such activities.

One of the main conclusions that could be drawn from this note is that, although there is no defined pattern or framework which Representatives would have to follow when dealing with their constituencies, one aspect is common to most congressional offices. An essential part of time, human and financial resources available to Representatives is devoted to their constituency work in contrast to other duties.

Parallels could be drawn as regards Members of the European Parliament: detailed comparison with the activities of MEPs in their constituencies could bring interesting impulses for the future.

I. Introduction: Activities and duties of US Representatives

The activities and duties carried out by a Member of the House of Representatives are extensive and usually include legislation, constituent service and education, oversight and investigation, as well as political and electoral activities. There is no formal set of requirements or official definition of what duties have to be fulfilled as Members play their role. The US Constitution establishes qualifications for Representatives and Senators (as regards electability), but it remains silent about the roles and duties of an individual Member.

Many of the responsibilities that Members of the House have assumed over the years have evolved based on the expectations of Representatives and their constituents. Upon election to Congress, Members typically develop approaches to their jobs so that they fulfil a wide range of roles and responsibilities. Given the dynamic nature of the congressional experience, priorities placed on various Member roles tend to shift in response to changes in seniority, committee assignment, policy focus, district or state priorities, institutional leadership, and electoral pressures. In response, the roles and specific duties a Member carries out are often highlighted or de-emphasized accordingly.
After identifying and organizing priorities, a Member typically carries out some of the resulting duties personally, and delegates others to congressional staffers who act on his or her behalf. The staff may work in the Member’s individual office in Washington DC and in the constituency, on committees to which the Member is assigned, in offices connected to leadership posts the Member may hold, and in the separate political and re-election operations the Member may maintain.

Interestingly, at the end of the 1970s, a survey among Representatives was carried out where they were asked to describe the major jobs, duties and functions that they believed they were expected to perform. According to this survey, the three most frequently mentioned duties and activities were the **drafting and introduction of legislation, helping the constituents solve problems and representing the interests of their districts and constituents**. Other expectations included position taking and constituent education.

At the same time, a survey of the public was conducted to gauge its expectations from Congress and Members. According to it, the most common expectations from Members **were to represent the people and district according to the wishes of the majority, to solve problems in the district and to keep in contact with constituents through regular visits and meetings**.

Although these surveys date more than thirty years back, there has been no similar study conducted in the House of Representatives more recently and, according to internal sources on the Hill, there appears to be no reason to believe that the roles have changed meanwhile.

Annex I to this chapter includes the results of both surveys.

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**REPRESENTATION IN THE US HOUSE OF REPRESENTATIVES**

- The 435 Members of the House represent congressional districts of populations ranging approximately from 500,000 to 900,000 constituents, **with the average number of constituents served in the House around 716,000 per Congressman** (actually very close to the ratio of 677,000 European citizens by MEP).

- Styles of representation differ: some Representatives view themselves as responding to instructions from their constituents (sometimes called the ‘delegate style’), others prefer to act upon their own initiative and rely upon their own judgement (called the ‘trustee style’).
II. Constituency services provided by US Representatives

Members of the US House of Representatives determine individually the scope of the services provided to their constituents, which are generally tailored toward their respective district. Constituent services are often used by Representatives as a powerful tool for public involvement, to deliver actions in favour of citizens within the local district, thus being part of an outreach strategy to build political support among constituents. As such, many services are targeted toward individuals or families in order to raise local support in a highly visible manner. This provides a distinct advantage for incumbents during elections and is one of the contributing factors as to why re-election rates among Representatives approach or exceed 90%.

The constituency service role is closely related to the representative and educational roles of a Member of the House. Frequently, when constituents, local firms, or organizations need assistance from the federal government, they contact their Representative or Senator. Members then act as representatives, ombudsmen, or facilitators, and sometimes as advocates, in discussions with the federal government.

The constituency service role may be highly varied, and involve several activities, provided to individual constituents, including among others:

- **Outreach**, in which Members introduce themselves and inform constituents about their work, political positions and the services provided;
- Gathering information on federal programs and their implementation;
- Providing assistance in obtaining federal benefits or in solving constituents’ problems with agencies;
- Presenting nominations to United States service academies;
- Arranging visits or tours to the Capitol or other Washington venues.

Many of these activities are generally known as ‘casework’, which refers to the response or services that Members of Congress provide to constituents who request assistance, especially regarding relations with the federal administration. Congressional offices also carry out liaison activities between the federal government and local governments or businesses concerned about the effects of federal legislation or regulation, or facilitate interactions with communities and non-profit organizations seeking federal grants or other assistance.

A Representative office usually establishes its own policies and procedures regarding the provision of casework services, which are typically based on a number of factors. These factors may be weighed differently in each office:

- The demands or needs of constituents for casework services;
- The type and nature of cases;
- The manner in which the office defines casework;
- Office strategy for outreach, including decisions regarding the solicitation of casework;
- Representative’s priorities.
Inquiries from constituents can also provide Representatives with a micro-level view of executive agency activities, affording them the opportunity to evaluate whether a piece of legislation/program is functioning as Congress intended. Constituent inquiries about specific policies, programs, or benefits may also suggest areas in which programmatic or policy changes require additional oversight, or further legislative consideration.

**III. House rules governing casework**

One challenge to congressional casework is the widely held public perception that Members of Congress can initiate a broad array of actions resulting in a speedy, favourable outcome. The rules of the House of Representatives, and laws and regulations governing federal executive agency activities, however, closely limit the extent of an intervention made on behalf of a constituent.

When conducting casework, congressional staff cannot force an agency to expedite a case or act in favour of a constituent. Congressional staff may intervene to facilitate the appropriate administrative processes involved, encourage an agency to give a case consideration, and sometimes advocate for a favourable outcome.

House Rules regarding casework services are discussed in the ‘House Ethics Manual’. According to it, at the request of a constituent or petitioner for assistance, a Member of Congress may do the following:

“Pursuant to long-standing guidance, it is generally permissible for Members (and staff acting on their behalf) to: request information or status reports; urge prompt consideration of a matter based on the merits of the case; arrange appointments; express judgment on a matter—subject to the ex parte communication rules; and ask for reconsideration, based on law and regulation, or administrative and other decisions.”

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**CALENDAR OF WORKS IN THE US HOUSE OF REPRESENTATIVES**

- Recesses of Congress, also termed ‘district work periods’, allow Representatives scheduled time to return home to attend to local needs and offer an opportunity to focus more intensely on constituent services.
- During 2011, **17 full weeks were dedicated to ‘Constituent Work Weeks’** (while there were in addition 4 weeks devoted to summer break in August).
- During 2012, **there were 15 full weeks dedicated to district work** (with 4 more recess weeks in August and 5 supplementary weeks for campaign and election period).
- It should be noted that many of the weeks devoted to session work have 2 days intended for district work as well.
- Annex II to this chapter includes the House Calendars of Works for 2011 and 2012.
Also, guidance issued by the Committee on Standards of Official Conduct suggests that “particular care should be exercised when providing assistance to individuals who are not from the Member's congressional district.” The guidance also indicates that a Member should not use official resources to provide casework for individuals who live outside the district the Member represents. When a Representative is unable to assist a non-constituent, the Member may refer the person to his or her own Representative or Senator.

It should be noted that federal statute prohibits Members of Congress, chamber officers and congressional staff from representing anyone before the federal government, except in the performance of their official duties.

Lastly, casework is generally not something that draws Representatives, acting in their official capacity, into a proceeding before the Courts. Nevertheless, the 'House Ethics Manual' provides a range of options to Representatives who might choose to participate in judicial proceedings:

“When a Member believes it necessary to attempt to affect the outcome in a pending case, the Member has a variety of options. A Member who has relevant information could provide it to a party’s counsel, who could then file it with the court and notify all parties. Alternatively, the Member could seek to file an amicus curiae, or friend of the court, brief. Yet another option, in an appropriate case, might be to seek to intervene as a formal party to the proceeding. A Member could also make a speech on the House floor or place a statement in the Congressional Record as to the legislative intent behind the law. A Member should refrain, however, from making an off-the-record communication to the presiding judge, as it could cause the judge to recuse from further consideration of the case.”

**INTERNAL MANAGEMENT OF CONSTITUENCY ACTIVITIES**

- The management of constituency activities are at the discretion of individual congressional offices, subject to the rules of their respective chambers, relevant law and the priorities of that office.
- Two laws affect this work: the Privacy Act (which affects all constituents with casework inquiries that require interaction with a federal agency) and the Health Insurance Portability and Accountability Act of 1996 (which may affect constituents with casework inquiries that involve medical or other health-care information).
- Some of the issues that congressional offices may take into account when defining their internal organisation and management as regards their work on constituency activities could be the following:
  - office organisation;
  - intake, constituent verification and privacy;
  - office procedures;
  - scheduling;
  - expectations between the staffer and the constituent;
  - working with federal agencies.
IV. Practical examples of constituency activities

It is impossible to define an exhaustive list of constituency activities, since, as already explained, it depends very much on each Representative to define the priorities and possibilities for his or her own office. However, the list below identifies some of the most common constituency activities carried out by Representatives and their staffers:

1) Casework
Often listed as ‘Help with a Federal Agency’, casework mainly refers to the Representative working as an intermediary with a federal agency on behalf of a constituent and it usually represents the most important workload as regards the constituency activities of a Representative. **In this manner, Members of Congress have traditionally played the role of unofficial ombudsmen within the federal government.** Individual casework can include: aid with tracking a mis-directed benefits payment; filling out a government form; applying for Social Security, veterans’, education, and other federal benefits; explaining government activities or decisions; seeking relief from a federal administrative decision; and emigrating to the United States or applying for U.S. citizenship. Casework may also entail liaison activities between local businesses, government, communities, and other stakeholders with the federal government concerning federal legislation or regulation.

All Members of the House of Representatives offer some form of casework for their constituents. While cases are dealt with per the request of their constituents, Members of Congress may not officially represent constituents. Instead, Representatives usually bring special attention to cases (‘red flagging’ cases) in a federal agency or provide clarification on outcomes or agency behaviours. Before casework (and other similar services that deal with personal information) can begin, an authorization form from the constituent must be filled out and signed to comply with the provisions of the Privacy Act.

2) Activities within Constituencies
As Representatives face re-election every two years, there is a **strong incentive to remain personally active within constituencies.** As explained above, Representatives are granted ‘House Recesses’ or ‘district work periods’ throughout the year to return home and engage in these activities. In addition, most of them travel home over weekends while Congress is in session to participate in constituent activities. On average, Representatives make around forty of these trips per year back to his or her home district.

One of the main methods by which a representative can remain both personally and publicly active within their constituency is through the use of **town hall meetings.** Town hall meetings are relatively informal events put on by representative offices as a forum for constituents to voice their opinion and engage in face-to-face dialogue with their representative. Most Representatives hold town hall meetings more than once per year, many hold several dozen per
year. The majority of expenses relating to town hall meetings, including venue rental, equipment rental, advertisements, representative travel, are covered by the Members’ Representational Allowance (see below).

Another common activity for representatives within constituencies includes being present for ‘ribbon cutting’ activities such as openings of schools, museums, local businesses, and other community-based openings. Many Representatives will specifically schedule interviews with local media to inform the community on pertinent legislation and federal issues and how it relates to the local district. Other activities include attending local fundraisers, breakfasts, dinners, parades, receptions, and events that grant visibility as well as demonstrating and building involvement within their constituency.

Ensuring strong and continuous presence in local and increasingly also social media is of course one of the key elements of Representatives’ strategy towards their constituencies: financial resources for this goal are available under the Members’ Representational Allowance (see below).

3) Appropriation measures
The Congress may, in the course of the annual appropriations process, designate or ‘earmark’ federal funds for projects in districts and states. Although funds available for discretionary spending are limited, Representatives work to increase appropriations with direct impact on their districts. This process, also called ‘pork barrel spending’ is very much used by appropriators to favour their own constituencies, so federal funds are earmarked for a specific use in a specific place.

4) Federal Grants
Representative offices will often provide information and assistance on federal grants relevant to their district. Offices offer guidance and key resources to help eligible grant seekers find information on federal grants, loans, and nonfinancial assistance for projects, as well as on private funding. Congressional offices will generally help constituents ‘follow up’ on grants to ensure they are processed in a timely and fair manner.

Each office handles grants requests in its own way: there may be a full-time grants specialist or several staffers under the supervision of a grants coordinator working solely in the area of grants and projects. In some offices, all grant requests are handled in the district office; in others, they are answered by staffers based on the Hill. To educate constituents, a congressional office may provide selected grant seekers information on funding programs, or may sometimes sponsor workshops on federal and private assistance.

5) Service Academy Nominations
Members of Congress are allowed to nominate a limited number of people to four of the five most prestigious service academies in the U.S. (the US Military Academy, the US Naval Academy, the US Air Force Academy and the US Merchant Marine Academy). Attending a service academy
comes with an obligation and commitment to serve in the military for a minimum of five years upon graduation.

The nomination of constituents to one of the service academies can provide Representatives with the opportunity to perform community outreach and other representational duties. Representatives generally select nominees based upon similar criteria as university admissions, and, in some districts, nominations are highly competitive. Some congressional offices might need to dedicate considerable staff resources to the selection process to identify qualified candidates. Each congressional office with nominating authority develops its own process for managing its service academy nominations.

6) Presidential Greetings and Congressional Commendations
Members of Congress will typically help secure presidential greetings for the following: birthday greetings (for persons 80 years of age or over), anniversary greetings (for couples celebrating 50 years of marriage or more), a wedding (requested after the event), or a baby’s birth.

Similar to presidential greetings, Representatives will generally offer written commendations for special occasions such as graduations, weddings, births, anniversaries, retirements, etc. Some Representatives automatically send out commendations for certain events to their constituents. Regarding his service in the House, Bob Dole (R-Kansas) explained, “I sent all graduating high-school seniors in the Sixth District a certificate to mark their commencement” and “No bride walked down the aisle without a copy of The Congressional Cookbook.”

7) Visiting Washington
Most representatives will help arrange visits to prominent Washington DC sites for constituents. Requested tours usually include the Capitol Building, White House, Library of Congress, Supreme Court, Pentagon, Bureau of Engraving and Printing, or the Kennedy Center. This service can provide constituents tourist access to federal offices and officers that would otherwise be restricted.

8) Passport Services
Representative offices will work with constituents if they do not receive their passport within the expected period of time, or if they find themselves in an emergency situation where they need a passport earlier than expected. Congressional offices will often maintain liaisons at the Passport Agency (Bureau of Consular Affairs at the Department of State) and will work to produce a favourable outcome for constituents.

9) Veterans’ Services
Congressional offices will generally provide veterans within their community assistance in a number of ways. Representatives and staff will assist veterans with securing or replacing medals, Veteran Affairs (VA) hospital issues, and record retrieval.
10) Congressional Art Competition
Each spring, a nation-wide high school arts competition is sponsored by the Members of the U.S. House of Representatives. The Artistic Discovery Contest is an opportunity to recognize and encourage artistic talent nationally, as well as in congressional districts. This service offers representatives a chance to draw attention to talented youth at the congressional level.

11) Internships
A congressional office generally offers internships to university students from their constituency. Internships usually last from four weeks to six months, are unpaid, and grant experience to students who want to learn about the U.S. Congressional legislative process and environment. Hosting university students helps build connections between the Representative and their home district.

12) Small Business Assistance
Often limited solely to information sharing or referrals on to a certain federal bureau or agency, nevertheless, Representatives will contact offices on behalf of small businesses in their constituency to provide relief or support in specific matters. Offices will offer advice on issues such as government procurement, regulatory changes, and imminent legislation. Should small businesses request further support, representatives will generally offer to take up casework in on behalf of the small business.

13) Flag Requests
Nearly all Representatives offer some form of flag requests. Representative offices will provide constituents the opportunity to obtain an American flag which has been flown over the U.S. Capitol and an accompanying certificate of authenticity. Offices generally charge a nominal fee for the service ($15-$30) and allow constituents to select the date upon which the flag is to be flown.

**RECORDS IN CONGRESSIONAL OFFICES**

- One of the common concerns in congressional offices regarding constituency services is their maintenance while cases are open and their disposition when cases are concluded. The House considers the records generated in a Member’s office to be the personal property of the Representative. As a consequence, policies regarding casework records are at the discretion of individual Representatives offices. The House ‘Records Management Manual’ notes that to “safeguard personal information, most Members will not transfer case files to a repository.”
- The Manual notes that offices could permanently keep “reports summarizing the types of casework generated by the office as long as they contain no personal information about constituents (e.g., names or Social Security numbers).” When individual casework files are removed from office files, they “should be destroyed in a secure manner.”
V. Financial and human resources for constituency activities

1) Financial Means & Resource Allocation
Members of the U.S. House of Representatives are issued one allowance per legislative year (Jan 3rd-Jan 2nd) to support them in their official and representative duties. This flat sum, the Member’s Representational Allowance (MRA), is the single authorization that Representatives receive in order to pay for any official expenses.

The MRA is calculated based upon three components: personnel, official office expenses, and official (franked) mail. The personnel component is equivalent for all members while office expenses and mail allowances are based upon the distance from the home office to DC (office), cost of office space in the home district (office), and number of non-business addresses in his or her home district (mail).

The 2011 MRA average authorization was $1,446,009 per Representative. The MRA system allows Representatives great flexibility in how they administer resources between Washington DC and local constituent offices. Even so, obvious trends have developed in how Representatives distribute their MRA with respect to their constituencies:
- Over half of Representatives spend approximately 70% of their MRA on personnel ($1,273,017), with 5-8 staff generally allocated to district offices;
- Rent, mainly for constituent offices, makes up roughly 7% of MRA spending ($152,784);
- Outreach communications with constituents (both franked and printed) accounts for approximately 7-8% ($140,888);
- Travel, both for Representatives and staff, between DC and their local districts makes up roughly 3.5% ($61,730) of representational allowance.

2) Human resources
Each Member may employ no more than 18 permanent employees. Staffers can be allocated between district and the DC offices as the Representative sees fit. Freshman Representatives and those likely to be in close elections typically dedicate more staff to local district offices.

Decisions regarding staff employment in congressional offices rest with each Representative, subject to applicable law and chamber rules. Some chamber administrative documents, such as the ‘Member’s Congressional Handbook’ (for the House) provide guidelines regarding what procedures must be followed to provide compensation, credentials, and general benefits such as health care and retirement programs to House employees. Those documents provide no guidance on how a congressional hiring entity might determine the necessity of, or criteria for, a position, or the fitness of an applicant for employment.
Case Study:
Human Resources in District Office

Experienced congressional staff and other observers suggest that a successful congressional caseworker is primarily a problem solver. Recent studies of congressional staff note that a “constituent services representative/caseworker” typically carries out the following duties:

- Responds to casework inquiries from constituents;
- Acts as a liaison with federal, state, and/or local agencies on behalf of constituents;
- Acts as the grassroots representative for the Member within assigned areas of responsibility;
- Monitors and updates the Member and district director on district and local issues.

Roughly 66% of House offices use an organizational structure where the district director reports directly back to the chief of staff in the Washington DC office, who in turn reports to the Representative.

As regards congressional offices in the districts, constituent offices are typically composed of four positions:

The number of positions per office in the charts below refers to each US Representative office.

(1) District Director - avg. salary $92,250

- Oversees all District office operations.
- Represents the Member, or assigns appropriate staff to represent the Member in District.
- Travels throughout the District at regular intervals to keep abreast of local concerns.

<table>
<thead>
<tr>
<th>Number of Positions per Office</th>
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<tbody>
<tr>
<td>Positions per Office</td>
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<tr>
<td>------------------------</td>
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<tr>
<td>1</td>
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<td>3</td>
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<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

(2) Constituent Services Representative/Caseworker - avg. salary $47,543

- Acts as the community representative for the Member within his or her area of responsibility.
- Monitors and updates Member and District Director on District and local issues.
- Answers casework correspondence and verbal communications with constituents.

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<tr>
<th>Number of Positions per Office</th>
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<td>Positions per Office</td>
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<td>7</td>
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<tr>
<td><strong>Total</strong></td>
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</tbody>
</table>
(3) Field Representative  
- avg. salary $42,500  
- Acts as liaison with federal, District and local agencies for the Member and constituents.
- Assesses casework for problems requiring legislative action and makes recommendations to the District Director and Chief of Staff.

<table>
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<tr>
<th>Number of Positions per Office</th>
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<tr>
<td><strong>Positions per Office</strong></td>
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<td>9</td>
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<tr>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

(4) Staff Assistant (District)  
- avg. salary $31,013  
- Responds to constituent requests for information.
- Maintains handout literature regarding the District and the House.
- Performs general administrative duties.

<table>
<thead>
<tr>
<th>Number of Positions per Office</th>
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<tbody>
<tr>
<td><strong>Positions per Office</strong></td>
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<tr>
<td>1</td>
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<tr>
<td>2</td>
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<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>
Surveys on roles and duties of Members of Congress as identified by Members of the House of Representatives and the Public

Table 1: Roles and Duties of a Member of Congress Identified by Members of the House of Representatives

<table>
<thead>
<tr>
<th>Role</th>
<th>Duties and Activities</th>
<th>% of Members identifying w. Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative</td>
<td>Draft and introduce legislation</td>
<td>87</td>
</tr>
<tr>
<td>Constituency Servant</td>
<td>Help constituents solve their problems</td>
<td>79</td>
</tr>
<tr>
<td>Education/Communication</td>
<td>Articulate and take positions on issues; educate and inform constituents about legislation</td>
<td>43</td>
</tr>
<tr>
<td>Representative</td>
<td>Represent and advocate the district's and constituents’ interests</td>
<td>26</td>
</tr>
<tr>
<td>Political</td>
<td>Campaigning, party leadership, and re-election</td>
<td>11</td>
</tr>
<tr>
<td>Oversight</td>
<td>Determine that laws are administered as Congress intended</td>
<td>9</td>
</tr>
<tr>
<td>Institutional</td>
<td>Interact with the executive branch, interest groups and other levels of government</td>
<td>7</td>
</tr>
<tr>
<td>Office Management</td>
<td>Oversight of personal office</td>
<td>6</td>
</tr>
<tr>
<td>Everything</td>
<td>‘Jack-of-all-trades’</td>
<td>6</td>
</tr>
<tr>
<td>Other</td>
<td>Other varied expectations</td>
<td>4</td>
</tr>
</tbody>
</table>

Table 2: Jobs, Duties, and Functions the Public Expects a Member of Congress to Perform

<table>
<thead>
<tr>
<th>Job Duty or Function</th>
<th>% of Public Identifying Job, Duty or Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work to solve problems in the district, help the people, and respond to the issues and needs of the district</td>
<td>37</td>
</tr>
<tr>
<td>To represent the people and district, and to vote according to the wish of the majority of their constituents</td>
<td>35</td>
</tr>
<tr>
<td>Keep in contact with the people, visit the district, know the constituents</td>
<td>17</td>
</tr>
<tr>
<td>Find out what the people need, want, and think; send out polls and questionnaires</td>
<td>12</td>
</tr>
<tr>
<td>Attend all or as many sessions as possible; be there to vote on legislation</td>
<td>10</td>
</tr>
<tr>
<td>Be honest, fair, as truthful as possible, keep promises, and be of good character</td>
<td>10</td>
</tr>
<tr>
<td>Work on improving the economy, lowering prices and creating more jobs</td>
<td>10</td>
</tr>
<tr>
<td>Don't know</td>
<td>10</td>
</tr>
</tbody>
</table>
2011 Calendar of Works of the House of Representatives
CHAPTER 5
COMPARISON OF APPROPRIATIONS PROVIDED FOR MEMBERS IN THE HOUSE OF REPRESENTATIVES AND THE EUROPEAN PARLIAMENT

The structure of the budget of the House of Representatives is hardly comparable to the structure of the European Parliament. A considerable part of expenditure, such as building and security costs, library and research expenses, publishing and printing costs, costs of services provided for visitors, medical service expenses etc. and staff costs relating to all these activities are included in the EP’s budget, whereas in the US, the funding is guaranteed via appropriations of independent offices supporting the US Congress. Moreover, Representatives’ compensation is funded in a permanent appropriations account of the legislative branch in the Federal Budget.

In addition, expenses relating to multilingualism, geographical dispersion, appropriation provided for political parties and foundations and operating costs of information offices are unique to the European Parliament and not applicable to the House of Representatives. These elements make direct analytical comparisons difficult. It should be emphasised, however, that comparison of appropriations provided for Members of the respective houses is possible.

This paper summarises the main findings of a comparison concerning the financing of Members’ rights and expenses in the European Parliament (MEPs) and the U.S. House of Representatives (Representatives). The following four categories have been analysed:
1. Salaries;
2. General expenditure allowance (including professional training costs; allowances for performance of duties and overhead costs for Members and accredited assistants without building costs);
3. Travel allowance (including distance and duration allowance, as well as daily subsistence allowance);
4. Parliamentary assistance allowance provided for Members.

Analyses was based on 2011 budget appropriations of the European Parliament and budget appropriation of the US House of Representatives for the Fiscal Year from 1 October 2011 to 30 September 2012. During the reference period, the cost of living measured in Brussels was slightly higher than that in Washington, D.C., therefore a correction coefficients should be applied for Washington D.C amounted to 95.8 % (Brussels=100 %). Calculations are based on 736 MEPs and 435 Members of the House of Representatives.
I. Salary

<table>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Initial appropriations</td>
<td>Initial appropriations</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(USD)</td>
<td>(EUR)</td>
<td></td>
</tr>
<tr>
<td>1000</td>
<td>Salaries</td>
<td>67,755,185</td>
<td>75,778,300</td>
<td>58,826,694</td>
</tr>
<tr>
<td></td>
<td></td>
<td>92,059</td>
<td>135,234</td>
<td>43,175</td>
</tr>
</tbody>
</table>

Main findings:

• While salaries of MEPs are paid directly from the EP’s budget, Representatives’ compensation is funded from another source in the Federal Budget.

• **The monthly entitlement of a Representative** amounted to EUR 11,256, which was **41,5 % higher than MEPs’ salaries** (€ 7,957). Moreover, the Speaker of the House received 29 % and the Majority and Minority Leaders 11 % additional compensations.

• Pay for 2011 and 2012 is frozen at 2010 level in both houses (Salary adjustment of MEPs is still pending a Court of Justice decision).

• Taking into account the different rules concerning income taxes in EU Member States, as well as in US States, net income of the Members is not comparable.
### SALARY (REMUNERATION)

<table>
<thead>
<tr>
<th>EUROPEAN PARLIAMENT</th>
<th>US HOUSE OF REPRESENTATIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal base</strong></td>
<td>The U.S. Constitution, in Article I, Section 6, authorizes compensation for Members of Congress “ascertained by law, and paid out of the Treasury of the United States.”</td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Fixed amount paid on a monthly basis 12 times per year. Member’s remuneration is calculated as a percentage (38.5%) of the basic salary of a judge at the Court of Justice of the European Communities.</td>
</tr>
<tr>
<td><strong>Gross amount of the monthly salary in 2011</strong></td>
<td>€ 7956.87</td>
</tr>
<tr>
<td></td>
<td>This amount assumes that the beneficiary does not hold a mandate in another Parliament empowered with legislative responsibility. When an MEP holds in parallel a mandate in such other Parliament, an amount equivalent to the gross amount of the remuneration received for this other Parliament is deducted from the remuneration gross amount.</td>
</tr>
<tr>
<td><strong>Budget 2011</strong></td>
<td>€ 67.755.185</td>
</tr>
<tr>
<td></td>
<td>$ 75,778,300 (€ 58.826.694)</td>
</tr>
<tr>
<td><strong>Average annual cost per Member</strong></td>
<td>€ 92.059</td>
</tr>
<tr>
<td></td>
<td>€ 135 234</td>
</tr>
<tr>
<td><strong>Taxation and deductions</strong></td>
<td>a) European Community tax (Income from employment) is withheld at payroll processing level. No eligible expenses allowed for tax computation. Amounts in 2012: - 1746.23 € (for a single, with no other incomes, no children, and municipality tax 8).</td>
</tr>
<tr>
<td></td>
<td>b) Apart from Community tax, which is deducted by Parliament, the Member States have the right to make the salary subject to national tax law provisions, provided that any double taxation is avoided.</td>
</tr>
<tr>
<td></td>
<td>c) Contribution to the ‘accident insurance’ and to the ‘theft and loss’ insurance for Member’s personal belongings. Amounts: € 13.00 (this contribution is not eligible for tax purposes).</td>
</tr>
<tr>
<td><strong>Other Remarks (Indexation, holiday pay, end-of-year premium etc)</strong></td>
<td>Member’s remuneration is subject to indexation (following specific rules) but is not increased based on length of service.</td>
</tr>
</tbody>
</table>

2 Bureau Decision of 19 May and 9 July 2008 implementing measures for the Statute for Members if the European Parliament
3 Budget appropriation of the US House of Representatives reflects the Fiscal Year from 1 October 2011 to 30 September 2012.
II. General expenditure allowance (which in the case of the US HoR includes all elements listed below)

<table>
<thead>
<tr>
<th>Item</th>
<th>Title</th>
<th>Initial appropriations (USD)</th>
<th>Initial appropriations (EUR)</th>
<th>EP</th>
<th>HoR</th>
<th>Diff</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1006</td>
<td>General expenditure allowance</td>
<td>38,330,147</td>
<td>108,720,470</td>
<td>118,609</td>
<td>321,953</td>
<td>203,344</td>
<td>171,44%</td>
</tr>
<tr>
<td>1007</td>
<td>Allowances for performance of duties</td>
<td>179,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1050</td>
<td>Language and data-processing courses</td>
<td>800,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Overhead (MEP+ APA without building costs)</td>
<td>47,987,200</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>87,296,347</strong></td>
<td><strong>108,720,470</strong></td>
<td><strong>118,609</strong></td>
<td><strong>321,953</strong></td>
<td><strong>203,344</strong></td>
<td><strong>-63,16%</strong></td>
</tr>
</tbody>
</table>

Main findings:
- Allowance to support Members in their official and representational duties is available in both houses, however the **U.S. House of representatives appropriations for this purpose are significantly higher (+171 %) than those available in the EP.**
- **In the U.S. Congress, the Members’ representational allowance** (MRA) is calculated based on three components, including personnel (treated under parliamentary assistance), official office expenses (travel component is treated under travel costs) and official (franked) mail. The office expenses and mail allowances components vary from Member to Member. The office space allowance is based on the cost of office space in Member’s district. The official mail component is calculated based on the number of non-business addresses in a Member's district.
- **EP's general expenditure allowance** does not cover expenses incurred on the premises of the EP. In order to ensure the comparability of the data, overhead cost of Members and their accredited staff was also taken into consideration.
### General Expenditure Allowance

<table>
<thead>
<tr>
<th><strong>European Parliament</strong></th>
<th><strong>US House of Representatives</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal base</strong></td>
<td>Allowances for Members of the House are authorized in statute and are regulated and adjusted by the Committee on House Administration pursuant to 2 U.S.C. 57 et seq. and House Rule X(1)(j).</td>
</tr>
<tr>
<td>a) General expenditure allowance: Article 20(3) of the Statute for Members and Articles 25 to 28 of the Implementing Measures for the Statute for Members</td>
<td>Members’ Representational Allowance (MRA) calculation:</td>
</tr>
<tr>
<td>b) Allowances for performance of duties: Article 20 (1) of the Statute for Members</td>
<td>The total amount of each Member’s Representational Allowance is the sum of the following three component’s amounts: personnel allowance (fixed, same for every Rep.) + official office allowance (varies due to distance between district and DC) + official mail allowance (varies according to number of non-business addresses in district)</td>
</tr>
<tr>
<td>c) Training: Article 20 (1) of the Statute for Members and Bureau decision of 4 May 2009</td>
<td>The part of personnel allowance is treated under parliamentary assistance expenses and amount paid for travel is treated under travel expenses.</td>
</tr>
<tr>
<td>d) Overhead: Article 22 (1) of the Statute for Members and Articles 44 (1) of the Implementing Measures for the Statute for Members</td>
<td>Training / educational expenses for Members and their staff are also covered under MRA</td>
</tr>
</tbody>
</table>

### Description

- **General expenditure allowance**: Intended to cover expenses that are directly linked to the exercise of a Member’s parliamentary mandate and which are not covered by other allowances (e.g., office running and office maintenance costs, office supplies and documentation, office equipment costs, representational activities, administrative costs, cost of purchasing books, periodicals, and newspapers, cost of mobile telephone, subscriptions to databases, etc.).
- **Flat rate subsistence and representation allowances in connection with the duties of the President of the EP**: Members shall be entitled to reimbursement of the expenses actually incurred in attending language and computer courses.
- **Overhead**: The overhead includes expenses that the EP pays to 3rd parties relating to the use of Parliament’s office facilities, telecommunications equipment, and official vehicles by Members and their staff. It excludes payments and reimbursement made directly to MEPs and APAs, like salaries, daily allowances, and travel costs, salaries of those officials that deal with processing of MEP reimbursement claims, building costs, and other expenses that relate rather to specific parliamentary activities of MEPs (cost of meetings, visitor groups, etc.).

### Entitlements per Member in 2011

- **General expenditure allowance**: € 4,299 / month
- **€ 179,000 / year (paid only to the President in connection with his duties)**
- **Training costs**: Reimbursed upon presentation of invoices up to a yearly ceiling: language courses (ceiling of € 5,000 / year) and IT courses (ceiling of € 1,500 / year)
- **Overhead**: € 65,200/year (including MEP and his accredited assistants)

### Budget 2011

- **€ 87.296.347**
- **€ 118.609**
- **€ 108.720.470 ($ 140,049,555)**
- **€ 321.953**

### Other Remarks

- Members who, without valid reason, have not taken part in half of the part-session days during a parliamentary year (from 1 September to 31 August) will be required to repay 50% of the allowance.
- Members who, without valid reason, have not taken part in half of the part-session days during a parliamentary year (from 1 September to 31 August) will be required to repay 50% of the allowance.

The Member’s Representational Allowance (MRA) is intended for individual member offices’ expenditures and receipts during a single legislative year authorized annually by the Committee on House Administration (CHA). While the MRA is authorized on a legislative year (January 3 – January 2), it is funded through annual fiscal year (October 1 – September 30) appropriations. The MRA is not transferable between years. The representational allowance is not to be used to defray any personal, political, or campaign related expenses.
III. 3. Reimbursement of travel expenses

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Initial appropriations</td>
<td>Initial appropriations (USD)</td>
<td>Initial appropriations (EUR)</td>
</tr>
<tr>
<td>1004</td>
<td>Ordinary travel expenses</td>
<td>75.396.756</td>
<td>22.957.560</td>
<td>17.821.954</td>
</tr>
<tr>
<td>1005</td>
<td>Other travel expenses</td>
<td>9.396.317</td>
<td>4.813.677</td>
<td>3.736.857</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>84.793.073</td>
<td>27.771.237</td>
<td>21.558.811</td>
</tr>
</tbody>
</table>

Main findings:
- The European Parliament spent twice as much for Members’ travel as the House of Representatives.
- Concerning ordinary travel expenses between the places of origin and the working place of the Members, the following differences can be noted: In the House of Representatives, Members’ representational allowance (MRA) includes a base amount; a mileage allowance, which is calculated based on the distance between a Member’s district and Washington, DC. No daily subsistence allowance is paid in Washington, however Members of Congress are permitted to deduct up to $3,000 of living expenses per year incurred while living away from their district or home state. In the EP, MEPs are entitled to reimbursement of the travel expenses actually incurred, on presentation of supporting documents. In addition, a distance and duration allowance and a lump-sum allowance for each day’s attendance are paid.
- Concerning other travel expenses (committee and delegation travels) the international relations of the Congress are less intensive and less systematic than those undertaken by the European Parliament. The Congress does not entertain a comparable network of interparliamentary delegations - most Congressional interparliamentary contacts have a rather informal character.
- It has to be noted, that some part of travel expenditure, such as vehicles, security, military aircrafts, etc., are paid by the executive branch (Department of State, Department of Defence).
TRAVEL ALLOWANCE (including distance and duration allowance, as well as daily subsistence allowance)

EUROPEAN PARLIAMENT US HOUSE OF REPRESENTATIVES

Legal base

Article 20(2) of the Statute for Members and Articles 10 to 24 of the Implementing Measures for the Statute for Members

Description

a) Members are entitled to reimbursement of the travel expenses actually incurred, on presentation of supporting documents and up to maximum thresholds. In particular Members are entitled to:

• Reimbursement of the cost of one return journey per Parliament working week (main journey) between their place of residence or the capital of their Member State of election and a place of work or meeting venue;

• Reimbursement of the cost of two midweek return journeys (intermediate journeys) between a place of work or a meeting venue and their Member State of election;

• Reimbursement of travel expenses actually incurred in activities strictly and exclusively connected with the performance of their duties outside their Member State of election. Annual amount fixed for this purpose in 2011: € 4,243

b) In respect of journeys within the European Union, Members are entitled to a distance and duration allowance intended to cover the additional expenses incurred in making a journey, including parking charges, motorway tolls, reservation fees, excess baggage charges and other reasonable expenses.

c) Members are entitled to a lump-sum allowance for each day’s attendance. That allowance is paid once the Member’s attendance has been established and entered in the record.

d) Reimbursement of travel costs between the Member’s district and Washington DC is part of the Members’ Representational Allowance (MRA).

b) Travel by Members, in support of the official duties for Members of Congress, Committees, leadership, House officials and Offices of the House: ordinary and necessary expenses associated with travel away from home overnight to conduct official and representational duties are reimbursable. Offical travel includes local travel and travel away from home overnight to conduct official and representational duties, when returning to the duty station of residence is impractical.

c) Reimbursement for distance and duration expenses, not exceeding the high cost limit of the Executive branch rates, incurred while on travel, including charges for lodging, meals, airport parking and airfares. Members are entitled to a reimbursement for the cost of travel between their place of work or meeting venue and their Member State of election.

d) Each Member-elect and one designated staff person who attend an organizational caucus or conference are to be paid for travel expenses incurred between the Member’s place of residence in the district and Washington, DC, for the purpose of attending such caucuses or conferences.

e) Reimbursement of travel expenses, individual as well as group travel (CODEL/STAFFDEL) within the US as well as abroad is covered either under committee expenditure or under the Speaker of the House (for in certain cases Majority/Minority Leaders)

f) There is no limousine service provided by the Congress; some taxi costs incurred by Members are reimbursable, and there is free parking for Members on the Hill.

Amounts paid per Member in 2011

Average Member

Budget 2011

€ 84,790,073
€ 135,563

€ 3,382,073

Average y/Member

€ 133,634

€ 63,842

4) Official foreign travel must be approved by the committee chairman or Speaker of the House.
### IV. Parliamentary assistance allowance

<table>
<thead>
<tr>
<th>Item</th>
<th>Title</th>
<th>Initial appropriations (USD)</th>
<th>Initial appropriations (EUR)</th>
<th>EP</th>
<th>House of Representatives</th>
<th>Diff</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>4220</td>
<td>Parliamentary assistance</td>
<td>175,793,709</td>
<td>319,006,422</td>
<td>238,850</td>
<td>733,348</td>
<td>494,498</td>
<td>207,03%</td>
</tr>
</tbody>
</table>

**Main findings:**

- In both houses, the personnel allowance component is the same for each Member, however the amount is three times higher in the House of Representatives than in the EP.
- In the U.S. Congress, each Member may employ a maximum 18 permanent employees and four additional employees.
- In the EP, the average number of assistants amounted to 6 (2 accredited and 4 local assistants). In addition, 3 trainees and 2 service providers directly supported the work of MEPs in 2011.
**Parliamentary assistance allowance**

<table>
<thead>
<tr>
<th><strong>EUROPEAN PARLIAMENT</strong></th>
<th><strong>US HOUSE OF REPRESENTATIVES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal base</strong></td>
<td>Article 21 of the Statute for Members Title I, Chapter 5, of the Implementing Measures for the Statute for Members.</td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Each Member is entitled to assistance from personal staff whom they may freely choose. There are two categories of assistant: (1) 'Accredited assistants', who are based in one of Parliament’s three places of work and fall within the scope of the Conditions of Employment of Other Servants of the European Communities. Accredited assistants are recruited by Parliament at the express request of the Members(s) whom they are to assist. Their contracts are concluded and administered directly by Parliament; (2) &quot;Local assistants&quot;, who are based in the Member’s Member State of election. Local assistants can be employees or self-employed persons (service providers). The amount which can be defrayed in respect of services provided by service providers may not exceed 25% of the allowance to which each Member is entitled each month. Members are also entitled to have trainees.</td>
</tr>
<tr>
<td><strong>Monthly entitlements per Member in 2011</strong></td>
<td>€ 21,209</td>
</tr>
<tr>
<td><strong>Budget 2011</strong></td>
<td>€ 175,793,709</td>
</tr>
<tr>
<td><strong>Average annual cost per Member</strong></td>
<td>€ 238,850</td>
</tr>
</tbody>
</table>
Table 6. House of Representatives Appropriations
(in thousands of dollars)

<table>
<thead>
<tr>
<th>Accounts</th>
<th>FY2012 Enacted</th>
<th>FY2013 Request</th>
<th>House Reported</th>
<th>Enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Expenses, Total</td>
<td>1,225,680</td>
<td>1,225,681</td>
<td>1,225,681</td>
<td></td>
</tr>
<tr>
<td>House Leadership Offices</td>
<td>23,277</td>
<td>23,277</td>
<td>23,277</td>
<td></td>
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<tr>
<td>House Leadership Offices (transition quarter)</td>
<td>5,818</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Members’ Representative Allowance</td>
<td>573,939</td>
<td>573,939</td>
<td>573,939</td>
<td></td>
</tr>
<tr>
<td>Committee Employees (subtotal)</td>
<td>152,631</td>
<td>153,031</td>
<td>152,631</td>
<td></td>
</tr>
<tr>
<td>Standing Committees, Special and Select, except Appropriations</td>
<td>125,965</td>
<td>126,365</td>
<td>125,965</td>
<td></td>
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<tr>
<td>Appropriations Committee</td>
<td>26,666</td>
<td>26,666</td>
<td>26,666</td>
<td></td>
</tr>
<tr>
<td>Salaries, Officers, and Employees (subtotal)</td>
<td>177,628</td>
<td>174,912</td>
<td>173,669</td>
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<tr>
<td>Office of the Clerk</td>
<td>26,114</td>
<td>22,370</td>
<td>22,370</td>
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<tr>
<td>Office of the Sergeant at Arms</td>
<td>12,585</td>
<td>13,828</td>
<td>12,585</td>
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<tr>
<td>Office of Chief Administrative Officer</td>
<td>116,782</td>
<td>116,782</td>
<td>116,782</td>
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<tr>
<td>Office of Inspector General</td>
<td>5,045</td>
<td>4,692</td>
<td>4,692</td>
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</tr>
<tr>
<td>Office of General Counsel</td>
<td>1,415</td>
<td>1,415</td>
<td>1,415</td>
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<tr>
<td>Office of the Chaplain</td>
<td>179</td>
<td>179</td>
<td>179</td>
<td></td>
</tr>
<tr>
<td>Office of the Parliamentarian</td>
<td>2,060</td>
<td>2,060</td>
<td>2,060</td>
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</tr>
<tr>
<td>Office of the Law Revision Counsel</td>
<td>3,258</td>
<td>3,258</td>
<td>3,258</td>
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<tr>
<td>Office of the Legislative Counsel</td>
<td>8,814</td>
<td>8,814</td>
<td>8,814</td>
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</tr>
<tr>
<td>Office of Interparliamentary Affairs</td>
<td>859</td>
<td>859</td>
<td>859</td>
<td></td>
</tr>
<tr>
<td>Other Authorized Employees</td>
<td>347</td>
<td>485</td>
<td>485</td>
<td></td>
</tr>
<tr>
<td>Office of Historian</td>
<td>170</td>
<td>170</td>
<td>170</td>
<td></td>
</tr>
<tr>
<td>Allowances and Expenses (subtotal)</td>
<td>292,387</td>
<td>300,522</td>
<td>302,165</td>
<td></td>
</tr>
<tr>
<td>Official Mail for committees, leadership, administrative and legislative offices</td>
<td>201</td>
<td>201</td>
<td>201</td>
<td></td>
</tr>
<tr>
<td>Government Contributions</td>
<td>264,848</td>
<td>270,905</td>
<td>272,548</td>
<td></td>
</tr>
<tr>
<td>Business Continuity and Disaster Recovery Emergency Appropriations</td>
<td>17,112</td>
<td>17,112</td>
<td>17,112</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Items</td>
<td>760</td>
<td>760</td>
<td>760</td>
<td></td>
</tr>
<tr>
<td>Transition Activities</td>
<td>1,722</td>
<td>4,125</td>
<td>4,125</td>
<td></td>
</tr>
<tr>
<td>Wounded Warrior Program</td>
<td>2,500</td>
<td>2,175</td>
<td>2,175</td>
<td></td>
</tr>
<tr>
<td>Office of Congressional Ethics</td>
<td>1,548</td>
<td>1,548</td>
<td>1,548</td>
<td></td>
</tr>
<tr>
<td>House of Representatives, Total</td>
<td>1,225,680</td>
<td>1,225,681</td>
<td>1,225,681</td>
<td></td>
</tr>
</tbody>
</table>

Sources: H.Rept. 112-331, H.Rept. 112-511, and the FY2013 U.S. Budget.