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Legislative Branch Appropriations: Frequently Asked Questions

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Ida A. Brudnick
Specialist on the Congress

Legislative Branch Appropriations: Frequently Asked Questions

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

Division I of the FY2022 Consolidated Appropriations Act (P.L. 117-103), enacted on March 15, 2022, provides \$5.924 billion for legislative branch activities for FY2022 (+11.7% from the FY2021 level, not including FY2021 emergency appropriations; or an increase of +2.9%, when including FY2021 emergency appropriations).

Consideration of FY2023 funding began with the submission of the budget request on March 28, 2022 (\$7.233 billion, +22.1%; including a budget amendment submitted June 7, 2022).

Subsequently

- The House Legislative Branch Appropriations Subcommittee held hearings in March, April, and May 2022.
- The Senate Legislative Branch Appropriations Subcommittee held hearings in May and June 2022.
- The House Appropriations Committee Legislative Branch Subcommittee held a markup on June 15, 2022.
- The House Appropriations Committee held a markup on June 22, 2022, and ordered an original bill reported (H.R. 8237, H.Rept. 117-389) by recorded vote (Roll Call #3, 32-26). It would provide \$5.702 billion, not including Senate items.
- The chair of the Senate Committee on Appropriations, Senator Patrick Leahy, released drafts of the 12 annual appropriations bills along with draft accompanying explanatory statements on July 28, 2022. Senator Jack Reed, chair of the Senate Appropriations Committee, Subcommittee on the Legislative Branch, subsequently introduced the legislative branch bill text as S. 4720. It would provide \$4.781 billion, not including House items, a \$775.4 million increase (+19.4%) from the comparable FY2022 enacted level.
- A FY2023 continuing appropriations resolution (CR) providing funding for legislative branch activities through December 16, 2022, was enacted on September 30, 2022 (P.L. 117-180).

For additional information, see CRS Report R47296, *Legislative Branch: FY2023 Appropriations*.

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Frequently Asked Questions

In addition to the Senate and House of Representatives, what is funded by the legislative branch appropriations bill?

In addition to the Senate and House of Representatives, the legislative branch bill typically funds Joint Items, including the Joint Economic Committee, Joint Committee on Taxation, Office of the Attending Physician, Office of Congressional Accessibility Services, and in some years, the Joint Congressional Committee on Inaugural Ceremonies; Capitol Police; Office of Congressional Workplace Rights (OCWR, formerly the Office of Compliance); Congressional Budget Office (CBO); Architect of the Capitol (AOC); Library of Congress (LOC), including the Congressional Research Service (CRS); Government Publishing Office (GPO); Government Accountability Office (GAO); and the Congressional Office for International Leadership (formerly the Open World Leadership Center, renamed in the FY2022 Consolidated Appropriations Act).

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

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

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

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

Discretionary budget authority is provided and controlled by the annual appropriations acts.

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

² OMB Circular A-11, Part 2, "Preparation and Submission of Budget Estimates," Section 25, provides the following information for agencies and entities, including the legislative branch, "not subject to Executive Branch review by law or custom. That means that the requirements for submitting materials in support of your budget request do not apply to you. However, you do need to submit the information required for inclusion in the budget database and documents, which OMB incorporates without revision" (https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/a11_current_year/s25.pdf).

Since FY1976, the legislative branch as a proportion of total discretionary budget authority has averaged approximately 0.40%.³ The maximum level, not including the transition quarter,⁴ was in FY1995 (0.48%), and the minimum was in FY2020 (0.28%).

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

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

Since FY1976, the legislative branch as a proportion of total budget authority has averaged 0.16%. The maximum level, 0.23%, was in FY1977, and the minimum, 0.07%, was in FY2020.⁵

How is funding divided across the legislative branch?

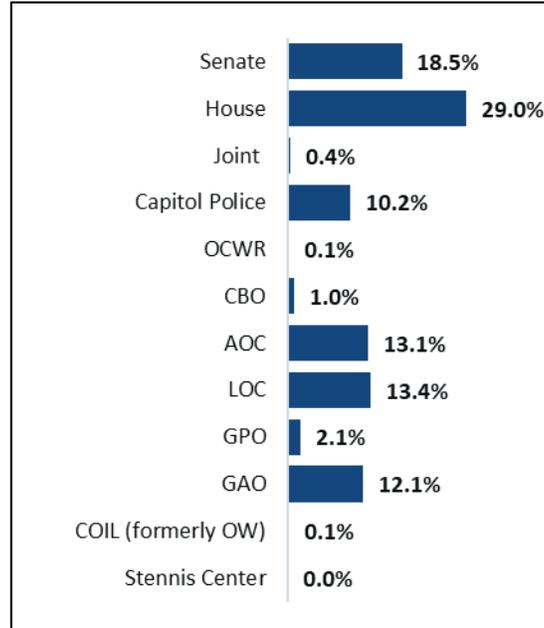
Figure 1 shows the distribution of funding across the legislative branch in FY2022.

³ Calculations by CRS with data from Office of Management and Budget (OMB), “Table 5.4—Discretionary Budget Authority By Agency: 1976-2027,” in Historical Tables, *Budget of the United States Government*, FY2023, at <https://www.whitehouse.gov/omb/historical-tables/>. The calculations have some limitations, since the OMB data do not completely align with items funded in the annual and supplemental legislative branch appropriations acts. The differences may be partially traced to the definition of “legislative branch” in the OMB Public Budget Database user’s guide. Some entities regularly included with the legislative branch in many OMB budget documents, like the U.S. Tax Court and some Legislative Branch Boards and Commissions, are not funded through the annual legislative branch appropriations acts. Consequently, an examination of the discretionary budget authority listed in the Historical Tables reveals some differences with the reported total budget authority provided in the annual legislative branch appropriations acts. The difference in legislative branch budget authority resulting from the different definitions of the legislative branch in the OMB budget documents and in the appropriations acts, however, does not represent a significant difference in the proportion of total discretionary budget authority.

⁴ “Prior to 1977, the fiscal year began on July 1 and ended on June 30 ... Fiscal year 1976 ended on June 30, 1976, and fiscal year 1977 began on October 1, 1976. The period July 1, 1976, to September 30, 1976, is called the ‘transition quarter’ or TQ.” (Office of Management and Budget, Budget Analysis Branch, *Public Budget Database User’s Guide, Budget of the United States Government, Fiscal Year 2022*, May 2021, p. 2.)

⁵ FY2021 is the most recent year for which actual, rather than estimated, data are available. Calculations by CRS with data from Office of Management and Budget (OMB), “Table 5.2—Budget Authority by Agency: 1976–2027,” in Historical Tables, *Budget of the United States Government*, FY2023, at <https://www.whitehouse.gov/omb/historical-tables/>. The calculations have some limitations, since, as stated above, the OMB data do not completely align with items funded in the annual and supplemental legislative branch appropriations acts.

Figure I. Legislative Branch Funding: Distribution in FY2022



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

Notes: Total does not include permanent budget authorities, including funding for Member pay, that are not included in the annual legislative branch appropriations bill. Total also excludes offsetting collections, authority to spend receipts, administrative provisions, and scorekeeping adjustments. COIL refers to the Congressional Office for International Leadership (formerly the Open World Leadership Center, renamed in the FY2022 Consolidated Appropriations Act).

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

The House and Senate both consider funding levels for the legislative branch agencies and joint entities. By long-standing tradition, however, the House bill does not propose funding levels for Senate items, including the account that funds the Senate and the Senate office buildings account within the Architect of the Capitol.⁶ Similarly, the Senate does not comment on House items, including the account that funds the House and the House office buildings account within the Architect of the Capitol. The House, Senate, and conference reports on legislative branch appropriations bills regularly contain language illustrating the deference of each chamber to the internal practices of the other.⁷ If comparing the House and Senate bill totals, or the total provided

⁶ The House and Senate office building accounts are 2 of the 10 accounts that fund operations of the Architect. The other accounts fund capital construction and operations, Capitol building, Capitol grounds, Capitol Power Plant, Library buildings and grounds, Capitol Police buildings and grounds, Capitol Visitor Center, and Botanic Garden.

⁷ For example, the FY1996 conference report (U.S. Congress, House Committee on Appropriations, *FY1996 Legislative Branch Appropriations Bill*, H.Rept. 104-212, report to accompany H.R. 1854, p. 9) states:

Inasmuch as the amendment relates solely to the Senate and in accord with long practice under which each body concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate amendment, as amended.

Similarly, the FY2010 conference report (U.S. Congress, conference committee, *FY2010 Legislative Branch Appropriations Bill*, H.Rept. 111-265, report to accompany H.R. 2918, p. 33) states

to the Architect of the Capitol at different stages of consideration, adjustments may be necessary to address any omissions due to this practice.

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

Table 1 provides information on the enacted funding levels provided for the legislative branch from FY2008 to FY2022.

What funding has been provided in recent years for the Senate, House of Representatives, and legislative branch agencies?

Table 2 provides information on funding levels for the Senate, House of Representatives, and legislative branch agencies in recent years as well as the requested, House-reported, and Senate-introduced levels for FY2023.

By law, the President includes the legislative branch request in the annual budget submission without change.

Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendment of the House as amended.

Table I. Legislative Branch Funding, FY2008-FY2022: Current and Constant Dollars

(in billions of dollars)

| Fiscal Year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|------------------|-------|--------------------|--------------------|--------------------|-------|--------------------|-------|-------|-------|-------|--------------------|--------------------|--------------------|--------------------|-------|
| Current Dollars | 3.970 | 4.501 ^a | 4.669 ^b | 4.543 ^c | 4.307 | 4.061 ^d | 4.259 | 4.300 | 4.363 | 4.440 | 4.700 ^e | 4.846 ^f | 5.049 ^g | 5.304 ^h | 5.924 |
| Constant Dollars | 5.133 | 5.827 | 5.938 | 5.652 | 5.249 | 4.872 | 5.030 | 5.051 | 5.091 | 5.092 | 5.273 | 5.345 | 5.454 | 5.584 | 5.924 |

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

Notes: These figures exclude permanent budget authorities, including funding for Member pay, that are not included in the annual legislative branch appropriations bill. Constant 2022 dollars calculated using the “Total Non-Defense” deflator in *Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables: 1940–2027* in the President’s FY2023 budget request. See notes below or related CRS reports for additional information on specific years.

- a. This number contains appropriations provided by P.L. 111-8 (the FY2009 Omnibus Appropriations Act), \$25.0 million for the Government Accountability Office provided by P.L. 111-5 (the American Recovery and Reinvestment Act of 2009), and \$73.6 million provided by P.L. 111-32 (the Supplemental Appropriations Act, 2009) for the U.S. Capitol Police and the Congressional Budget Office.
- b. This number contains appropriations provided by P.L. 111-68 (the FY2010 Legislative Branch Appropriations Act), and \$12.96 million in supplemental appropriations provided for the U.S. Capitol Police in P.L. 111-212 (the Supplemental Appropriations Act, 2010).
- c. This number does not include scorekeeping adjustment.
- d. FY2013 level obtained from the CBO cost estimate for “Continuing Appropriations Resolution, 2014 (H.J.Res. 59), Including the Amendment Reported by the House Committee on Rules on September 18, 2013 (H.Res. 352) Discretionary spending (in millions of dollars),” which lists a total for legislative branch budget authority of \$4.061 billion, noting that it “includes effects of the 2013 sequestration.” This bill contained a small anomaly for the legislative branch.
- e. Does not include \$14.0 million provided to the Government Accountability Office “for audits and investigations relating to Hurricanes Harvey, Irma, and Maria and the 2017 wildfires” (P.L. 115-123, Title IX of Division B, enacted February 9, 2018).
- f. The total includes \$10.0 million in FY2019 supplemental appropriations for GAO for audits and investigations related to storms and disasters (P.L. 116-20, enacted June 6, 2019).
- g. The total does not include \$93.1 million in FY2020 supplemental appropriations, including \$10.0 million for the Senate, \$25.0 million for the House of Representatives, \$400,000 for the Office of the Attending Physician, \$12.0 million for the Capitol Police, \$25.0 million for the Architect of the Capitol, \$700,000 for the Library of Congress, and \$20.0 million for the Government Accountability Office (CARES Act, P.L. 116-136, enacted March 27, 2020).
- h. The total does not include funding provided in the Emergency Security Supplemental Appropriations Act, 2021 (P.L. 117-31, July 30, 2021), which provided \$448.6 million.

Table 2. Legislative Branch Appropriations: Prior Enacted Levels and FY2023 Action
(in thousands of dollars)

| Entity | FY2014 Enacted | FY2015 Enacted | FY2016 Enacted | FY2017 Enacted | FY2018 Enacted ^a | FY2019 Enacted ^b | FY2020 Enacted ^c | FY2021 Enacted ^d | FY2022 Enacted | FY2023 Request ^l | FY2023 House- Reported (H.R. 8237) | FY2023 Senate Intro. (S. 4720) |
|----------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------|--------------------------------|--|---|
| Senate | \$859,293 | \$864,286 | \$870,159 | \$871,177 | \$919,932 | \$934,667 ^e | \$969,396 | \$998,560 | \$1,094,894 | \$1,156,069 | — ^f | \$1,135,180 |
| House | 1,180,908 | 1,180,735 | 1,180,909 | 1,189,223 | 1,200,173 | 1,232,663 ^e | 1,365,725 | 1,476,607 | 1,715,170 | 1,829,474 | 1,868,785 | — ^f |
| Joint Items ^g | 18,994 | 19,056 | 20,732 | 19,565 | 20,654 | 20,656 | 22,643 | 21,513 | 22,337 | 23,042 | 23,042 | 23,114 |
| USCP | 338,459 | 347,959 | 375,000 | 393,300 | 426,500 | 456,308 | 464,341 | 515,541 | 602,509 | 708,098 | 708,098 | 707,098 |
| OCWR ^h | 3,868 | 3,959 | 3,959 | 3,959 | 4,959 | 6,333 | 6,333 | 7,500 | 7,500 | 7,500 | 8,000 | 7,500 |
| CBO | 45,700 | 45,700 | 46,500 | 46,500 | 49,945 | 50,737 | 54,941 | 57,292 | 60,953 | 64,637 | 64,637 | 64,637 |
| AOC ^f | 602,030 | 600,261 | 612,904 | 617,887 | 712,105 | 733,745 | 695,933 | 675,073 | 773,898 | 1,669,417 | 1,268,130 ^f | 1,100,028 ^f |
| LOC (w/CRS) | 578,982 | 590,921 | 599,912 | 631,958 | 669,890 | 696,112 | 725,359 | 757,346 | 794,019 | 824,895 | 831,395 | 819,264 |
| CRS (non-add) | 105,350 | 106,945 | 106,945 | 107,945 | 119,279 | 125,688 | 120,495 ⁱ | 125,495 | 129,106 | 132,600 | 133,600 | 132,600 |
| GPO | 119,300 | 119,993 | 117,068 | 117,068 | 117,068 | 117,000 | 117,000 | 117,000 | 124,237 | 130,904 | 130,904 | 129,854 |
| GAO | 505,383 | 522,000 | 531,000 | 544,506 | 578,917 ^a | 589,750 ^b | 630,000 | 661,139 | 719,230 | 810,319 | 790,319 | 785,832 |
| COIL ^j | 6,000 | 5,700 | 5,600 | 5,600 | 5,600 | 5,600 | 5,900 | 6,000 | 6,000 | 6,000 | 6,000 | 6,000 |
| Stennis | 430 | 430 | 430 | 430 | 430 | 430 | 430 | 430 | 430 | 430 | 430 | 430 |
| Admin. Prov. | -1,000 | -1,000 | -1,000 | -1,000 | -2,000 | -2,000 | -2,000 | -2,000 | -2,000 | -3,000 | -3,000 | -3,000 |
| Other ^k | 0 | 0 | 0 | 0 | -4,000 | -6,000 | -7,000 | 7,000 | 5,000 | 5,000 | 5,000 | 5,000 |
| Total Leg. Branch | \$4,258,347 | \$4,300,000 | \$4,363,172 | \$4,440,173 | \$4,700,173^a | \$4,836,001^b | \$5,049,000^c | \$5,304,213^d | \$5,924,177 | \$7,232,785^l | \$5,701,740^f | \$4,780,937^f |

Sources: P.L. 113-76, P.L. 113-235, P.L. 114-113, P.L. 115-31, P.L. 115-141, P.L. 115-244, P.L. 116-94, P.L. 116-260, P.L. 117-103, explanatory materials for FY2014, FY2015, FY2016, FY2017, FY2018, FY2020, FY2021, and FY2022 inserted into the *Congressional Record*, H.Rept. 115-929, the *Budget for Fiscal Year 2023*, the budget amendment submitted on June 7, 2022, H.R. 8237 (117th Cong.), H.Rept. 117-389, S. 4720 (117th Cong.), the Senate Appropriations Committee chairman’s draft explanatory statement, and CRS calculations. See notes below or related CRS reports for additional information on specific years.

- a. Does not include emergency appropriation provided by P.L. 115-123. Title IX of Division B provided \$14.0 million to GAO “for audits and investigations relating to Hurricanes Harvey, Irma, and Maria and the 2017 wildfires.”
- b. Does not include emergency appropriation provided by P.L. 116-20. Title IX provided \$10.0 million to GAO for audits and investigations related to storms and disasters.
- c. The table does not include emergency appropriations of \$93.1 million provided in P.L. 116-136 (\$10.0 million for the Senate, \$25.0 million for the House of Representatives, \$400,000 for the Office of the Attending Physician, \$12.0 million for the Capitol Police, \$25.0 million for the Architect of the Capitol, \$700,000 for the Library of Congress, and \$20.0 million for the Government Accountability Office).
- d. The table does not include provisions in the Emergency Security Supplemental Appropriations Act, 2021 (P.L. 117-31, enacted on July 30, 2021) for the House of Representatives, Senate, Capitol Police, or Architect of the Capitol, or emergency appropriations included in P.L. 116-260. Total includes a rescission of \$5.212 million.
- e. Total does not include gratuity payments for survivors of deceased Members of Congress.
- f. By tradition, the House does not consider appropriations for the Senate or Senate office buildings, and the Senate does not consider appropriations for the House or House office buildings. The levels in the FY2023 House-reported bill column do not include Senate or Senate office building funding, and the Senate-introduced bill does not include House or House office building funding.
- g. “Joint Items” generally contains funding for the Joint Economic Committee, the Joint Committee on Taxation, the Office of the Attending Physician, and the Office of Congressional Accessibility Services. In fiscal years prior to an inauguration, it also contains funding for the Joint Congressional Committee on Inaugural Ceremonies (e.g., \$1.25 million for FY2016; \$1.5 million for FY2020).
- h. Formerly known as the Office of Compliance, the Office of Congressional Workplace Rights (OCWR) was renamed by the Congressional Accountability Act of 1995 Reform Act (P.L. 115-397).
- i. The House Appropriations Committee report (H.Rept. 116-64) describes “Appropriations Shifts to Reflect Centralized Funding for Information Technology” that affected the four LOC appropriations headings. The report states that the House-reported FY2020 level represents an increase of \$2.99 million for CRS when reflecting the centralized IT funding.
- j. The FY2022 appropriations act contained a provision changing the name from the Open World Leadership Center to the Congressional Office for International Leadership (COIL).
- k. Includes, for example, scorekeeping adjustments or prior-year outlays.
- l. The President submitted a budget amendment on June 7, 2022. The amendments impacted the funding request for the Senate and Library of Congress (President Joseph R. Biden, “Letter to the Speaker of the House of Representatives on Fiscal Year 2023 Budget Amendments,” June 7, 2022, <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/07/letter-to-the-speaker-of-the-house-of-representatives-on-fiscal-year-2023-budget-amendments/>). The budget requests in the table reflect the revised requested levels.

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

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

Member salaries have been included as mandatory spending since FY1983, and the amount of potential Member pay adjustments is calculated pursuant to the Ethics Reform Act of 1989, which established a formula based on changes in the Employment Cost Index (ECI).⁸ The adjustment automatically takes effect unless (1) Congress statutorily prohibits the adjustment; (2) Congress statutorily revises the adjustment; or (3) the annual base pay adjustment of General Schedule (GS) federal employees is established at a rate less than the scheduled increase for Members, in which case the percentage adjustment for Member pay is automatically lowered to match the percentage adjustment in GS base pay.

Members of Congress last received a pay adjustment in January 2009. Since then, the compensation for most Senators, Representatives, Delegates, and the Resident Commissioner from Puerto Rico has been \$174,000.

The maximum potential January 2022 member pay adjustment based on the ECI was 2.3%, or \$4,000. The 2022 GS base pay adjustment was 2.2%, automatically limiting any Member pay adjustment to \$3,800.⁹ Both the FY2022 House-passed legislative branch appropriations bill (H.R. 4346), and the Senate Appropriations Committee majority print included a provision prohibiting any Member pay adjustment in 2022. P.L. 117-43, which provided continuing funding for legislative branch operations for FY2022, extended Section 7 of P.L. 116-260, which had prohibited the pay adjustment in 2021. This language was further extended by P.L. 117-70, and then enacted for the remainder of the year by the FY2022 Consolidated Appropriations Act (P.L. 117-103).

The House-reported FY2023 legislative branch appropriations bill (H.R. 8237) and the Senate-introduced bill (S. 4720) both contain language to continue the pay freeze for another year (Section 212).

Although discussion of Member pay is often associated with appropriations bills, these bills do not contain language funding or increasing Member pay, and a prohibition on the automatic annual Member pay adjustments could be included in any bill, or be introduced as a separate bill.

For a list of the laws that have previously contained provisions prohibiting the annual pay adjustments, see “Table 3. Legislative Vehicles Used for Pay Prohibitions, Enacted Dates, and Pay Language” in CRS Report 97-1011, *Salaries of Members of Congress: Recent Actions and Historical Tables*, by Ida A. Brudnick.

⁸ For mandatory spending language, see P.L. 97-51, 95 Stat. 966, September 11, 1981; and, for example, “Table 26-1. Federal Budget By Agency and Account” in *Analytical Perspectives, Budget of the United States Government*, Fiscal Year 2023, pp. 2, 3. For the Ethics Reform Act, see P.L. 101-194, 103 Stat. 1767-1768, November 30, 1989.

⁹ The potential Member pay adjustment was determined by a formula using the Employment Cost Index (private industry wages and salaries, not seasonally adjusted), based on the 12-month percentage change reported for the quarter ending December 31, minus 0.5%. The 2.3% potential adjustment was determined by taking the percentage increase in the index between the quarters ending December 2019 and December 2020, which was 2.8%, and subtracting 0.5%. U.S. Department of Labor, Bureau of Labor Statistics, *Employment Cost Index—December 2020*, January 31, 2020, p. 3. Pursuant to 2 U.S.C. §4501(2)(A), this amount is “rounded to the nearest multiple of \$100.”

In contrast, the salaries and benefits for legislative branch employees are provided by the legislative branch appropriations acts, although they generally do not address pay adjustments.¹⁰

Author Information

Ida A. Brudnick
Specialist on the Congress

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¹⁰ Rather, adjustments may be determined by employing authorities (in the case of House and Senate employees) or broader or agency-specific pay systems. For example, see the *Orders of the Speaker of the House of Representatives* (issued pursuant to 2 U.S.C. §4532 note); *Orders of the President pro Tempore* (issued pursuant to 2 U.S.C. 4571); and laws governing employment for individual agencies, positions, or pay systems.