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R Street Institute
Testimony
"Examining 'Backdoor' Spending By Federal Agencies
Subcommittee on Intergovernmental Affairs
Committee on Oversight and Government Affairs
December 11, 2018

Chairman Palmer, Ranking Member Raskin, Members of the Subcommittee,

Thank you for the opportunity to testify on the challenges presented by the practice of backdoor spending and the prospects for reform. It is an honor to appear before you today.

While backdoor spending is a constitutional exercise of Congress's power to tax and spend, the practice makes it harder for members of Congress to budget effectively. Its automatic nature insulates the agencies funded with it from congressional interference. And its opacity is emblematic of the dysfunction inherent in the budget process more generally. Congress's growing use of backdoor spending in recent years is also consistent with the institution's broader deference to the executive branch when it comes to fulfilling its Article I responsibilities. In certain cases, the practice may even frustrate the proper operation of the Constitution's separation of powers.

However, Congress can overcome the challenges presented by backdoor spending if its members are resolved to act. Proposals like Chairman Palmer's Agency Accountability Act (HR 850) are a good place to start.[1] Passing HR 850 would jumpstart efforts to fix the broken process by placing the onus to budget on Congress. HR 850's process reforms would push members to prioritize spending on federal programs. In short, it would force Congress to budget. Finally, HR 850 would help rebalance the relationship between the legislative and executive branches and reinforce the Constitution's separation of powers.

THE POWER TO TAX AND SPEND

The Constitution gives to the Congress the power to tax and spend. According to the Spending Clause, "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States."[2] The Constitution also regulates, albeit to a limited extent, how Congress considers legislation authorizing taxes and spending. The Origination Clause stipulates, "All Bills for Raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."[3] And the Army Clause limits to two years the time a congressional appropriation to raise and support the army can remain in effect.[4]

In addition to these grants of legislative power, the Constitution explicitly bars the executive from withdrawing money from the Treasury without prior congressional approval. Specifically,

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[1] A companion measure (S. 299) has been introduced in the Senate by Mike Lee, R-Utah.
[2] U.S. Const. art. I, § 8, cl. 1.
[3] U.S. Const. art. I, § 7, cl. 1.
[4] U.S. Const. art. I, § 8, cl. 12. The Army Clause stipulates, "The Congress shall have Power to…raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years."

the Appropriations Clause stipulates, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law."[5] The clause also requires the government to publish information about the federal budget so that they may evaluate the fiscal decisions that their elected representatives make while in office.[6]

How Congress budgets today technically adheres to the basic process outlined in the Constitution. That is, Congress must authorize by law both the collection of government revenues and their expenditure before executive branch agencies are allowed to spend money. And while Congress can fund the government for any length of time, its members have chosen to do so on an annual basis since the first Congress in 1789, thereby complying with the spirit of the Constitution's two-year time limit on appropriations to raise and support the army while applying the limit broadly to cover all government departments. Finally, through reports by legislative support agencies like the Government Accountability Office (GAO) and the Congressional Budget Office (CBO), as well as hearings like this one, Congress makes an effort to comply with the Constitution's directive to publish information detailing the budgetary decisions its members make when they tax and spend.

Yet notwithstanding this, the budget process followed by Congress at present makes it unnecessarily difficult for its members to discharge their constitutional duties effectively. Its complexity obscures the real nature of today's dysfunction and inhibits efforts to fix it. Moreover, the closed-door nature of budgeting makes it harder for rank-and-file members of Congress, and the people they represent, to evaluate budgetary decisions as they are made. Reforms aiming to improve the efficiency of federal budgeting without tackling this deeper dysfunction are unlikely to fix the broken process. To be effective, reform efforts should be grounded in a clear understanding of what the act of budgeting actually entails. Only then is it possible to fully appreciate the challenges presented by backdoor spending and to identify the reforms needed to overcome them.

BUDGETING IN PRACTICE

The federal government currently uses an obligations-based budget system. That is, when Congress approves new expenditures pursuant to the Constitution, it gives agencies budget authority to enter into obligations.[7] Obligations are incurred when an agency enters a contract, executes a purchase order, or otherwise takes action that commits the government to spend money. Outlays occur when the money is actually spent; when it is disbursed by check, electronic transfer, or cash.[8] Put simply, when Congress approves legislation giving an agency

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[5] U.S. Const. art. I, § 9, cl. 7.

[6] *Ibid*., The Appropriations Clause states, that "a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

[7] The Congressional Budget Office (CBO) defines budget authority as permission "provided by federal law to incur financial obligations that will result in immediate or future outlays of federal government funds." The CBO defines an obligation as "a legally binding commitment by the federal government that will result in outlays, immediately or in the future." Congressional Budget Office, "Glossary of Budget Terms," (July 2016).

[8] According to the CBO, "An agency incurs an obligation, for example, when it places an order, signs a contract, awards a grant, purchases a service, or takes other actions that require the government to make payments to the public or from one government account to another." CBO also notes that "outlays may pay for obligations incurred in a prior fiscal year or in the current fiscal year; hence, they flow partly from unexpended balances of prior-year budget authority and partly from budget authority provide for the current year. Congressional Budget Office, "Glossary of Budget Terms," (July 2016).

new budget authority, it is essentially depositing money into that agency's account. When the agency incurs an obligation, the money needed to pay it is encumbered. At that point, those funds are no longer available to the agency to be used for other purposes. The agency eventually withdraws the encumbered funds from its account to pay the obligation.

Congress gives agencies budget authority (i.e., deposits money into their account) in one of two ways. Specifically, it may provide agencies with budget authority on a temporary or permanent basis. Temporary budget authority is referred to as discretionary spending. Congress approves discretionary spending in the annual appropriations process. Appropriation bills give government agencies temporary budget authority to incur obligations, or to conduct the government's operations, over the course of a fiscal year.

By custom, Congress divides the total amount of discretionary spending among that it allocates to the government every year into twelve separate appropriation bills. Yet in practice, Congress rarely considers all twelve bills individually. Instead, Congress routinely approves discretionary spending by passing an omnibus appropriation bill.[9] When Congress fails to pass appropriation bills on time, it typically approves a continuing resolution, which extends the prior year's temporary budget authority for an amount of time sufficient for its members to complete their regular appropriations work (either by passing individual spending bills or approving multiple bills in an omnibus package). Periodically, Congress uses a continuing resolution to fund the government for an entire fiscal year.[10] When that happens, it is almost always because closed-door negotiations over an omnibus bill break down.

Congress may also give agencies budget authority on a permanent basis. Unlike temporary grants of authority in appropriation bills, Congress approves permanent budget authority in authorization bills. According to the CBO, an authorization bill is "substantive legislation, proposed by a committee of jurisdiction other than the House or Senate Committees on Appropriations, that establishes or continues the operation of a federal program or agency either indefinitely or for a specified period or that sanctions a particular type of obligation or expenditure within a program."[11] For the purposes of today's hearing, the important point is that authorization bills approve permanent budget authority outside of the appropriations process.

Permanent budget authority is also known as mandatory spending (i.e., direct spending).[12] Entitlement programs like Medicare, Medicaid, and Social Security are the most widely known programs funded by mandatory spending. These programs operate on permanent budget authority given to the agencies that administer them by Congress when they were first created (or in subsequent reforms). Consequently, they are not dependent on future congressional action for funding. Their specific funding levels are instead determined by eligibility criteria and benefit formulas that are either detailed in an authorizing statute or left to the agency to determine pursuant to certain parameters. While these entitlement programs are the most widely known examples of mandatory spending, all of the government programs that are funded outside of the

[9] An omnibus appropriation bill includes two or more regular appropriation bills.

[10] Congress may also approve temporary budget authority (i.e., discretionary spending) in a supplemental appropriation bill.

[11] Congressional Budget Office, "Glossary of Budget Terms," (July 2016).

[12] The CBO defines mandatory spending as "the budget authority provided by laws other than appropriation acts and the outlays that result from budget authority provided in laws other than appropriation acts." Congressional Budget Office, "Glossary of Budget Terms," (July 2016).

appropriations process receive permanent budget authority (and are therefore also funded by mandatory spending).

The term "backdoor spending" is used to refer to a broad array of programs funded by mandatory spending. The GAO defines it as a "colloquial phrase for budget authority provided in laws other than appropriations acts."[13] According to the CBO, backdoor spending can occur in one of four ways: "borrowing authority, contract authority, entitlement authority, or authority to obligate and spend offsetting collections."[14] In my testimony, I use the term backdoor spending narrowly to refer only to offsetting collections. I do so to highlight the challenges to effective budgeting that the practice presents.

BACKDOOR SPENDING AND OFFSETTING COLLECTIONS

Offsetting collections are the fines, fees, penalties, and settlements that agencies are authorized by law to collect and spend without subsequent congressional action. According to the CBO, they are "funds collected by government agencies from other government accounts or from the public in businesslike or market-oriented transactions that are credited to an expenditure account."[15] They can be used by agencies without additional congressional action. This is because Congress already gave the relevant agencies budget authority on a permanent basis when it first approved the collection of these revenues and authorized the activities for which they can be used.

As with all permanent grants of budget authority, Congress may place limits on how an agency can use the revenues it receives from offsetting collections by approving what is known as an obligation limitation.[16] Congress usually includes obligation limitations in appropriation bills funding the particular agency. When they are included in an appropriation bill, limitations are referred to as riders. In short, riders limit how agencies funded in an appropriation bill may use offsetting collections.

Offsetting collections fund a broad array of departments and agencies in the federal government. The departments and agencies that receive the most money from offsetting collections are the Department of Defense ($102 billion), Office of Personnel Management ($53.2 billion), General Services Administration ($21.4 billion), Department of Health and Human Services ($16.7 billion), Department of State ($11.8 billion), Department of Transportation ($9.9 billion), and the Department of Education ($9.4 billion).[17] Specific agencies and programs financed, in part, by offsetting collections include the Department of Agriculture's Animal and Plant Health Inspection Service, U.S. Citizenship and Immigration Service (USCIS) fees, the Environmental

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[13] United States Government Accountability Office, *A Glossary of Terms Used in the Federal Budget Process* (September 2005), 16. "The terms backdoor authority and backdoor spending refer to the process by which federal money 'goes out the door.' Annual appropriations are said to go out the 'front door' as the annual appropriations cycle provides a regularly-scheduled forum where Congress may exercise oversight over spending. Other appropriations are said to go out the 'back door' as they do not go through the annual appropriations process." Government Accountability Office, "Government-Wide Inventory of Accounts with Spending Authority and Permanent Appropriations, Fiscal Years 1995 to 2015," (GAO 19-36: November 2018), 4.

[14] Congressional Budget Office, "Glossary of Budget Terms," (July 2016).

[15] *Ibid.*

[16] The CBO defines an obligation limitation as "a restriction on the amount, purpose, or period of availability of budget authority." Congressional Budget Office, "Glossary of Budget Terms," (July 2016).

[17] GAO 19-36, 60-61.

Protection Agency's Superfund Settlements, Department of Justice's Crime Victims Trust Fund, National Park Service fees, and the Tennessee Valley Authority.

There are several benefits to funding agency activities with offsetting collections. The practice gives agencies flexibility in administering the programs under their jurisdiction. This is because the agency is not required to get congressional approval before obligating money raised from offsetting collections. The permanent nature of budget authority received via offsetting collections also means that the funds remain available for agencies to use in future fiscal years. A permanent funding stream allows agencies to carry over to future fiscal years without Congress's permission funds not obligated in the fiscal year in which they were received. This helps agencies better adjust their resources to cover fluctuating costs over the mid- and long-term. More broadly, offsetting collections better insulate agencies that receive them from congressional interference as compared to those programs that are not funded by them. There are fewer opportunities for congressional interference when agencies are not dependent on Congress for their budget authority. For these reasons, proponents of offsetting collections frequently claim that they make the administration of federal programs more efficient and effective.

Alternative funding arrangements may give Congress greater control over an agency's activities. Yet its members continue to utilize offsetting collections to fund government programs because the practice benefits them in a number of ways. First, congressional appropriators routinely use obligation limitations on offsetting collections as gimmicks to increase the amount of money available to spend in an appropriation bill. Appropriators can then use those savings to spend on other programs in the bill.[18] Offsetting collections also allow members of Congress to absolve themselves of the responsibility of funding the program on a yearly basis. They allow members to more easily maintain funding for existing programs without reforming how they operate (or ending them when no longer needed or supported by the public).

Backdoor Spending and Budgeting

Backdoor spending makes it harder for members of Congress to budget effectively. By extension, the practice inhibits the Congress from fulfilling its basic responsibilities to tax and spend under Article I of the Constitution. Offsetting collections also make it harder for the public to evaluate how Congress makes budgetary decisions. That, in turn, makes it harder for voters to hold their elected officials responsible for the activities of agencies funded by offsetting collections. When viewed from this perspective, backdoor spending is emblematic of the dysfunction in the budget process more generally.

Offsetting collections make it harder for Congress to budget effectively because they effectively remove budgetary decisions from Congress. This is problematic because such decisions are best made in Congress, not the administration. This is because the allocation of scarce resources is implicit in the act of budgeting. In theory, members of Congress decide between competing demands for money when they budget. Requiring members to prioritize some government programs over others generates conflict between them. That conflict must be resolved before

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[18] This gimmick is referred to as Changes in Mandatory Programs (CHIMPs). CHIMPs delay (or cap) permanent budget authority like offsetting collections. When included in an appropriation bill, the CBO scores CHIMPs as savings which then frees up money allocated to the bill for appropriators to spend on other programs without increasing the bill's total cost. The Crime Victims Trust Fund is one of the most frequently used CHIMPs.

members can compromise on how to spend government revenues. Congress codifies the funding levels on which its members agree by making a collective decision to prioritize some programs over others. Budgetary decisions are therefore necessarily made in Congress because it is the only place in the federal government where the people's representatives can come to together on the basis of equality to resolve their differences and compromise. Offsetting collections sidestep this process altogether, thereby undermining the very idea of budgeting and distorting the very nature of our political system in the process.

The Congressional Budget Act of 1974 represented a bipartisan effort to contain unsustainable spending and restore fiscal discipline to the congressional budget process. Yet persistent deficits in the years following 1974 clearly demonstrate that the process it established has failed to force Congress to budget. Contrary to its stated purpose, the process followed by Congress today does not force members to reevaluate all federal commitments when they make budgetary decisions. Consequently, the budget process facilitates deficit spending and the accumulation of ever-increasing debt instead of placing the government's finances on a sustainable path as envisioned by the drafters of the 1974 Budget Act.

Today's dysfunction reflects Congress's inability to budget. The period beginning in the early 1970s, when the present-day budget process was first implemented, and ending in 1997, when Congress last balanced the budget, represents the longest period of consecutive deficits on record. Nevertheless, the period beginning in 2002, when deficits returned after four years of surpluses, appears on track to surpass its predecessor. Moreover, deficits that far exceed those accumulated over the last twenty-five years are projected to continue well into the future. Such forecasts have led some scholars to label the current period the "Age of Deficits."[19]

Congress's inability to budget is also reflected in its increased reliance on backdoor spending. According to the GAO, the total value of all backdoor spending (permanent appropriations, offsetting collections, contract authority, and budgeting authority) increased by 88 percent between fiscal year 1994 and fiscal year 2015.[20] In fiscal year 1994, offsetting collections totaled \$186 billion (in inflation-adjusted dollars). In fiscal year 2015, budget authority from offsetting collections totaled \$421 billion.[21] In fiscal year 1994, 294 accounts had permanent budget authority from offsetting collections. The number of accounts increased to 538 by fiscal year 2015.[22]

In sum, more agencies receive permanent budget authority from offsetting collections today than in the past. The programs they fund are therefore independent of further congressional action in the budget process; they are on autopilot. That means members of Congress do not have to weigh competing demands and prioritize the allocation of scarce resources among them when they budget. Consequently, offsetting collections help Congress to shirk its responsibility to budget in certain areas.

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[19] For example, see Iwan W. Morgan, *Deficit Government: Taxing and Spending in Modern America* (Chicago: Ivan R. Dee, 1995); Iwan W. Morgan, *The Age of Deficits: Presidents and Unbalanced Budgets from Jimmy Carter to George W. Bush* (Lawrence, Kansas: University Press of Kansas, 2009). Morgan dates the beginning of the Age of Deficits to the early 1980s and the "mushrooming of the gap between outlays and revenues. Morgan, *The Age of Deficits*, 2.

[20] The total amount of backdoor spending in fiscal year 2015 was \$3.2 trillion, up from \$1.7 trillion in fiscal year 1994 (in inflation-adjusted dollars). GAO 19-36, 11.

[21] *Ibid*, 14.

[22] *Ibid*., 15.

BACKDOOR SPENDING AND THE POWER OF THE PURSE

Congress's increased reliance on backdoor spending suggests that a majority of its members no longer see the House and Senate as the preeminent venues where they engage in politics, on behalf of the people they represent, to resolve their differences and compromise. In lieu of the conflict such a process would inevitable generate between members with different budgetary priorities, Congress chooses instead to defer to executive branch agencies to make important decisions.

More broadly, this shift has implications for the health of the American Republic. Far from being the preeminent branch of government when it comes to budgeting, as originally envisioned by the Framers of the Constitution, Congress at present is a phantom whose presence in fiscal matters is increasingly felt most often by its absence. The problem is that unlike Congress, executive branch agencies make decisions by substituting bureaucratic expertise for the messy realities of republican politics. In doing so, they have the effect of expunging the concept of legitimate budgetary conflict from politics altogether. Decisions made in executive branch agencies by virtue of expertise are often treated as final by Congress. Efforts to place obligation limitations on such programs, when not used as a gimmick, are typically opposed by bipartisan majorities in the House and Senate. These majorities routinely prevail over efforts to attach obligation limitations to appropriation bills by asserting that doing so will cause a government shutdown. Casting such efforts in this light makes it easier to defeat them without engaging their merits. In the process, the underlying substance of the obligation limitation is ignored.

While deferring to the executive may make federal programs operate more efficiently, there are costs to relying on offsetting collections to fund them. For example, the American people lose their ability to inform the budgetary decisions that their government makes when Congress abdicates its responsibility to tax and spend on a regular basis. This is because they can't hold officials in the executive branch accountable as easily as they can their elected representatives in the legislative branch.[23]

Offsetting collections also make it harder for Congress to use the power of the purse to enforce the separation of powers. In *Federalist* 58, James Madison observed of the House of Representatives,

> They in a word hold the purse; that powerful instrument by which we behold in the history of the British constitution, and infant and humble representation of the people, gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. This power over the purse, may in fact be regarded as the most compleat 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.[24]

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[23] Unlike members of Congress, voters have only one opportunity to hold presidents accountable for the decisions they make in office as well as the actions of government officials in their administration.

[24] James Madison, "Federalist No. 58," in *Madison Writings*, Jack N. Rakove, ed. (New York: The Library of America, 1999), 334-335.

Yet today's purse is not as powerful because past congresses have taken steps that have removed it from its members' hands. For example, Congress threatened to withhold funds from the USCIS until the Obama administration agreed to stop implementing the president's Deferred Action for Childhood Arrivals program. However, the agency's funding did not require congressional approval. It received its budget authority from offsetting collections.

Reform Options

Efforts to reform the practice of backdoor spending should not be seen as attempts to eliminate the programs funded by offsetting collections. Rather, they should be seen as efforts to ensure that Congress is able to budget effectively. While budgeting is necessarily something that happens in Congress, program implementation is something that Congress cannot, and should not, do. Efforts to reform backdoor spending should therefore be understood as attempts to reconcile the benefits of administration with the imperatives of democratic self-government.

Reforming backdoor spending is not a question of eliminating the programs offsetting collections currently fund. Rather, it is a question of how best to ensure that they are funded out of the front door in a manner that strengthens Congress's ability to budget effectively. In that sense, reform efforts should be understood as reconciling the benefits of administration with the imperatives of democratic self-government.

One reform proposal, the Agency Accountability Act of 2017 (HR 850), would affect such a reconciliation by requiring Congress to approve the expenditure of offsetting collections as part of the annual appropriation process. Specifically, the legislation would direct any agency that "receives a fee, fine, penalty, or proceeds from a settlement" to "deposit such amounts in the general fund of the Treasury." HR 850 stipulates that any revenue deposited in the general fund would only be available for an agency's use if it was first approved by Congress in an appropriation act.[25] This would, in effect, eliminate the practice of backdoor spending with regard to offsetting collections. It would not, however, eliminate funding for those programs.

Critics of HR 850 suggest that the legislation would make the administration of government programs needlessly inefficient and even hint that it would jeopardize their funding altogether. However, such concerns are overstated. To the extent that congressional involvement in the budget process is inefficient, it is by design. Not only does the Constitution make Congress the principal branch of the federal government when it taxes and spends, the very nature of budgeting in a democratic republic requires that such decisions be made in Congress. Moreover, recent experience suggests that merely requiring Congress to first approve the expenditure of all offsetting collections before agencies can obligate them will not jeopardize the programs they fund. This is because Congress has not yet failed to eventually appropriate money in a fiscal year. Gridlock in the appropriations process is rare and when it does occur, it is always resolved at some point.

HR 850 would make it easier for individual members of Congress to participate in the process. That, in turn, would reduce its broader dysfunction. That this process plays out in a democratic republic where the people have the final say over what government does, and does not, fund

[25] HR 850 would not affect offsetting collections received by the United States Postal Service and the United States Patent and Trademark Office.

ensures that any deep-seated disagreements between members will be temporary. For example, congressional majorities that block the approval of funding for popular programs are likely to be punished by voters in the next election. Conflict over program funding elevates the issue and invites those impacted by it into the process. When that happens, voters can clearly assign responsibility for outcomes that differ from what they want. Moving forward, majorities will be unlikely to try restricting the program barring new developments that alter the political dynamic.

Finally, HR 850 would also help rebalance the relationship between the legislative and executive branches by making it easier for Congress to use the power of the purse to force the executive branch to comply with its demands. In the case of DACA and USCIS, Congress would have had more leverage to bargain with the administration because its approval would have been required before the agency received its funding. For that reason, HR 850 would reinforce Madison's original understanding of the power of the purse.

There are additional reform options that do not go as far as HR 850 but nevertheless constitute a step in the right direction. For example, Congress could pass a law stipulating that all existing offsetting collections will sunset periodically. Congress would then be forced to reauthorize their collection moving forward to ensure the uninterrupted flow of budget authority. The process governing offsetting collections would then resemble that currently followed by Congress when it reauthorizes programs like those included in the farm bill. While such an approach would not end the practice of backdoor spending with regard to offsetting collections, it would make it easier for Congress to periodically evaluate and, if necessary, to adjust such authorities.

Another reform option, albeit one even more limited, is for Congress to create special budget points of order that would lie against appropriation bills when considered by the House and Senate if they include funding for an agency that receives offsetting collections. This small change would strengthen Congress's ability to include obligation limitations in appropriation bills by giving individual members more leverage to force their colleagues to debate them on their merits. However, the reform would likely impact the Senate more than the House. This is because House majorities, acting through the Rules Committee, could easily waive the new points of order. Nevertheless, House members could work with like-minded senators to add obligation limitations to appropriation bills in the Senate and then work to protect them when the House considers the legislation.

Conclusion

Backdoor spending practices like offsetting collections pose significant challenges to Congress's ability to budget effectively. In doing so, they are emblematic of the budget process's current dysfunction. Spending obligated via such authorities is opaque. Members of Congress, as well as the people they represent, have a hard time evaluating its merits. The process can also make it harder for Congress to use the power of the purse to prevent the executive branch from engaging in activities its members consider unlawful. Reform proposals like the Agency Accountability Act of 2017 would help Congress overcome these challenges. The legislation therefore represents a good first step towards fixing the broken budget process more generally. It would help facilitate congressional budgeting by making it easier for members of Congress to prioritize federal spending. And it would help Congress reassert its power over the purse.

Committee on Oversight and Government Reform
Witness Disclosure Requirement — "Truth in Testimony"

Pursuant to House Rule XI, clause 2(g)(5) and Committee Rule 16(a), non-governmental witnesses are required to provide the Committee with the information requested below in advance of testifying before the Committee. You may attach additional sheets if you need more space.

Name: James Wallner

1. Please list any entity you are representing in your testimony before the Committee and briefly describe your relationship with each entity.	
Name of Entity	**Your relationship with the entity**
R Street Institute	Senior Fellow

2. Please list any federal grants or contracts (including subgrants or subcontracts) you or the entity or entities listed above have received since January 1, 2015, that are related to the subject of the hearing.

Recipient of the grant or contact (you or entity above)	Grant or Contract Name	Agency	Program	Source	Amount

3. Please list any payments or contracts (including subcontracts) you or the entity or entities listed above have received since January 1, 2015 from a foreign government, that are related to the subject of the hearing.

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I certify that the information above and attached is true and correct to the best of my knowledge.

Signature James Wallner Date: 12/7/18 Page ____ of ____

James I. Wallner is a senior fellow at the R Street Institute. He is also a Professorial Lecturer in the Department of Government at American University and a fellow at its Center for Congressional and Presidential Studies.

James is the author of two books, *The Death of Deliberation: Partisanship and Polarization in the United States Senate,* and *On Parliamentary War: Partisan Conflict and Procedural Change in the United States Senate.* He has also published numerous articles on the American founding, separation of powers, political parties, Congress, legislative procedure, and the budget process in the *Journal of Policy History*, *Journal of Legislative Studies*, *Journal of Law and Politics*, *Humanitas*, and *The Forum: A Journal of Applied Research in Contemporary Politics*. James is a regular contributor with the *Washington Examiner*, *Law and Liberty, and Real Clear Policy*.

Prior to joining R Street, James was the Group Vice President for Research at The Heritage Foundation, where he created the Institute for Constitutional Government. Before Heritage, Wallner was the Executive Director of the Senate Steering Committee during the chairmanships of Pat Toomey and Mike Lee. Prior to this, he served as Legislative Director to Jeff Sessions and Pat Toomey. He began his career on Capitol Hill as a Legislative Assistant in the House of Representatives.

James received both his doctoral and master's degrees in politics from the Catholic University of America. He also holds a master's in international and European politics from the University of Edinburgh in Scotland, and a bachelor's in political science from the University of Georgia.