MARKUP OF H. RES. 279, H. RES. 303, H.R. 1679, H.R. 151, H.R. 586, H.R. 749, AND H.R. 415

MEETING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, MARCH 25, 2009

Printed for the use of the Committee on House Administration

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MARKUP OF H. RES. 279, COMMITTEE RES. 111–5, DISMISSAL OF ELECTION CONTEST, H. RES. 303, H.R. 1299, H.R. 1679, H.R. 151, H.R. 586, H.R. 749, AND H.R. 415

WEDNESDAY, MARCH 25, 2009

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 11:07 a.m., in Room 1310, Longworth House Office Building, Hon. Robert A. Brady (chairman of the committee) presiding.

Present: Representatives Brady, Lofgren, Capuano, Davis of Alabama, Lungren, and McCarthy.

Staff Present: Liz Birnbaum, Staff Director; Jamie Fleet, Deputy Staff Director; Charles Howell, Chief Counsel; Matt Pinkus, Professional Staff/Parliamentarian; Kyle Anderson, Press Director; Kristin McCowan, Chief Legislative Clerk; Brian McCue, Professional Staff; Gregory Abbott, Policy Analyst; Khalil Abboud, Professional Staff; Jennifer Daehn, Elections Counsel; Victor Arnold-Bik, Minority Staff Director; Peter Schalestock, Minority Counsel; and Karin Moore, Minority Legislative Counsel.

The CHAIRMAN. Good morning. I would like to call the Committee on House Administration to order.

Before we start, I would like to recognize and welcome students from W.T. Woodson High School in Fairfax, Virginia. They are seniors that have been studying government and decided to observe our hearings today. Welcome all of you, and you all look bright-eyed. Are your teachers here with you?

VOICE. No.

VOICE. A chaperone.

The CHAIRMAN. Can you get rid of the chaperone? I used to.

Thank you all. We applaud your interest and your being here today to watch democracy in practice, so to speak. So, again, we thank you and appreciate your being here.

The committee meeting will come to order. We have a number of items on the agenda today. First we will consider H. Resolution 279, the primary expense resolution to fund the standing and select committees of the House for the 111th Congress. Every 2 years the committee holds hearings on the needs of House committees in the coming Congress. We then write a resolution authorizing funding for those committees. During our hearings on February 11th and 25th, we heard from all the Chairmen and most of the Ranking

Members from other committees. We are now prepared to act on the committee funding.

I will now recognize our Ranking Member, Representative Lungren, for an opening statement.

Mr. LUNGREN. Thank you very much, Mr. Chairman. And I would also like to welcome the students here. I would like to begin, however, by acknowledging how well the staff on both sides of the aisle in this committee have worked through this process. I appreciate that very much.

While we appreciate the access to the committee funding information, I know you would agree with me that we believe it is crucial for both sides to have as much time as possible to review the information and properly scrutinize all the data presented to committee members.

I realize that you got this to us as soon as we had numbers that you felt were those that we could go forward with. But I would hope in the future, it would be helpful to have more time to review all the committee submissions. But considering the compressed time frame we have, I appreciate how well both sides have worked.

As I told many of the Chairs and Ranking Members who appeared before us, the funding granted for this Congress would likely be substantially less than the requests submitted by each committee. I understand the genuineness of the request made by the Chairs and Ranking Members, but we in this committee have an obligation to look at those fairly carefully and also look at it in the context of the overall budget request from this Congress.

And just as the American people have had to do more with less, we must also stretch the resources available to the Congress with a focus on efficiency and by making difficult choices on what issues are truly of the highest legislative priority.

So I would like to thank the Chairman for his partnership in ensuring that the committee funding request we send to the floor will provide adequate funding for the jobs to be done by the legislative committees, and yet demonstrates a fiscal responsibility in keeping with these difficult economic times.

I don't think in the numbers that we have had presented to us, we are going to restrict any committee from doing the job that they need to do; but at the same time, I think we have done very careful work in asking the questions and ensuring that we can justify the requests that have been made. And, once again, I thank the Chairman for his interest and for his cooperation on this.

The CHAIRMAN. Thank you. I now would like to call up and lay before the Committee House Resolution 279, the primary expense resolution for the 111th Congress. Without objection, the resolution will be considered as read and open to amendment at any point.

[The information follows:]

111TH CONGRESS
1ST SESSION

H. RES. 279

Providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2009

Mr. BRADY of Pennsylvania submitted the following resolution; which was referred to the Committee on House Administration

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RESOLUTION

Providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress.

Resolved,

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

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

1 (b) COMMITTEES AND AMOUNTS.—The committees
2 and amounts referred to in subsection (a) are: Committee
3 on Agriculture, $13,104,587; Committee on Armed Serv-
4 ices, $18,014,287; Committee on the Budget,
5 $12,701,442; Committee on Education and Labor,
6 $17,792,110; Committee on Energy and Commerce,
7 $24,999,160; Select Committee on Energy Independence
8 and Global Warming, $4,167,500; Committee on Finan-
9 cial Services, $19,224,887; Committee on Foreign Affairs,
10 $21,439,063; Committee on Homeland Security,
11 $17,832,436; Committee on House Administration,
12 $11,475,431; Permanent Select Committee on Intel-
13 ligence, $10,850,000; Committee on the Judiciary,
14 $19,052,900; Committee on Natural Resources,
15 $16,660,489; Committee on Oversight and Government
16 Reform, $23,953,226; Committee on Rules, $7,141,021;
17 Committee on Science and Technology, $15,190,423;
18 Committee on Small Business, $7,920,719; Committee on
19 Standards of Official Conduct, $5,725,608; Committee on
20 Transportation and Infrastructure, $21,030,831.20; Com-
21 mittee on Veterans' Affairs, $7,844,690; and Committee
22 on Ways and Means, $20,789,331.46.

23 **SEC. 2. FIRST SESSION LIMITATIONS.**

24 (a) IN GENERAL.—Of the amount provided for in
25 section 1 for each committee named in subsection (b), not

1 more than the amount specified in such subsection shall
2 be available for expenses incurred during the period begin-
3 ning at noon on January 3, 2009, and ending immediately
4 before noon on January 3, 2010.

5 (b) COMMITTEES AND AMOUNTS.—The committees
6 and amounts referred to in subsection (a) are: Committee
7 on Agriculture, $6,316,330; Committee on Armed Serv-
8 ices, $8,324,646; Committee on the Budget, $6,350,721;
9 Committee on Education and Labor, $8,657,750; Com-
10 mittee on Energy and Commerce, $11,898,160; Select
11 Committee on Energy Independence and Global Warming,
12 $2,096,900; Committee on Financial Services,
13 $9,322,449; Committee on Foreign Affairs, $10,336,207;
14 Committee on Homeland Security, $8,718,127; Committee
15 on House Administration, $5,544,451; Permanent Select
16 Committee on Intelligence, $5,387,500; Committee on the
17 Judiciary, $9,336,600; Committee on Natural Resources,
18 $8,127,068; Committee on Oversight and Government Re-
19 form, $11,445,179; Committee on Rules, $3,538,663;
20 Committee on Science and Technology, $7,233,535; Com-
21 mittee on Small Business, $3,674,274; Committee on
22 Standards of Official Conduct, $2,735,247; Committee on
23 Transportation and Infrastructure, $10,258,942.05; Com-
24 mittee on Veterans' Affairs, $3,812,691; and Committee
25 on Ways and Means, $10,141,137.30.

1 **SEC. 3. SECOND SESSION LIMITATIONS.**

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

8 (b) COMMITTEES AND AMOUNTS.—The committees
9 and amounts referred to in subsection (a) are: Committee
10 on Agriculture, $6,788,257; Committee on Armed Serv-
11 ices, $9,689,641; Committee on the Budget, $6,350,721;
12 Committee on Education and Labor, $9,134,360; Com-
13 mittee on Energy and Commerce, $13,101,000; Select
14 Committee on Energy Independence and Global Warming,
15 $2,070,600; Committee on Financial Services,
16 $9,902,438; Committee on Foreign Affairs, $11,102,856;
17 Committee on Homeland Security, $9,114,309; Committee
18 on House Administration, $5,930,980; Permanent Select
19 Committee on Intelligence, $5,462,500; Committee on the
20 Judiciary, $9,716,300; Committee on Natural Resources,
21 $8,533,421; Committee on Oversight and Government Re-
22 form, $12,508,047; Committee on Rules, $3,602,358;
23 Committee on Science and Technology, $7,956,888; Com-
24 mittee on Small Business, $4,246,445; Committee on
25 Standards of Official Conduct, $2,990,361; Committee on
26 Transportation and Infrastructure, $10,771,889.15; Com-

1 mittee on Veterans' Affairs, $4,031,999; and Committee
2 on Ways and Means, $10,648,194.16.

3 **SEC. 4. VOUCHERS.**

4 Payments under this resolution shall be made on
5 vouchers authorized by the committee involved, signed by
6 the chairman of such committee, and approved in the
7 manner directed by the Committee on House Administra-
8 tion.

9 **SEC. 5. REGULATIONS.**

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

○

The CHAIRMAN. I will now offer the Chairman's mark, an amendment in the nature of a substitute which is in the members' packets. And, without objection, we will disburse with the reading of the substitute.

[The information follows:]

AMENDMENT TO H. RES. 279

OFFERED BY MR. BRADY OF PENNSYLVANIA

Strike all after the resolving clause and insert the following:

1 **SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUN-**
2 **DRED ELEVENTH CONGRESS.**

3 (a) IN GENERAL.—With respect to the One Hundred
4 Eleventh Congress, there shall be paid out of the applica-
5 ble accounts of the House of Representatives, in accord-
6 ance with this primary expense resolution, not more than
7 the amount specified in subsection (b) for the expenses
8 (including the expenses of all staff salaries) of each com-
9 mittee named in such subsection.

10 (b) COMMITTEES AND AMOUNTS.—The committees
11 and amounts referred to in subsection (a) are: Committee
12 on Agriculture, $12,878,997; Committee on Armed Serv-
13 ices, $15,842,663; Committee on the Budget,
14 $12,701,442; Committee on Education and Labor,
15 $17,571,062; Committee on Energy and Commerce,
16 $23,589,560; Select Committee on Energy Independence
17 and Global Warming, $4,167,500; Committee on Finan-
18 cial Services, $18,315,034; Committee on Foreign Affairs,
19 $18,847,305; Committee on Homeland Security,

1 $17,776,261; Committee on House Administration,
2 $11,069,489; Permanent Select Committee on Intel-
3 ligence, $10,850,000; Committee on the Judiciary,
4 $18,837,171; Committee on Natural Resources,
5 $16,567,929; Committee on Oversight and Government
6 Reform, $22,343,273; Committee on Rules, $7,141,021;
7 Committee on Science and Technology, $14,048,942;
8 Committee on Small Business, $7,236,082; Committee on
9 Standards of Official Conduct, $5,577,169; Committee on
10 Transportation and Infrastructure, $20,874,154; Com-
11 mittee on Veterans' Affairs, $7,668,691; and Committee
12 on Ways and Means, $20,634,454.

13 **SEC. 2. FIRST SESSION LIMITATIONS.**

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

20 (b) COMMITTEES AND AMOUNTS.—The committees
21 and amounts referred to in subsection (a) are: Committee
22 on Agriculture, $6,316,330; Committee on Armed Serv-
23 ices, $7,769,820; Committee on the Budget, $6,350,721;
24 Committee on Education and Labor, $8,617,490; Com-
25 mittee on Energy and Commerce, $11,569,181; Select

1 Committee on Energy Independence and Global Warming,
2 $2,096,900; Committee on Financial Services,
3 $8,982,361; Committee on Foreign Affairs, $9,243,406;
4 Committee on Homeland Security, $8,718,127; Committee
5 on House Administration, $5,428,881; Permanent Select
6 Committee on Intelligence, $5,387,500; Committee on the
7 Judiciary, $9,238,436; Committee on Natural Resources,
8 $8,125,517; Committee on Oversight and Government Re-
9 form, $10,957,956; Committee on Rules, $3,538,663;
10 Committee on Science and Technology, $6,890,114; Com-
11 mittee on Small Business, $3,548,839; Committee on
12 Standards of Official Conduct, $2,735,247; Committee on
13 Transportation and Infrastructure, $10,237,447; Com-
14 mittee on Veterans' Affairs, $3,761,006; and Committee
15 on Ways and Means, $10,119,889.

16 **SEC. 3. SECOND SESSION LIMITATIONS.**

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

23 (b) COMMITTEES AND AMOUNTS.—The committees
24 and amounts referred to in subsection (a) are: Committee
25 on Agriculture, $6,562,667; Committee on Armed Serv-

1 ices, $8,072,843; Committee on the Budget, $6,350,721;
2 Committee on Education and Labor, $8,953,572; Com-
3 mittee on Energy and Commerce, $12,020,379; Select
4 Committee on Energy Independence and Global Warming,
5 $2,070,600; Committee on Financial Services,
6 $9,332,673; Committee on Foreign Affairs, $9,603,899;
7 Committee on Homeland Security, $9,058,134; Committee
8 on House Administration, $5,640,608; Permanent Select
9 Committee on Intelligence, $5,462,500; Committee on the
10 Judiciary, $9,598,735; Committee on Natural Resources,
11 $8,442,412; Committee on Oversight and Government Re-
12 form, $11,385,317; Committee on Rules, $3,602,358;
13 Committee on Science and Technology, $7,158,828; Com-
14 mittee on Small Business, $3,687,243; Committee on
15 Standards of Official Conduct, $2,841,922; Committee on
16 Transportation and Infrastructure, $10,636,707; Com-
17 mittee on Veterans' Affairs, $3,907,685; and Committee
18 on Ways and Means, $10,514,565.

19 **SEC. 4. VOUCHERS.**

20 Payments under this resolution shall be made on
21 vouchers authorized by the committee involved, signed by
22 the chairman of such committee, and approved in the
23 manner directed by the Committee on House Administra-
24 tion.

1 **SEC. 5. REGULATIONS.**

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

The CHAIRMAN. Let me describe what we have done with this amendment. Over the last Congress, the committees of the House conducted far more hearings and did far more work than in recent years. They have done all this without an increase in funding. Last Congress we were not even able to keep up with inflation. We realize that all the committees have been struggling to operate on limited funds, and they will have to even work harder to do so in this Congress due to the challenging of our economic situations and other legislative priorities.

At the same time, we know that the economic status of the Nation means that we must do more with less. So we are not going to be able to give the committees all the funds that they have requested.

The amounts stated in the resolution, as introduced: In general, the substitute gives each committee for 2009 the lower of either the amount they requested or an increase of 4.78 percent over the funding of 2008. That percent equals the cost-of-living increase for Federal employees in D.C. for the year 2009.

There are a few exceptions to this substitute. First, we provided additional funds to the Judiciary Committee to undertake its mandatory inquiry into judicial impeachments, which is not an ordinary cost of that committee.

Next, the Energy and Commerce Committee and the Financial Services Committee and the Small Businesses Committee each have undertaken extra responsibilities in this Congress. These three committees will each receive an additional $378,000 above inflation in 2009.

The committee on Standards of Official Conduct will receive an increase of $81,000 over the COLA.

Finally, we have not increased funding over the 2008 for the Oversight and Government Reform Committee, since we have already expanded the oversight work of all committees in this Congress by amending the rule in H. Res. 40.

We add it all up, that keeps the total committee funding for 2009 at just 4.78 over the total funding from 2008. In 2010 the committee will receive an across-the-board increase of 3.9, which is our estimate of the inflationary increase needed to keep staff paid in the coming year.

I would like to make one observation as it relates to how the Minority funds their operation. I strongly support the two-thirds/one-third principle. As the Congress continues working, I want the Minority to come to me with any instances at all where they have not been treated fairly, where the two-thirds/one-third doctrine has been violated. And I promise to our members on both sides that I will work with those committees to bring the parties together and make sure that the Minority is never disadvantaged in performing their work. After all, we are in the Majority today; we may not be in the Majority tomorrow. So I am not only carrying the flag for the Minority, but I am carrying the flag for the Majority at one point in time, too.

Is there any debate on the substitute?

Mr. LUNGREN. Mr. Chairman.

The CHAIRMAN. I recognize Mr. Lungren.

Mr. LUNGREN. I would move to strike the requisite number of words. First of all, I want to thank you for the comment on the one-third/two-thirds. While I would have preferred that we have that actually in the resolution, I appreciate the Chairman's commitment to the one-third/two-thirds split.

This I think worked well when we were in the Majority. I think it works well when we are in the Minority. I think it gives a certainty out there and it does allow the Minority to have sufficient staff so that they can carry out their responsibilities.

I recall when there were times when that was not the case. And so for our committee being the committee that authorizes the budgets for the various committees of the House, I think this is a very important matter.

Secondly, there might be some press reports about what the increases are, that they total 8.67 percent. But remember, that is over the 2-year period of time. The Chairman has articulated what it is for the first year and then for the second year.

The amount requested additional for the Standards Committee, otherwise known as the Ethics Committee, I hope it is sufficient for them to do their job. In the last Congress, the only committee that I questioned in terms of the adequacy of their budget was the Ethics Committee. The request that we have had as of this morning for the additional—I think it was $87,000—I think is appropriate. I hope it is what is necessary.

I would just say on that that we have an obligation not only to act ethically, but to make sure the American people understand, with that degree of transparency, that we are doing that. When we have a situation that we don't fund the Ethics Committee sufficiently so that, for instance, questions about financial disclosures which were filed last year, almost a full year ago, have not yet been answered. That is not a criticism of the committee; it is an observation over our failure to fully fund that committee.

So, Mr. Chairman, I would just say on the only committee I would say this about: If there, in fact, is insufficient funds to do the job that they must carry out, I hope we will be open to immediately responding to that to ensure that that job is done. And with that, I——

Ms. LOFGREN. Would the gentleman yield?

Mr. LUNGREN. I would be happy to yield.

Ms. LOFGREN. I would like to briefly address and thank the gentleman for his support. Jo Bonner, the Ranking Member and I, I think we talked about five times a day and worked carefully to put together this proposal, we believe based on the work that we have done that this is going to be sufficient. If not, we will certainly come back.

But in the last several Congresses, the budgeted amount for the committee was actually not expended. There are a number of vacancies that we are working very hard to fill, and we think that the funds here, plus the expenditure of what was already appropriated is going to provide us what we need.

And certainly there are some rebuilding efforts necessary, and we are actively engaged in that process. And I thank you.

Mr. LUNGREN. I thank you for that. I will just say overall, I am pleased that this committee was able to bring down the requests

that were made by all the committees, and we have come up with a measurable decrease in the expected or the requested increases from the various committees. The only exception I make is with respect to the Committee on Ethics because of the role it plays in this House and the importance of ethical issues right now before us. And with that, I yield back.

The CHAIRMAN. Mr. McCarthy.

Mr. MCCARTHY. Mr. Chairman, my only one—I guess I phrase it as a question. When I go through these numbers and, one, I echo what Mr. Lungren said, I am glad we are able to move the percentage increase down from what everybody was requesting. But one that stands out is Oversight and Government Reform. It gets 3.43 percent over 2 years, which I think is great, maybe everyone could have got to that place. But this year it gets zero. And looking at where this world has changed about transparency, looking at what has transpired just in the last couple of weeks about things that are being uncovered, I am just wondering why; and do they feel it is adequate, and knowing that we want greater government transparency, that they are zero this year?

The CHAIRMAN. Naturally they do not feel that it is adequate. But after reviewing it, and looking at it and speaking with all pertinent parties, they felt that they could, without question, function in the right and proper manner without an increase. Because they have been increased for years on end. I understand, but I am not real sure that they have maybe given back money in the past. And with the new rule that we now have that everybody has regular oversight, that will probably take care of some of our own internals for every committee that has to come in front of us or send a report for all their oversight. So we take some responsibilities from them. That was the thought process of that.

Mr. MCCARTHY. Well, I appreciate that, Mr. Chairman. The only thing I see in history, I have one that goes back to the 106th. They were actually decreased in the 106th and 107th, by 1 percent. Others were increased. In the world of transparency as we look forward if they are to come back, that we are not able to look at ways, especially with the TARP and other things transpiring, this may be a role, especially under their jurisdiction, to be able to look at certain things that we hadn't thought of in the past.

The CHAIRMAN. If that would happened? I think that we are going to address that in an amendment that Mr. Lungren will be offering.

I now recognize Mr. Lungren to offer amendment.

Mr. LUNGREN. I have an amendment at the desk.

The CHAIRMAN. Without objection, the amendment to the amendment in the nature of a substitute is considered to be read.

[The information follows:]

AMENDMENT TO H. RES. 279
OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Add at the end of section 3 (relating to second session limitations) the following new subsection:

1 (c) REVIEW OF USE OF FUNDS IN FIRST SESSION.—
2 None of the amounts provided for in section 1 for a com-
3 mittee named in subsection (b) may be available for ex-
4 penses of the committee after February 3, 2010, unless
5 the chair or ranking minority member of the committee
6 appears and presents testimony at a hearing of the Com-
7 mittee on House Administration held prior to such date
8 to review the committee's use of the amounts provided for
9 in section 1 during the first session of the One Hundred
10 Eleventh Congress and to determine whether the amount
11 specified in subsection (b) with respect to the committee
12 should be updated on the basis of the review.

AMENDMENT TO H. RES. 279
OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Add at the end of section 1 (relating to committee expenses for the One Hundred Eleventh Congress) the following new subsection:

1 (c) ALLOCATION TO MINORITY.—Of the amount
2 specified with respect to each committee under subsection
3 (b), ⅓ of such amount, or such greater percentage as may
4 be agreed to by the chair and ranking minority member
5 of the committee, shall be paid at the direction of the
6 ranking minority member.

Add at the end of section 2 (relating to first session limitations) the following new subsection:

7 (c) ALLOCATION TO MINORITY.—Of the amount
8 specified with respect to each committee under subsection
9 (b), ⅓ of such amount, or such greater percentage as may
10 be agreed to by the chair and ranking minority member
11 of the committee, shall be paid at the direction of the
12 ranking minority member.

Add at the end of section 3 (relating to second session limitations) the following new subsection:

1 (c) ALLOCATION TO MINORITY.—Of the amount
2 specified with respect to each committee under subsection
3 (b), ⅓ of such amount, or such greater percentage as may
4 be agreed to by the chair and ranking minority member
5 of the committee, shall be paid at the direction of the
6 ranking minority member.

The CHAIRMAN. And I recognize Mr. Lungren.

Mr. LUNGREN. I thank the Chairman very much. And this I think goes to the question that the gentleman had. When we had the hearings with the Ranking Members and the Chairpersons, I asked each and every one of them whether or not they would agree to cooperate with us in coming back after a year for us to look at that.

Additionally, we have in our working with the Majority side, I think, come up with a stronger template of reports that all the committees are required to lodge once a month, and that will be available electronically for people to see, so that the members can make a judgment as to whether or not the committees are engaged in vigorous oversight, as they are required to do under the rules.

And then at the end of the year, the purpose of my amendment is to specifically say that they will come back to report to us, so that we will have the regular monthly reports that will be available to all. And then at the end of the year, they will come back and we can review it here.

The Chairman was supportive in our questioning of the members of the committees as they came before us. And I believe that if we adopt this amendment it will be a model of the transparency that we are trying to get from both sides of the aisle, and both sides of the Capitol, to help us as we go forward. That is basically what my amendment is and with that I yield back to the Chairman.

The CHAIRMAN. Any other debate on the amendment?

I support the amendment offered by Mr. Lungren. During our 2 days of funding hearings, we were pleased that all the Chairs and all the Ranking Members agreed to come back. Agreeing to coming back and coming back sometimes can be two different things. And I also thought it was a good idea that this solidifies the effort. And I urge the committee to support it, to bring our Chairmen and our Ranking Members to come back just to address the issue that Mr. McCarthy raised, that if there is a slack somewhere—I am sure we can find funding for our own committee—that may not be able to function because of that. I urge our colleagues to support the amendment.

Any other comments? So the question is on the amendment offered by Mr. Lungren to the amendment in the nature of a substitute.

All those in favor signify by saying "aye."

All opposed, "no."

The "ayes" have it, and the amendment to the amendment in the nature of a substitute is agreed to.

No roll call is needed.

Mr. LUNGREN. Mr. Chairman, could I ask you to enter into colloquy on the issue that I mentioned before about public disclosure of monthly committee reports?

The CHAIRMAN. Yes.

Mr. LUNGREN. I thank the Chairman for his indulgence. As the Chairman is aware, one of the requirements we have in the committee's handbook is that, "Each committee must submit to the Committee on House Administration by the 18th of each month an original and two copies of a report signed by the committee Chair on the activities of the committee during the preceding month."

Some of the items required in the monthly report include progress on specific investigations, statement of expenses, report of travel, as well as staff salaries. In addition, the monthly report of each committee, they are currently required to be available for public inspection. One of the items in our committee rules, rule 4(e) as we adopted, states: To the maximum extent feasible, the committee shall make its publications available in electronic form.

Given our committee's commitment to transparency and accountability, would the Chairman be willing to work with me in order to make those monthly reports available on our committee Web site?

The CHAIRMAN. Yes, without question.

Mr. LUNGREN. Thank you very much.

The CHAIRMAN. You are welcome.

Are there any additional amendments?

Without objection, the previous question is ordered on the amendment in the nature of a substitute, as amended.

The question is on the amendment. All in favor say "aye."

"No," opposed.

The "ayes" have it. And the amendment in the nature of a substitute is agreed to.

The amendment is agreed to.

Now, I move that the Committee report H.R. 279 favorably to the House with an amendment. The question is on the motion.

All in favor say "aye."

Any opposed?

The "ayes" have it and the motion is agreed to.

The Chair would announce that he is asking for 2 additional calendar days provided by clause 2 of rule 11 to allow members time to file additional Reviews. The Chair notices that the gentleman will exercise his right for those 2 additional days.

Mr. LUNGREN. Thank you very much.

The CHAIRMAN. Without objection.

The next item on the agenda is the committee funding resolution. I now call up Committee Resolution 111–5 providing the allocation of official mail allowance to committees of the House for the 111th Congress. This resolution is limited to $5,000 per year for each committee's mail.

Without objection, the committee resolution is considered as read and open for amendment.

[The information follows:]

COMMITTEE ON HOUSE ADMINISTRATION

Committee Resolution **111 - 5**

111TH Congress Franked Mail Allowances for Committees

Adopted on **March 25, 2009**

1 ***Resolved*** pursuant to Public Law 101-520 § 311 (e) [2 USC 59e(e)] that
2 effective January 3, 2009, and during the first session of the One Hundred
3 Eleventh Congress, the allocation of the Official Mail Allowance for the
4 following committees of the House of Representatives is:

Committee on Agriculture	$5000
Committee on Armed Services	$5000
Committee on the Budget	$5000
Committee on Education and Labor	$5000
Committee on Energy and Commerce	$5000
Committee on Financial Services	$5000
Committee on Foreign Affairs	$5000
Committee on Homeland Security	$5000
Committee on House Administration	$5000
Committee on the Judiciary	$5000
Committee on Natural Resources	$5000
Committee on Oversight and Government Reform	$5000
Committee on Rules	$5000
Committee on Science and Technology	$5000
Committee on Small Business	$5000
Committee on Standards of Official Conduct	$5000
Committee on Transportation and Infrastructure	$5000
Committee on Veterans' Affairs	$5000
Committee on Ways and Means	$5000
Permanent Select Committee on Intelligence	$5000
Select Committee on Energy Independence and Global Warming	$5000

5 ***Resolved further*** pursuant to Public Law 101-520 § 311 (e) [2 USC 59e(e)]
6 that effective January 3, 2010, and during the second session of the One
7 Hundred Eleventh Congress, the allocation of the Official Mail Allowance
8 for the following committees of the House of Representatives is:

Committee on Agriculture	$5000
Committee on Armed Services	$5000
Committee on the Budget	$5000
Committee on Education and Labor	$5000
Committee on Energy and Commerce	$5000
Committee on Financial Services	$5000
Committee on Foreign Affairs	$5000
Committee on Homeland Security	$5000
Committee on House Administration	$5000
Committee on the Judiciary	$5000
Committee on Natural Resources	$5000
Committee on Oversight and Government Reform	$5000
Committee on Rules	$5000
Committee on Science and Technology	$5000
Committee on Small Business	$5000
Committee on Standards of Official Conduct	$5000
Committee on Transportation and Infrastructure	$5000
Committee on Veterans' Affairs	$5000
Committee on Ways and Means	$5000
Permanent Select Committee on Intelligence	$5000
Select Committee on Energy Independence and Global Warming	$5000

The CHAIRMAN. Is there any debate?

Are there any amendments?

If not, the question is on agreeing to the committee resolution. All those in favor say "aye."

All those opposed, no.

In the opinion of the Chair the "ayes" have it and the Committee Resolution 111–5 is agreed to. Without objection, the motion to reconsider is laid upon the table.

I now call up an original resolution relating to an election contest in the First Congressional District of Hawaii. The text of the resolution is before the members and I ask unanimous consent to dispose with the reading. And, without objection, it is so ordered.

[The information follows:]

111TH CONGRESS
1ST SESSION

H. RES. _____

Dismissing the election contest relating to the office of Representative from the First Congressional District of Hawaii.

IN THE HOUSE OF REPRESENTATIVES

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

---

RESOLUTION

Dismissing the election contest relating to the office of Representative from the First Congressional District of Hawaii.

1 *Resolved,* That the election contest relating to the of-
2 fice of Representative from the First Congressional Dis-
3 trict of Hawaii is dismissed.

The CHAIRMAN. I now recognize Vice Chair Lofgren for a statement.

Ms. LOFGREN. Mr. Chairman, there has been bipartisan agreement that this election contest relating to the First Congressional District of Hawaii is completely frivolous. It should by dismissed without consuming any additional time of the committee. And unless there is further comment, I would move that the committee favorably report to the House an original resolution, the text of which is before the members, to dismiss the election contest in the First Congressional District of Hawaii.

The CHAIRMAN. Is there any additional debate?

Mr. LUNGREN. We agree.

The CHAIRMAN. We agree.

If there is no further debate, without objection, the previous question is ordered. I recognize again Vice Chairman Lofgren for the purpose of making a motion.

Ms. LOFGREN. I just made the motion.

The CHAIRMAN. You made a motion?

Ms. LOFGREN. Yes.

The CHAIRMAN. The committee favorably report the House's original resolution, the text of which is before the members, to dismiss the election contest in the First Congressional of Hawaii.

The question on the motion offered by the Vice Chair, all those in favor say "aye."

Any opposed, "no."

The "ayes" have it. The motion is agreed to, without objection. A motion to consider is laid upon the table and the resolution will be reported to the House.

Without objection, the staff will be authorized to make technical and conforming changes to the resolution.

The committee now will turn to markup of H.R. 1299, the Capitol Police Administrative Technical Corrections Act of 2009, which the House passed essentially the same bill last year.

As its title suggests, H.R. 1299 does not make substantive policy changes for the Capitol Police; rather, it corrects drafting errors, modernizes outdated terms and repeals inconsistent provisions now on the books. Chief Morse formally requested both of these corrections, and the committee staff found a few others.

I urge the committee support the bill once again. And would the gentleman from California like to make a statement?

Mr. LUNGREN. Mr. Chairman, we have examined the bill and we agree this is technical in nature. It does not make substantive changes and it corrects a number of things that were oversights or drafting errors, and we would agree with the Chairman's position that this be supported.

The CHAIRMAN. I thank the gentleman.

I now call—any other comments?

I now call up and lay before the committee H.R. 1299. Without objection, the first reading of the bill is dispensed with and the bill is considered as read, and open for an amendment at any point.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 1299

To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2009

Mr. BRADY of Pennsylvania (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on House Administration

---

A BILL

To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Capitol Police Administrative Technical Corrections Act of 2009".

SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

1 (1) CHIEF ADMINISTRATIVE OFFICER.—Section
2 108(a) of the Legislative Branch Appropriations
3 Act, 2001 (2 U.S.C. 1903(a)) is amended to read as
4 follows:
5 "(a) CHIEF ADMINISTRATIVE OFFICER.—
6 "(1) ESTABLISHMENT.—There shall be within
7 the Capitol Police an Office of Administration, to be
8 headed by the Chief Administrative Officer, who
9 shall report to and serve at the pleasure of the Chief
10 of the Capitol Police.
11 "(2) APPOINTMENT.—The Chief Administrative
12 Officer shall be appointed by the Chief of the Capitol
13 Police, after consultation with the Capitol Police
14 Board, without regard to political affiliation and
15 solely on the basis of fitness to perform the duties
16 of the position.
17 "(3) COMPENSATION.—The annual rate of pay
18 for the Chief Administrative Officer shall be the
19 amount equal to $1,000 less than the annual rate of
20 pay in effect for the Chief of the Capitol Police.".
21 (2) ADMINISTRATIVE PROVISIONS.—Section 108
22 of the Legislative Branch Appropriations Act, 2001
23 (2 U.S.C. 1903) is amended by striking subsection
24 (c).

1 (3) CERTIFYING OFFICERS.—Section 107 of the
2 Legislative Branch Appropriations Act, 2001 (2
3 U.S.C. 1904) is amended—
4 (A) in subsection (a), by striking "the
5 Capitol Police Board" and inserting "the Chief
6 of the Capitol Police"; and
7 (B) in subsection (b)(1), by striking "the
8 Capitol Police Board" and inserting "the Chief
9 of the Capitol Police".
10 (4) PERSONNEL ACTIONS OF THE CHIEF OF
11 THE CAPITOL POLICE.—
12 (A) IN GENERAL.—Section 1018(e) of the
13 Legislative Branch Appropriations Act, 2003 (2
14 U.S.C. 1907(e)) is amended by striking para-
15 graph (1) and inserting the following:
16 "(1) AUTHORITY.—
17 "(A) IN GENERAL.—The Chief of the Cap-
18 itol Police, in carrying out the duties of office,
19 is authorized to appoint, hire, suspend with or
20 without pay, discipline, discharge, and set the
21 terms, conditions, and privileges of employment
22 of employees of the Capitol Police, subject to
23 and in accordance with applicable laws and reg-
24 ulations.

1 "(B) SPECIAL RULE FOR TERMI-
2 NATIONS.—The Chief may terminate an officer,
3 member, or employee only after the Chief has
4 provided notice of the termination to the Cap-
5 itol Police Board (in such manner as the Board
6 may from time to time require) and the Board
7 has approved the termination, except that if the
8 Board has not disapproved the termination
9 prior to the expiration of the 30-day period
10 which begins on the date the Board receives the
11 notice, the Board shall be deemed to have ap-
12 proved the termination.
13 "(C) NOTICE OR APPROVAL.—The Chief of
14 the Capitol Police shall provide notice or receive
15 approval, as required by the Committee on
16 Rules and Administration of the Senate and the
17 Committee on House Administration of the
18 House of Representatives, as each Committee
19 determines appropriate for—
20 "(i) the exercise of any authority
21 under subparagraph (A); or
22 "(ii) the establishment of any new po-
23 sition for officers, members, or employees
24 of the Capitol Police, for reclassification of
25 existing positions, for reorganization plans,

1 or for hiring, termination, or promotion for
2 officers, members, or employees of the
3 Capitol Police.".
4 (B) TECHNICAL AND CONFORMING AMEND-
5 MENTS.—
6 (i) SUSPENSION AUTHORITY.—Section
7 1823 of the Revised Statutes of the United
8 States (2 U.S.C. 1928) is repealed.
9 (ii) PAY OF MEMBERS UNDER SUS-
10 PENSION.—The proviso in the Act of Mar.
11 3, 1875 (ch. 129; 18 Stat. 345), popularly
12 known as the "Legislature, Executive, and
13 Judicial Appropriation Act, fiscal year
14 1876", which is codified at section 1929 of
15 title 2, United States Code (2000 Editions,
16 Supp. V), is repealed.
17 (5) CONFORMING APPLICATION OF CONGRES-
18 SIONAL ACCOUNTABILITY ACT OF 1995.—
19 (A) IN GENERAL.—Section 101(9)(D) of
20 the Congressional Accountability Act of 1995 (2
21 U.S.C. 1301(9)(D)) is amended by striking
22 "the Capitol Police Board," and inserting "the
23 United States Capitol Police,".
24 (B) NO EFFECT ON CURRENT PRO-
25 CEEDINGS.—Nothing in the amendment made

1 by subparagraph (A) may be construed to affect
2 any procedure initiated under title IV of the
3 Congressional Accountability Act of 1995 prior
4 to the date of the enactment of this Act.
5 (6) NO EFFECT ON CURRENT PERSONNEL.—
6 Nothing in the amendments made by this subsection
7 may be construed to affect the status of any indi-
8 vidual serving as an officer or employee of the
9 United States Capitol Police as of the date of the
10 enactment of this Act.
11 (b) DEPOSIT OF REIMBURSEMENTS FOR LAW EN-
12 FORCEMENT ASSISTANCE.—
13 (1) IN GENERAL.—Section 2802 of the Supple-
14 mental Appropriations Act, 2001 (2 U.S.C. 1905) is
15 amended—
16 (A) in subsection (a)(1), by striking "Cap-
17 itol Police Board" each place it appears and in-
18 serting "United States Capitol Police"; and
19 (B) in subsection (a)(2), by striking "Cap-
20 itol Police Board" and inserting "Chief of the
21 United States Capitol Police".
22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall take effect as if included in
24 the enactment of the Supplemental Appropriations
25 Act, 2001.

1 (c) PRIOR NOTICE TO AUTHORIZING COMMITTEES
2 OF DEPLOYMENT OUTSIDE JURISDICTION.—Section
3 1007(a)(1) of the Legislative Branch Appropriations Act,
4 2005 (2 U.S.C. 1978(a)(1)) is amended by striking "prior
5 notification to" and inserting the following: "prior notifi-
6 cation to the Committee on House Administration of the
7 House of Representatives, the Committee on Rules and
8 Administration of the Senate, and".
9 (d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERV-
10 ICES.—
11 (1) IN GENERAL.—Section 1002 of the Legisla-
12 tive Branch Appropriations Act, 2008 (Public Law
13 110–161; 2 U.S.C. 1981) is amended by inserting
14 "the Committee on House Administration of the
15 House of Representatives, and the Committee on
16 Rules and Administration of the Senate" after "the
17 Senate,".
18 (2) EFFECTIVE DATE AND APPLICATION.—The
19 amendment made by this subsection shall take effect
20 30 days after the date of enactment of this Act and
21 apply to payments made on or after that effective
22 date.
23 **SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND**
24 **THE UNITED STATES CAPITOL POLICE.**
25 (a) APPOINTMENT AND SERVICE.—

1 (1) IN GENERAL.—There shall be within the
2 United States Capitol Police the General Counsel to
3 the Chief of Police and the United States Capitol
4 Police (in this subsection referred to as the "General
5 Counsel").
6 (2) APPOINTMENT.—The General Counsel shall
7 be appointed by the Chief of the Capitol Police in
8 accordance with section 1018(e)(1) of the Legislative
9 Branch Appropriations Act, 2003 (2 U.S.C.
10 1907(e)(1)) (as amended by section 2(a)(4)), with-
11 out regard to political affiliation and solely on the
12 basis of fitness to perform the duties of the position.
13 (3) COMPENSATION.—
14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), the annual rate of pay for the Gen-
16 eral Counsel shall be fixed by the Chief of the
17 Capitol Police.
18 (B) LIMITATION.—The annual rate of pay
19 for the General Counsel may not exceed an an-
20 nual rate equal to $1,000 less than the annual
21 rate of pay in effect for the Chief of the Capitol
22 Police.
23 (4) TECHNICAL AND CONFORMING AMEND-
24 MENT.—House Resolution 661, Ninety-fifth Con-
25 gress, agreed to July 29, 1977, as enacted into per-

1 manent law by section 111 of the Legislative Branch
2 Appropriation Act, 1979 (2 U.S.C. 1901 note) is re-
3 pealed.

4 (5) NO EFFECT ON CURRENT GENERAL COUN-
5 SEL.—Nothing in this subsection or the amendments
6 made by this subsection may be construed to affect
7 the status of the individual serving as the General
8 Counsel to the Chief of Police and the United States
9 Capitol Police as of the date of the enactment of this
10 Act.

11 (b) LEGAL REPRESENTATION AUTHORITY.—

12 (1) IN GENERAL.—Section 1002(a)(2)(A) of the
13 Legislative Branch Appropriations Act, 2004 (2
14 U.S.C. 1908(a)(2)(A)) is amended by striking "the
15 General Counsel for the United States Capitol Police
16 Board and the Chief of the Capitol Police" and in-
17 serting "the General Counsel to the Chief of Police
18 and the United States Capitol Police".

19 (2) NO EFFECT ON CURRENT PROCEEDINGS.—
20 Nothing in the amendment made by paragraph (1)
21 may be construed to affect the authority of any indi-
22 vidual to enter an appearance in any proceeding be-
23 fore any court of the United States or of any State
24 or political subdivision thereof which is initiated
25 prior to the date of the enactment of this Act.

1 **SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE**
2 **AND THE UNITED STATES CAPITOL POLICE.**

3 (a) LEGAL REPRESENTATION AUTHORITY.—

4 (1) IN GENERAL.—Section 1002(a)(2)(B) of the
5 Legislative Branch Appropriations Act, 2004 (2
6 U.S.C. 1908(a)(2)(B)) is amended by striking "the
7 Employment Counsel for the United States Capitol
8 Police Board and the United States Capitol Police"
9 and inserting "the Employment Counsel to the Chief
10 of Police and the United States Capitol Police".

11 (2) NO EFFECT ON CURRENT PROCEEDINGS.—
12 Nothing in the amendment made by paragraph (1)
13 may be construed to affect the authority of any indi-
14 vidual to enter an appearance in any proceeding be-
15 fore any court of the United States or of any State
16 or political subdivision thereof which is initiated
17 prior to the date of the enactment of this Act.

18 (b) NO EFFECT ON CURRENT EMPLOYMENT COUN-
19 SEL.—Nothing in this section or the amendments made
20 by this section may be construed to affect the status of
21 the individual serving as the Employment Counsel to the
22 Chief of Police and the United States Capitol Police as
23 of the date of the enactment of this Act.

1 **SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CER-**
2 **TAIN PERSONNEL BENEFITS.**

3 (a) NO LUMP-SUM PAYMENT PERMITTED FOR UN-
4 USED COMPENSATORY TIME.—

5 (1) IN GENERAL.—No officer or employee of
6 the United States Capitol Police whose service with
7 the United States Capitol Police is terminated may
8 receive any lump-sum payment with respect to ac-
9 crued compensatory time off, except to the extent
10 permitted under section 203(c)(4) of the Congres-
11 sional Accountability Act of 1995 (2 U.S.C.
12 1313(c)(4)).

13 (2) REPEAL OF RELATED OBSOLETE PROVI-
14 SIONS.—

15 (A) OVERTIME PAY DISBURSED BY
16 HOUSE.—Section 3 of House Resolution 449,
17 Ninety-second Congress, agreed to June 2,
18 1971, as enacted into permanent law by chapter
19 IV of the Supplemental Appropriations Act,
20 1972 (85 Stat. 636) (2 U.S.C. 1924), together
21 with any other provision of law which relates to
22 compensatory time for the Capitol Police which
23 is codified at section 1924 of title 2, United
24 States Code (2000 Editions, Supp. V), is re-
25 pealed.

1 (B) OVERTIME PAY DISBURSED BY SEN-
2 ATE.—The last full paragraph under the head-
3 ing "Administrative Provisions" in the appro-
4 priation for the Senate in the Legislative
5 Branch Appropriations Act, 1972 (85 Stat.
6 130) (2 U.S.C. 1925) is repealed.
7 (b) OVERTIME COMPENSATION FOR OFFICERS AND
8 EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS
9 ACT OF 1938.—
10 (1) CRITERIA UNDER WHICH COMPENSATION
11 PERMITTED.—The Chief of the Capitol Police may
12 provide for the compensation of overtime work of ex-
13 empt individuals which is performed on or after the
14 date of the enactment of this Act, in the form of ad-
15 ditional pay or compensatory time off, only if—
16 (A) the overtime work is carried out in
17 connection with special circumstances, as deter-
18 mined by the Chief;
19 (B) the Chief has established a monetary
20 value for the overtime work performed by such
21 individual; and
22 (C) the sum of the total amount of the
23 compensation paid to the individual for the
24 overtime work (as determined on the basis of
25 the monetary value established under subpara-

1 graph (B)) and the total regular compensation
2 paid to the individual with respect to the pay
3 period involved may not exceed an amount
4 equal to the cap on the aggregate amount of
5 annual compensation that may be paid to the
6 individual under applicable law during the year
7 in which the pay period occurs, as allocated on
8 a per pay period basis consistent with premium
9 pay regulations of the Capitol Police Board.
10 (2) EXEMPT INDIVIDUALS DEFINED.—In this
11 subsection, an "exempt individual" is an officer or
12 employee of the United States Capitol Police—
13 (A) who is classified under regulations
14 issued pursuant to section 203 of the Congres-
15 sional Accountability Act of 1995 (2 U.S.C.
16 1313) as exempt from the application of the
17 rights and protections established by sub-
18 sections (a)(1) and (d) of section 6, section 7,
19 and section 12(c) of the Fair Labor Standards
20 Act of 1938 (29 U.S.C. 206 (a)(1) and (d),
21 207, 212(c)); or
22 (B) whose annual rate of pay is not estab-
23 lished specifically under any law.
24 (3) CONFORMING AMENDMENT.—

1 (A) IN GENERAL.—Section 1009 of the
2 Legislative Branch Appropriations Act, 2003
3 (Public Law 108–7; 117 Stat. 359) is repealed.
4 (B) EFFECTIVE DATE.—The amendment
5 made by subparagraph (A) shall take effect as
6 if included in the enactment of the Legislative
7 Branch Appropriations Act, 2003, except that
8 the amendment shall not apply with respect to
9 any overtime work performed prior to the date
10 of the enactment of this Act.

11 **SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORREC-**
12 **TIONS.**

13 (a) REPEAL OF OBSOLETE PROCEDURES FOR INI-
14 TIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFI-
15 CER.—Section 108 of the Legislative Branch Appropria-
16 tions Act, 2001 (2 U.S.C. 1903) is amended by striking
17 subsections (d) through (g).

18 (b) REPEAL OF REQUIREMENT THAT OFFICERS
19 PURCHASE OWN UNIFORMS.—Section 1825 of the Re-
20 vised Statutes of the United States (2 U.S.C. 1943) is
21 repealed.

22 (c) REPEAL OF REFERENCES TO OFFICERS AND PRI-
23 VATES IN AUTHORITIES RELATING TO HOUSE AND SEN-
24 ATE OFFICE BUILDINGS.—

1 (1) HOUSE OFFICE BUILDINGS.—The item re-
2 lating to "House of Representatives Office Building"
3 in the Act entitled "An Act making appropriations
4 for sundry civil expenses of the Government for the
5 fiscal year ending June thirtieth, nineteen hundred
6 and eight, and for other purposes", approved March
7 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended
8 by striking "other than officers and privates of the
9 Capitol police" each place it appears and inserting
10 "other than the United States Capitol Police".
11 (2) SENATE OFFICE BUILDINGS.—The item re-
12 lating to "Senate Office Building" in the Legislative
13 Branch Appropriation Act, 1943 (56 Stat. 343; 2
14 U.S.C. 2023) is amended by striking "other than for
15 officers and privates of the Capitol Police" each
16 place it appears and inserting "other than for the
17 United States Capitol Police".
18 (d) CLARIFICATION OF APPLICABILITY OF U.S. CAP-
19 ITOL POLICE AND LIBRARY OF CONGRESS POLICE MERG-
20 ER IMPLEMENTATION ACT OF 2007.—
21 (1) REPEAL OF DUPLICATE PROVISIONS.—Ef-
22 fective as if included in the enactment of the Legis-
23 lative Branch Appropriations Act, 2008 (Public Law
24 110–161), section 1004 of such Act is repealed, and
25 any provision of law amended or repealed by such

1 section is restored or revived to read as if such sec-
2 tion had not been enacted into law.
3 (2) NO EFFECT ON OTHER ACT.—Nothing in
4 paragraph (1) may be construed to prevent the en-
5 actment or implementation of any provision of the
6 U.S. Capitol Police and Library of Congress Police
7 Merger Implementation Act of 2007 (Public Law
8 110–178), including any provision of such Act that
9 amends or repeals a provision of law which is re-
10 stored or revived pursuant to paragraph (1).
11 (e) AUTHORITY OF CHIEF OF POLICE.—
12 (1) REPEAL OF CERTAIN PROVISIONS CODIFIED
13 IN TITLE 2, UNITED STATES CODE.—The provisions
14 appearing in the first paragraph under the heading
15 "Capitol Police" in the Act of April 28, 1902 (ch.
16 594; 32 Stat. 124), and the provisions appearing in
17 the first paragraph under the heading "Capitol Po-
18 lice" in title I of the Legislative and Judiciary Ap-
19 propriation Act, 1944 (ch. 173; 57 Stat. 230), inso-
20 far as all of those provisions are related to the sen-
21 tence "The captain and lieutenants shall be selected
22 jointly by the Sergeant at Arms of the Senate and
23 the Sergeant at Arms of the House of Representa-
24 tives; and one-half of the privates shall be selected
25 by the Sergeant at Arms of the Senate and one-half

1 by the Sergeant at Arms of the House of Represent-
2 atives.", which appears in 2 U.S.C. 1901 (2000 Edi-
3 tion, Supp. V), are repealed.

4 (2) RESTORATION OF REPEALED PROVISION.—
5 Section 1018(h)(1) of the Legislative Branch Appro-
6 priations Act, 2003 (Public Law 108–7, div. H, title
7 I, 117 Stat. 368) is repealed, and the sentence "The
8 Capitol Police shall be headed by a Chief who shall
9 be appointed by the Capitol Police Board and shall
10 serve at the pleasure of the Board.", which was re-
11 pealed by such section, is restored to appear at the
12 end of section 1821 of the Revised Statutes of the
13 United States (2 U.S.C. 1901).

14 (3) CONFORMING AMENDMENT.—The first sen-
15 tence of section 1821 of the Revised Statutes of the
16 United States (2 U.S.C. 1901) is amended by strik-
17 ing ", the members of which shall be appointed by
18 the Sergeants-at-Arms of the two Houses and the
19 Architect of the Capitol Extension".

20 (4) EFFECTIVE DATE.—The amendments made
21 by this subsection shall take effect as if included in
22 the enactment of the Legislative Branch Appropria-
23 tions Act, 2003.

○

The CHAIRMAN. Is there any debate? Are there any amendments?

If not, I move to report H.R. 1299 favorably to the House. The question is on the motion.

All those in favor say "aye."

Any opposed?

In the opinion of the Chair the "ayes" have it. And the bill will be reported to the House. Without objection, the motion to reconsider is laid upon the table.

The next item the committee will take up is H.R. 1679, the House Reservist Pay Adjustment Act of 2009. This bill will replace lost income from military reservists working for the House of Representatives when they are active for more than 30 days.

I introduced this important bill after discussion with several House employees who also serve as members of the armed service. When they are called up, these men and women must leave homes, families and jobs, often for an undetermined, unpredictable amount of time.

We know that many leading companies have helped reservists and their families by continuing to pay the difference between their usual salary and their Active Duty pay. This bill would do the same for the House employees. It requires the CAO to provide that supplement for House employees, if and when they are activated involuntarily.

I am pleased that Ms. Davis and the Republican members of the committee have joined me in sponsoring this legislation. And I now would like to recognize, again, our Ranking Member, Mr. Lungren, for any statement.

Mr. LUNGREN. Thank you very much, Mr. Chairman. I congratulate you for bringing this forward. This is a concept that we have suggested as an example of what should be done in the private sector, if they can afford to do so. And that is, you have men and women who are called up to Active Duty for more than 30 days. They have a drastic reduction in pay relative to what they are earning in many cases. It puts a tremendous burden on them and their families. And it just seems that we who encourage this in a private sector, where they can afford it, ought to be leaders and do it ourselves.

I thank the gentleman for introducing it and I am happy to join him in sponsoring it and hope that we can have expeditious consideration by the full House.

The CHAIRMAN. Thank you, I thank the gentleman.

I now call up and lay before the committee H.R. 1679. Without objection, the first reading of the bill is dispensed with and the bill is considered as read and open for amendment at any point.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 1679

To provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2009

Mr. BRADY of Pennsylvania (for himself, Mr. DANIEL E. LUNGREN of California, Mrs. DAVIS of California, Mr. HARPER, and Mr. MCCARTHY of California) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

A BILL

To provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "House Reservists Pay Adjustment Act of 2009".

1 **SEC. 2. REPLACEMENT OF LOST INCOME FOR HOUSE EM-**
2 **PLOYEES ON ACTIVE DUTY UNDER INVOLUN-**
3 **TARY MOBILIZATION ORDER.**

4 (a) PAYMENT.—

5 (1) IN GENERAL.—For each active duty month
6 of an eligible employee of the House of Representa-
7 tives who is also a member of a reserve component
8 of the armed forces, the Chief Administrative Officer
9 of the House of Representatives shall pay to the em-
10 ployee the amount by which—

11 (A) the amount of regular compensation
12 the employee would have received from the
13 House of Representatives if the month had not
14 been an active duty month, exceeds (if at all)

15 (B) the total monthly military compensa-
16 tion paid to the employee for the month by the
17 Secretary of Defense.

18 (2) ELIGIBILITY.—An employee of the House of
19 Representatives is eligible for purposes of paragraph
20 (1) with respect to an active duty month if the em-
21 ployee was an employee of the House of Representa-
22 tives during each day of the 90-day period which
23 ends on the day on which the employee reports for
24 active duty under an involuntary mobilization order.

25 (b) DETERMINATION OF COMPENSATION EMPLOYEE
26 WOULD HAVE RECEIVED.—

1 (1) IN GENERAL.—For purposes of subsection
2 (a)(1), the amount of regular compensation an em-
3 ployee would have received from the House of Rep-
4 resentatives for a month shall be equal to the
5 amount of compensation the employee received from
6 the House of Representatives for the base month
7 (excluding any bonus or incentive payment made
8 during the month), increased (in a compound man-
9 ner) by any cost-of-living adjustments applicable to
10 the compensation of employees of the Office of the
11 Chief Administrative Officer for months occurring
12 after the base month.
13 (2) BASE MONTH DEFINED.—For purposes of
14 paragraph (1), the term "base month" means, with
15 respect to an employee, the most recent month for
16 which the employee received compensation from the
17 House of Representatives which precedes the active
18 duty month.
19 (c) SPECIAL RULES REGARDING AMOUNT OF PAY-
20 MENT.—
21 (1) REDUCTION FOR AMOUNTS PAID FROM
22 OTHER SOURCES AS REPLACEMENT OF LOST IN-
23 COME.—The Chief Administrative Officer shall re-
24 duce the amount of any payment made to any indi-
25 vidual under subsection (a) with respect to an active

1 duty month by the amount of any payment received
2 by the individual under section 910 of title 37,
3 United States Code, or any other source that is pro-
4 vided to replace income lost by the individual during
5 the month.

6 (2) MINIMUM AMOUNT REQUIRED FOR PAY-
7 MENT.—The Chief Administrative Officer shall not
8 make a payment otherwise required under this sec-
9 tion if the amount of the payment (as determined
10 under subsection (a), taking into account the reduc-
11 tion made under paragraph (1)) is not greater than
12 $50.

13 (d) DEFINITIONS.—In this section—

14 (1) the term "active duty month" means, with
15 respect to an employee of the House of Representa-
16 tives who is also a member of a reserve component
17 of the armed forces, any month during which the
18 employee is not able to perform duties for the office
19 of the employee's employing authority because the
20 employee is on active duty under an involuntary mo-
21 bilization order for a period of more than 30 days;

22 (2) the terms "armed forces", "active duty for
23 a period of more than 30 days", and "reserve com-
24 ponent" have the meaning given such terms in sec-
25 tion 101 of title 37, United States Code; and

1 (3) the term "total monthly military compensa-
2 tion" has the meaning given such term in section
3 910(e)(2) of title 37, United States Code.
4 (e) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated from the applicable ac-
6 counts of the House of Representatives such sums as may
7 be necessary for payments under this section.
8 (f) EFFECTIVE DATE.—This section shall apply with
9 respect to active duty months beginning on or after the
10 date of the enactment of this Act.

11 **SEC. 3. ENSURING CONSISTENCY WITH CODE OF OFFICIAL**
12 **CONDUCT.**

13 Clause 8 of rule XXIII of the Rules of the House
14 of Representatives is amended by adding at the end the
15 following new paragraph:
16 "(d) Nothing in this clause may be construed to pro-
17 hibit the disbursement or receipt of any payment author-
18 ized under section 2 of the House Reservists Pay Adjust-
19 ment Act of 2009.".

20 **SEC. 4. CLARIFICATION OF ELIGIBILITY OF SURVIVORS**
21 **FOR HOUSE GRATUITY.**

22 The last undesignated paragraph under the center
23 heading "House of Representatives" and the center sub-
24 heading "Contingent Expenses of the House" in the first
25 section of the Legislative Branch Appropriation Act, 1955

1 (2 U.S.C. 125), is amended by adding at the end the fol-
2 lowing: "Nothing in this paragraph may be construed to
3 prohibit the Chief Administrative Officer from paying a
4 gratuity to the widow, widower, or heirs-at-law of an em-
5 ployee of the House who dies during an active duty month
6 (as defined in section 2(d) of the House Reservists Pay
7 Adjustment Act of 2009).".

○

The CHAIRMAN. Is there any debate? Are there any amendments?

If not, I now move to report H.R. 1679 favorably to the House. The question is on the motion.

All those in favor signify by saying "aye."

Any opposed?

In the opinion of the Chair the "ayes" have it. And the bill will be reported to the House, without objection. The motion is reconsidered and laid upon the table.

The next item on the agenda is H.R. 151, the Daniel Webster Congressional Clerkship Act of 2009. This bill was introduced by Vice Chair Lofgren and sponsored by Ranking Member Lungren.

H.R. 151 establishes the Daniel Webster Congressional Clerkship Program. Similar programs can be found at the White House and the United States courts.

I would now like to recognize the bill's sponsor, Ms. Lofgren, for a statement on the bill.

Ms. LOFGREN. Mr. Chairman, I will be brief since I am required to go to the Speaker's Office in 2 minutes.

Mr. LUNGREN. Is that like going to the principal's office?

Ms. LOFGREN. It kind of is.

The CHAIRMAN. The woodshed. They can appreciate that.

Ms. LOFGREN. This bill was approved by the House last year. It is an important measure that Mr. Lungren and I have worked on very satisfactorily. Really, the brain child of the Stanford Law dean, actually. I want to give him credit. And it would really elevate the legislative branch in the same way the executive and judicial branch have the top lawyers in the United States in these clerkships. We think it will strengthen the legislative branch, and I really hope that we can move this through the Senate this year, promptly through the House and then through the Senate, so that we can accomplish this.

CRS is not included in this at the current time. I think we can agree we can look at that down the road, and so we will make that public commitment to review it later. But I think at this point, I don't want to speak for Mr. Lungren, I think we are both pretty satisfied with the way this bill is. And I thank the gentleman.

The CHAIRMAN. I thank the lady. Mr. Lungren.

Mr. LUNGREN. Mr. Chairman, this bill is important for one very important reason. Now, in law school, if you are one of the more talented law students, one of the goals is to get a clerkship either with a court or with an executive branch. More for the courts than the executive branch. What that does is some of these outstanding students then go on to be outstanding members of the bar, but oftentimes become judges themselves. And if they have been trained their whole time that the end-all and be-all of the government is the judicial branch, and that they have the only determination of what is constitutional or not, they don't have a full appreciation for the coequal status of the legislative branch.

And the interesting thing is this was brought to our attention by the dean of Stanford Law school, who you would think would like the way things are now. He noted that he sees this with his students and those who graduate. So this is a small effort to try and inculcate in students in law school that the legislative branch under the Constitution is a coequal branch with the others, and

that here we have as much an obligation to uphold the Constitution in the manner that we carry out our responsibilities as does the judicial branch.

It is a minimal amount of money when you really compare it to the overall cost of government. And it is our hope to begin an appreciation for the legislative branch in the ranks of law schools around the country. And I thank the Chairman.

The CHAIRMAN. I thank the gentleman.

I now call up and lay before the committee H.R. 151. Without objection, the first reading of the bill is dispensed with and the bill is considered as read and open for an amendment at any time.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 151

To establish the Daniel Webster Congressional Clerkship Program.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Ms. ZOE LOFGREN of California (for herself and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on House Administration

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A BILL

To establish the Daniel Webster Congressional Clerkship Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Daniel Webster Congressional Clerkship Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Each year, many of the most talented law school graduates in the country begin their legal careers as judicial law clerks.

1 (2) The judicial clerkship program has given
2 the judiciary access to a pool of exceptional young
3 lawyers at a relatively low cost.
4 (3) These same lawyers then go on to become
5 leaders of their profession, where they serve a crit-
6 ical role in helping to educate the public about the
7 judiciary and the judicial process.
8 (4) The White House, the administrative agen-
9 cies of the Executive Branch, the Administrative Of-
10 fice of the United States Courts, the Federal Judi-
11 cial Center, and the United States Sentencing Com-
12 mission, all operate analogous programs for talented
13 young professionals at the outset of their careers.
14 (5) The Congress is without a similar program.
15 (6) At a time when our Nation faces consider-
16 able challenges, the Congress and the public would
17 benefit immeasurably from a program, modeled after
18 the judicial clerkship program, that engages the
19 brightest young lawyers in the Nation in the legisla-
20 tive process.
21 (7) Accordingly, the Congress herein creates the
22 Daniel Webster Congressional Clerkship Program,
23 named after one of the most admired and distin-
24 guished lawyer-legislators ever to serve in the Con-

1 gress, to improve the business of the Congress and
2 increase the understanding of its work by the public.

3 **SEC. 3. DANIEL WEBSTER CONGRESSIONAL CLERKSHIP**
4 **PROGRAM.**

5 (a) SELECTION COMMITTEES.—As used in this Act,
6 the term "Selection Committees" means—
7 (1) the Committee on Rules and Administration
8 of the Senate; and
9 (2) the Committee on House Administration of
10 the House of Representatives.
11 (b) ESTABLISHMENT OF PROGRAM.—There is hereby
12 established the Daniel Webster Congressional Clerkship
13 Program for the appointment of individuals who are grad-
14 uates of accredited law schools to serve as Congressional
15 Clerks in the Senate or House of Representatives.
16 (c) SELECTION OF CLERKS.—Subject to the avail-
17 ability of appropriations, the Selection Committees shall
18 select Congressional Clerks in the following manner:
19 (1) The Committee on Rules and Administra-
20 tion of the Senate shall select not less than 6 Con-
21 gressional Clerks each year to serve as employees of
22 the Senate for a 1-year period.
23 (2) The Committee on House Administration of
24 the House of Representatives shall select not less
25 than 6 Congressional Clerks each year to serve as

1 employees of the House of Representatives for a 1-
2 year period.
3 (d) SELECTION CRITERIA.—In carrying out sub-
4 section (c), the Selection Committees shall select Congres-
5 sional Clerks consistent with the following criteria:
6 (1) Each Congressional Clerk selected shall be
7 a graduate of an accredited law school as of the
8 starting date of his or her clerkship.
9 (2) Each Congressional Clerk selected shall pos-
10 sess—
11 (A) an excellent academic record;
12 (B) a strong record of achievement in ex-
13 tracurricular activities;
14 (C) a demonstrated commitment to public
15 service; and
16 (D) outstanding analytic, writing, and oral
17 communication skills.
18 (e) PROCESS.—After a Congressional Clerk is se-
19 lected under this section, such Congressional Clerk shall
20 then interview for a position in an office as follows:
21 (1) For a Congressional Clerk selected under
22 subsection (c)(1), the Congressional Clerk shall
23 interview for a position with any office of any Com-
24 mittee of the Senate, including any Joint Committee

1 or Select and Special Committee, or any office of
2 any individual member of the Senate.
3 (2) For a Congressional Clerk selected under
4 subsection (c)(2), the Congressional Clerk shall
5 interview for a position with any office of any Com-
6 mittee of the House of Representatives, including
7 any Joint Committee or Select and Special Com-
8 mittee, or any office of any individual Member of the
9 House of Representatives.
10 (f) PLACEMENT REQUIREMENTS.—The Selection
11 Committees shall ensure that Congressional Clerks se-
12 lected under this section are apportioned equally between
13 majority party and minority party offices.
14 (g) COMPENSATION OF CONGRESSIONAL CLERKS.—
15 Each Congressional Clerk selected under this section shall
16 receive the same compensation as would, and comparable
17 benefits to, an individual who holds the position of a judi-
18 cial clerkship for the United States District Court for the
19 District of Columbia within 3 months of graduating from
20 law school.
21 (h) REQUIRED ADHERENCE TO RULES.—Each Con-
22 gressional Clerk selected under this section shall be sub-
23 ject to all laws, regulations, and rules in the same manner
24 and to the same extent as any other employee of the Sen-
25 ate or House of Representatives.

1 (i) EXCLUSION FROM LIMIT ON NUMBER OF POSI-
2 TIONS.—A Congressional Clerk shall be excluded in deter-
3 mining the number of employees of the office that employs
4 the Clerk for purposes of—
5 (1) in the case of the office of a Member of the
6 House of Representatives, section 104 of the House
7 of Representatives Administrative Reform Technical
8 Corrections Act (2 U.S.C. 92); or
9 (2) in the case of any other office, any applica-
10 ble provision of law or any rule or regulation which
11 imposes a limit on the number of employees of the
12 office.
13 (j) RULES.—The Selection Committees shall develop
14 and promulgate rules regarding the administration of the
15 Congressional Clerkship program established under this
16 section.
17 (k) MEMBER DEFINED.—In this section, the term
18 "Member of the House of Representatives" includes a Del-
19 egate or Resident Commissioner to the Congress.
20 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**
21 There are authorized to be appropriated for fiscal
22 year 2010 and each succeeding fiscal year from the appli-
23 cable accounts of the House of Representatives and the

1 contingent fund of the Senate such sums as necessary to
2 carry out the provisions of this Act.

○

Any amendments?

If not, I move to report H.R. 151 favorably to the House. The question is on the motion.

All those in favor signify by saying "aye."

Any opposed?

The "ayes" have it. And the bill will be reported to the House, without objection. The motion to reconsider is laid upon the table.

Our next item for the committee is an important bill H.R. 586, Civil Rights History Project Act of 2009, introduced by Mrs. McCarthy of New York and Mr. Lewis of Georgia.

The civil rights history project is an important step toward recording the history of an important era. Gathering firsthand accounts from those citizens who fearlessly fought for equal rights will lend a unique perspective to what we have already known about the civil rights movement.

Building on the success of the veterans history project, the civil rights history project will aim to highlight the efforts of those activists who otherwise go unacknowledged. While Martin Luther King, Jr. and Rosa Parks and our own colleague, John Lewis, and some of the most well-known figures in the civil rights movement and countless others were equally instrumental in securing fair and equal treatment for African Americans. This project will tell that story.

I would like to recognize Mr. Lungren for any remarks.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 586

To direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2009

Mrs. MCCARTHY of New York (for herself and Mr. LEWIS of Georgia) introduced the following bill; which was referred to the Committee on House Administration

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A BILL

To direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Civil Rights History
3 Project Act of 2009".

4 **SEC. 2. FINDINGS; PURPOSE.**

5 (a) FINDINGS.—Congress finds as follows:

6 (1) A fundamental principle of American de-
7 mocracy is that individuals should stand up for their
8 rights and beliefs and fight for justice.

9 (2) The actions of those who participated in the
10 Civil Rights movement from the 1950s through the
11 1960s are a shining example of this principle in ac-
12 tion, demonstrated in events as varied as the Mont-
13 gomery Bus Boycott, the sit-ins, the Freedom Rides,
14 the March on Washington, the drive for voting
15 rights in Mississippi, and the March to Selma.

16 (3) While the Civil Rights movement had many
17 visible leaders, including Thurgood Marshall, Dr.
18 Martin Luther King, Jr., and Rosa Parks, there
19 were many others whose impact and experience were
20 just as important to the cause but who are not as
21 well known.

22 (4) The participants in the Civil Rights move-
23 ment possess an invaluable resource in their first-
24 hand memories of the movement, and the recording
25 of the retelling of their stories and memories will

1 provide a rich, detailed history of our Nation during
2 an important and tumultuous period.
3 (5) It is in the Nation's interest to undertake
4 a project to collect oral histories of individuals from
5 the Civil Rights movement so future generations will
6 be able to learn of their struggle and sacrifice
7 through primary-source, eyewitness material. A co-
8 ordinated Federal project would also focus attention
9 on the efforts undertaken by various public and pri-
10 vate entities to collect and interpret articles in all
11 formats relating to the Civil Rights movement, and
12 serve as a model for future projects undertaken in
13 museums, libraries, and universities throughout the
14 Nation.
15 (6) The Library of Congress and the Smithso-
16 nian Institution are appropriate repositories to col-
17 lect, preserve, and make available to the public a col-
18 lection of these oral histories. The Library and
19 Smithsonian have expertise in the management of
20 documentation projects, and experience in the devel-
21 opment of cultural and educational programs for the
22 public.
23 (b) PURPOSE.—It is the purpose of this Act to create
24 a new federally sponsored, authorized, and funded project
25 that will coordinate at a national level the collection of

1 video and audio recordings of personal histories and
2 testimonials of individuals who participated in the Amer-
3 ican Civil Rights movement that will build upon and com-
4 plement previous and ongoing documentary work on this
5 subject, and to assist and encourage local efforts to pre-
6 serve the memories of such individuals so that Americans
7 of all current and future generations may hear from them
8 directly and better appreciate the sacrifices they made.

9 **SEC. 3. ESTABLISHMENT OF JOINT PROJECT AT LIBRARY**
10 **OF CONGRESS AND NATIONAL MUSEUM OF**
11 **AFRICAN AMERICAN HISTORY AND CULTURE**
12 **TO COLLECT VIDEO AND AUDIO RECORDINGS**
13 **OF HISTORIES OF PARTICIPANTS IN AMER-**
14 **ICAN CIVIL RIGHTS MOVEMENT.**

15 (a) ESTABLISHMENT OF PROJECT.—

16 (1) IN GENERAL.—Within the limits of avail-
17 able funds, the Librarian of Congress (hereafter re-
18 ferred to as the "Librarian") and the Secretary of
19 the Smithsonian Institution (hereafter referred to as
20 the "Secretary)", acting jointly, shall establish an
21 oral history project—

22 (A) to survey, during the initial phase of
23 the project, collections of audio and video re-
24 cordings of the reminiscences of participants in
25 the Civil Rights movement that are housed in

1 archives, libraries, museums, and other edu-
2 cational institutions, as well as ongoing docu-
3 mentary work, in order to augment and com-
4 plement these endeavors and avoid duplication
5 of effort;
6 (B) to solicit, reproduce, and collect—
7 (i) video and audio recordings of per-
8 sonal histories and testimonials of individ-
9 uals who participated in the Civil Rights
10 movement, and
11 (ii) visual and written materials (such
12 as letters, diaries, photographs, and
13 ephemera) relevant to the personal his-
14 tories of individuals;
15 (C) to create a collection of the recordings
16 and other materials obtained, and to catalog
17 and index the collection in a manner the Li-
18 brarian and the Secretary consider appropriate;
19 and
20 (D) to make the collection available for
21 public use through the Library of Congress and
22 the National Museum of African American His-
23 tory and Culture, as well as through such other
24 methods as the Librarian and the Secretary
25 consider appropriate.

1 (2) ROLE OF DIRECTOR OF MUSEUM.—The
2 Secretary shall carry out the Secretary's duties
3 under this Act through the Director of the National
4 Museum of African American History and Culture.
5 (b) USE OF AND CONSULTATION WITH OTHER ENTI-
6 TIES.—The Librarian and the Secretary may carry out the
7 activities described in subsection (a)(1) through agree-
8 ments and partnerships entered into with other govern-
9 ment and private entities, and may otherwise consult with
10 interested persons (within the limits of available re-
11 sources) and develop appropriate guidelines and arrange-
12 ments for soliciting, acquiring, and making available re-
13 cordings under the project under this Act.
14 (c) SERVICES OF EXPERTS AND CONSULTANTS; AC-
15 CEPTANCE OF VOLUNTEER SERVICES; ADVANCE PAY-
16 MENTS.—In carrying out activities described in subsection
17 (a)(1), the Librarian and the Secretary may—
18 (1) procure temporary and intermittent services
19 under section 3109 of title 5, United States Code;
20 (2) accept and utilize the services of volunteers
21 and other uncompensated personnel and reimburse
22 them for travel expenses, including per diem, as au-
23 thorized under section 5703 of title 5, United States
24 Code; and

1 (3) make advances of money and payments in
2 advance in accordance with section 3324 of title 31,
3 United States Code.
4 (d) TIMING.—As soon as practicable after the enact-
5 ment of this Act, the Librarian and the Secretary shall
6 begin collecting video and audio recordings and other ma-
7 terials under subsection (a)(1), and shall attempt to collect
8 the first such recordings from the oldest individuals in-
9 volved.
10 (e) DEFINITION.—In this Act, the term "Civil Rights
11 movement" means the movement to secure racial equality
12 in the United States for African Americans that, focusing
13 on the period 1954 through 1968, challenged the practice
14 of racial segregation in the Nation and achieved equal
15 rights legislation for all American citizens.

16 **SEC. 4. PRIVATE SUPPORT FOR CIVIL RIGHTS HISTORY**
17 **PROJECT.**

18 (a) ENCOURAGING SOLICITATION AND ACCEPTANCE
19 OF DONATIONS.—The Librarian of Congress and the Sec-
20 retary are encouraged to solicit and accept donations of
21 funds and in-kind contributions to support activities under
22 section 3.
23 (b) DEDICATION OF FUNDS PROVIDED TO LIBRARY
24 OF CONGRESS.—Notwithstanding any other provision of
25 law—

1 (1) any funds donated to the Librarian of Con-
2 gress to support the activities of the Librarian under
3 section 3 shall be deposited entirely into an account
4 established for such purpose;
5 (2) the funds contained in such account shall be
6 used solely to support such activities; and
7 (3) the Librarian of Congress may not deposit
8 into such account any funds donated to the Librar-
9 ian which are not donated for the exclusive purpose
10 of supporting such activities.

11 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out
13 this Act—
14 (1) $500,000 for fiscal year 2010; and
15 (2) such sums as may be necessary for each of
16 the fiscal years 2011 through 2014.

○

Mr. LUNGREN. Thank you, Mr. Chairman. I support this bill, having had the opportunity, along with Mr. Davis and others, to take the pilgrimage of civil rights down to Alabama just 2 weeks ago and having had the opportunity to listen to some of the still-living legends of the civil rights movement. And understanding as you talk with them that they are only going to be with us a few more years, because of their age, it is important to have this project done as soon as possible.

And I strongly support it and I thank the gentleman for the time.

The CHAIRMAN. Thank you. Are there any amendments? Any other comments?

If not, I will move to report H.R. 586 favorably to the House.

The question is on the motion. All in favor signify by saying "aye."

Any opposed, "no."

The "ayes" have it and the bill will be reported to the House. Without objection, the motion to reconsider is on the table.

Next we take up consideration of H.R. 749, a bill to amend the Federal Elections Campaign Act to permit a candidate for Federal office to designate someone to distribute the funds of that candidate's campaign in the event of the candidate's death.

H.R. 749 will help to assure candidates for Federal office that the funds raised by their campaigns will be dispersed in accordance with their expressed wishes after they are deceased. The bill will not otherwise amend the terms and conditions of the disbursement of the funds under the act.

Last Congress this committee reported this bill favorably and it passed the House. As introduced in the 111th Congress, H.R. 749 includes the amendments that were adopted by the committee during the last Congress.

I would now like to recognize our Ranking Member Mr. Lungren.

Mr. LUNGREN. I thank the Chairman for bringing this forward. As you know, our colleague from North Carolina, Walter Jones, has spoken to both of us on this. Out of a personal experience with the death of his father, a former Member, when learning that the disbursement of the funds that existed at the time of his death would be at the direction of the campaign treasurer, he saw that this would not have been in accordance with the wishes of his late father.

And so all this does is give a Member an opportunity to think ahead of time that, in the event of death and there are funds available, that a person he would designate, most likely a member of his family, a spouse or a surviving member of the family, would designate those funds presumably to the charitable institutions that he would have an interest in, which may not be in accordance with the wishes of the treasurer, because oftentimes we know we hire treasurers, we have them concentrating on the campaign. Very simple, very straightforward.

I thank the Chairman for bringing this up so expeditiously.

The CHAIRMAN. Thank you. Any other comments?

I now would like to call up and lay before the committee H.R. 749. Without objection, the first reading of the bill is dispensed with and the bill is considered as read and open for amendment at any point.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 749

To amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

Mr. JONES (for himself and Mr. EHLERS) introduced the following bill; which was referred to the Committee on House Administration

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A BILL

To amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DESIGNATION OF INDIVIDUAL AUTHORIZED TO**
2 **MAKE CAMPAIGN COMMITTEE DISBURSE-**
3 **MENTS IN EVENT OF DEATH OF CANDIDATE.**

4 (a) IN GENERAL.—Section 302 of the Federal Elec-
5 tion Campaign Act of 1971 (2 U.S.C. 432) is amended
6 by adding at the end the following new subsection:

7 "(j)(1) Each candidate may, with respect to each au-
8 thorized committee of the candidate, designate an indi-
9 vidual who shall be responsible for disbursing funds in the
10 accounts of the committee in the event of the death of
11 the candidate, and may also designate another individual
12 to carry out the responsibilities of the designated indi-
13 vidual under this subsection in the event of the death or
14 incapacity of the designated individual or the unwilling-
15 ness of the designated individual to carry out the respon-
16 sibilities.

17 "(2) In order to designate an individual under this
18 subsection, the candidate shall file with the Commission
19 a signed written statement (in a standardized form devel-
20 oped by the Commission) that contains the name and ad-
21 dress of the individual and the name of the authorized
22 committee for which the designation shall apply, and that
23 may contain the candidate's instructions regarding the
24 disbursement of the funds involved by the individual. At
25 any time after filing the statement, the candidate may re-
26 voke the designation of an individual by filing with the

1 Commission a signed written statement of revocation (in
2 a standardized form developed by the Commission).
3 "(3) Upon the death of a candidate who has des-
4 ignated an individual for purposes of paragraph (1), funds
5 in the accounts of each authorized committee of the can-
6 didate may be disbursed only under the direction and in
7 accordance with the instructions of such individual, sub-
8 ject to the terms and conditions applicable to the disburse-
9 ment of such funds under this Act or any other applicable
10 Federal or State law (other than any provision of State
11 law which authorizes any person other than such indi-
12 vidual to direct the disbursement of such funds).
13 "(4) Nothing in paragraph (3) may be construed to
14 grant any authority to an individual who is designated
15 pursuant to this subsection other than the authority to
16 direct the disbursement of funds as provided in such para-
17 graph, or may be construed to affect the responsibility of
18 the treasurer of an authorized committee for which funds
19 are disbursed in accordance with such paragraph to file
20 reports of the disbursements of such funds under section
21 304(a).".
22 (b) INCLUSION OF DESIGNATION IN STATEMENT OF
23 ORGANIZATION OF COMMITTEE.—Section 303(b) of the
24 Federal Election Campaign Act of 1971 (2 U.S.C. 433(b))
25 is amended—

1 (1) in paragraph (5), by striking "and" at the
2 end;
3 (2) in paragraph (6), by striking the period at
4 the end and inserting "; and"; and
5 (3) by adding at the end the following new
6 paragraph:
7 "(7) in the case of an authorized committee of
8 a candidate who has designated an individual under
9 section 302(j) (including a second individual des-
10 ignated to carry out the responsibilities of that indi-
11 vidual under such section in the event of that indi-
12 vidual's death or incapacity or unwillingness to carry
13 out the responsibilities) to disburse funds from the
14 accounts of the committee in the event of the death
15 of the candidate, a copy of the statement filed by the
16 candidate with the Commission under such section
17 (as well as a copy of any subsequent statement of
18 revocation filed by the candidate with the Commis-
19 sion under such section).".

20 **SEC. 2. EFFECTIVE DATE.**

21 The amendments made by this Act shall apply with
22 respect to authorized campaign committees which are des-
23 ignated under section 302(e)(1) of the Federal Election

1 Campaign Act of 1971 before, on, or after the date of the
2 enactment of this Act.

○

The CHAIRMAN. Is there any debate?

I would like to quickly echo the comments of the Ranking Member. A lot of times, mainly for appearances, we do like to find an attorney, no disrespect, or an accountant, no disrespect, and we don't want to find a member of the family who knows about our wishes much, much better than anyone that we would have as our treasurer.

So all this bill does is, again, at the time of a death of a candidate or somebody who is a Member of Congress, that the campaign funds that they have would be able to go to the designee, a member of the family who best knows their wishes than anybody else. So I do agree and hope that this bill passes.

I now move to report H.R. 749 favorably to the House. The question is on the motion.

All those in favor signify by saying "aye."

Any opposed, "no."

The "ayes" have it and the bill is reported to the House, without objection. The motion to reconsider is laid upon the table.

Finally, the committee will consider H.R. 415, the Fallen Heroes Flag Act of 2009, introduced by Mr. King of New York. The bill would authorize Members of Congress to give flags flown over the Capitol to the families of firefighters, police officers and other rescue workers whose lives are lost in the line of duty. The flags would be accompanied by a certificate signed by the Speaker and the Member, expressing the condolences of the House.

I would now like to recognize Ranking Member Lungren for any remarks.

Mr. LUNGREN. The Chairman adequately described this. I support it and I thank Mr. King for introducing it, and I thank the Chairman for expeditiously considering it.

The CHAIRMAN. Thank you. I now call up and lay before the committee H.R. 415. Without objection, the first reading of the bill is dispensed with and the bill is considered as read and open for amendments at any point.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 415

To provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Mr. KING of New York introduced the following bill; which was referred to the Committee on House Administration

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A BILL

To provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Heroes Flag Act of 2009".

1 **SEC. 2. PROVIDING CAPITOL-FLOWN FLAGS FOR FAMILIES**
2 **OF LAW ENFORCEMENT AND RESCUE WORK-**
3 **ERS KILLED IN THE LINE OF DUTY.**

4 (a) IN GENERAL.—At the request of the immediate
5 family of a fire fighter, law enforcement officer, emergency
6 technician, or other rescue worker who died in the line
7 of duty, the Representative of the family may provide the
8 family with a Capitol-flown flag, together with the certifi-
9 cate described in subsection (c).

10 (b) NO COST TO FAMILY.—A flag provided under
11 this section shall be provided at no cost to the family.

12 (c) CERTIFICATE.—The certificate described in this
13 subsection is a certificate which is signed by the Speaker
14 of the House of Representatives and the Representative
15 providing the flag, and which contains an expression of
16 sympathy from the House of Representatives for the fam-
17 ily involved, as prepared and developed by the Clerk of
18 the House of Representatives.

19 (d) DEFINITIONS.—In this section—

20 (1) the term "Capitol-flown flag" means a
21 United States flag flown over the United States
22 Capitol in honor of the deceased individual for whom
23 such flag is requested; and

24 (2) the term "Representative" includes a Dele-
25 gate or Resident Commissioner to the Congress.

1 **SEC. 3. REGULATIONS AND PROCEDURES.**

2 (a) IN GENERAL.—Not later than 30 days after the
3 date of the date of the enactment of this Act, the Clerk
4 shall issue regulations for carrying out this Act, including
5 regulations to establish procedures (including any appro-
6 priate forms, guidelines, and accompanying certificates)
7 for requesting a Capitol-flown flag.

8 (b) APPROVAL BY COMMITTEE ON HOUSE ADMINIS-
9 TRATION.—The regulations issued by the Clerk under sub-
10 section (a) shall take effect upon approval by the Com-
11 mittee on House Administration of the House of Rep-
12 resentatives.

13 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated from the ap-
15 plicable accounts of the House of Representatives for fiscal
16 year 2009 and each succeeding fiscal year such sums as
17 may be necessary to carry out this Act.

18 **SEC. 5. EFFECTIVE DATE.**

19 This Act shall take effect on the date of its enact-
20 ment, except that no flags may be provided under section
21 2 until the Committee on House Administration of the
22 House of Representatives approves the regulations issued
23 by the Clerk of the House of Representatives under section
24 3.

○

Are there any amendments?

If not, I move to report H.R. 415 favorably to the House. The question is on the motion.

All in favor signify by saying "aye."

All opposed, "no."

The "ayes" have it and the bill will be reported to the House, without objection. The motion to reconsider is laid upon the table.

Without objection, staff is authorized to make technical and conforming changes to the various measures considered by the committee today.

I thank all of you for your participation, and I understand we have a vote in about 5 minutes and we will be able to make that. Thank you all and I now adjourn the committee.

[Whereupon, at 11:39 a.m., the committee was adjourned.]

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