

MARKUP OF MULTIPLE BILLS AND TWO COMMITTEE RESOLUTIONS

MEETING BEFORE THE COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES ONE HUNDRED TENTH CONGRESS SECOND SESSION

HELD IN WASHINGTON, DC, JULY 30, 2008

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**MARKUP OF H.R. 6339, H.R. 6474, H.R. 6475,
H.R. 6589, H.R. 998, H.R. 6625, H.R. 6608,
H.RES. 1207 AND COMMITTEE RESOLUTIONS
110-7 AND 110-8**

WEDNESDAY, JULY 30, 2008

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

The committee met, pursuant to call, at 11:28 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 California, Davis of Alabama, Ehlers, Lungren, and McCarthy.

Staff Present: Liz Birnbaum, Staff Director; Charles Howell, Chief Counsel; Jamie Fleet, Deputy Staff Director; Khalil Abboud, Professional Staff; Diana Rodriguez, Professional Staff; Kristie Muchnok, Professional Staff; Janelle Hu, Election Counsel; Jennifer Daehn, Election Counsel; Matt Pinkus, Professional Staff/Parliamentarian; Kyle Anderson, Press Director; Kristin McCowan, Chief Legislative Clerk; Daniel Favarulo, Legislative Assistant, Elections; Gregory Abbott, Policy Analyst; Fred Hay, Minority General Counsel; Gineen Beach, Minority Election Counsel; Ashley Stow, Minority Election Counsel; and Bryan T. Dorsey, Minority Professional Staff.

The CHAIRMAN. I would like to now call the meeting on the House Administration Committee to order.

We have many matters on the agenda today, as we are cleaning up before we take our August break. So we will try to get through them, hopefully.

We have votes coming about 12:00 12:30. Maybe we can get lucky and not have to come back. If not, we will have to come back and take a recess when the votes are called.

Okay, I would like to call the committee to order.

For the information of the members, for any bills we report in the House of today's meeting I will file a committee's report when we return in September; and there will be plenty of time during the recess to prepare any individual views members may wish to submit.

The first item on the agenda is H.R. 6339, the Federal Employees Deserve to Volunteer on the Elections Act of 2008, or FEDVOTE. Introduced by Vice Chair Representative Lofgren, this bill will provide leave for Federal employees to receive training to

serve as poll workers. It would also direct the EAC to make grants to States for poll workers' recruitment and training.

The bill was referred to the Committee on Oversight and Government Reform as the primary committee, with an additional referral to us to consider provisions relating to EAC.

Without objection, I would like to submit several letters in support of the bill for the record at this point.

Hearing no objection, I will submit them.

[The information follows:]

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July 28, 2008

The Honorable Zoe Lofgren
Chair, Subcommittee on Elections
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Re: Support for H.R. 6339, the Federal Employees Deserve to Volunteer on the
Elections Act (FEDVOTE) of 2008

Dear Representative Lofgren:

We write to offer our strong endorsement of H.R. 6339, the Federal Employees Deserve to Volunteer on the Election Act (FEDVOTE) of 2008. In the presidential primary season, we observed unprecedented turnout at the polls. This new citizen interest in voting is undoubtedly positive. However, it threatens to overwhelm insufficiently staffed polls. The smooth running of our elections relies on citizens who are willing to staff the polls, and problems in recent elections reveal the persistent challenge of recruiting an adequate number of poll workers to serve during elections.

It is estimated that nearly two million poll workers will be needed to handle the expected record turnout in November. FEDVOTE would allow federal employees to serve as poll workers and have that time off of work be considered administrative leave just as time off jury duty service is.

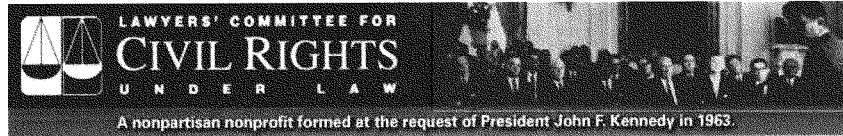
In addition, FEDVOTE would also provide states with grants that would enable them to enhance their poll worker recruitment efforts. By creating incentives for federal employees to serve as poll workers and providing much-needed support to state recruitment efforts, FEDVOTE would help to ensure that our polls are adequately staffed for the presidential election.

Thank you for your leadership and commitment to improving our election system.

Sincerely,



Lawrence Norden
Counsel



July 23, 2008

The Honorable Zoe Lofgren
 Chair-Subcommittee on Elections
 102 Cannon House Office Building
 Washington, DC 20515

Dear Rep. Lofgren:

As the legal leader of Election Protection, the nation's largest non-partisan voter protection coalition, I write to thank you for introducing critical legislation to address the severe shortage of poll workers looming over each election cycle. The bill provides states with a poll worker recruitment plan and the financial support necessary to ensure the program's success. It is a proactive step towards improving the system of election administration before this year's critical federal election.

In its role as the legal leader of the Election Protection coalition, the Lawyers' Committee recruits law firms, attorney volunteers, and law students to participate in Election Protection efforts. Law firms host command centers on Election Day, and attorneys and other trained volunteers answer calls from voters to the 1-866-OUR-VOTE hotline. The Lawyers' Committee coordinates election administration activities conducted by Election Protection Legal Committees (EPLC), the coalition of local volunteers working with us throughout the country. In addition to preparing for Election Day activities, The Lawyers' Committee works with local and state election officials and the various boards of election throughout the year to facilitate election reform.

Since working with our partners to found the coalition in 2001, the Lawyers' Committee has seen first hand the effects of a shortage of poll workers in counties and states across the country. A combination of long lines, frustrated voters, and overwhelmed poll workers erodes voter confidence in the quality of the electoral system. Elections officials are the first to ring the bell of concern where their states are facing an aging population of poll-workers and no overall strategy to replenish the numbers of citizens willing to serve on Election Day.

As detailed in our report "Election Protection 2008: Looking Ahead to November," we've seen these problems in several states, including, the Potomac Primaries, held on February 12, 2008. In Virginia, a polling place in Fairfax County had only one person checking voters in and one person handing out ballots. At one point, a poll worker even went outside and advised voters that they might want to come back later. In Maryland, multiple callers reported long lines due to disorganization at the

polling site, an inadequate number of voting machines, or insufficient preparation for check-in. Several callers reported long lines caused a large number of voters to leave without casting a ballot.

Congress should promote programs to encourage civil servants to serve as poll workers. These programs should develop a detailed training curriculum for workers who elect to participate and who can dedicate more time than most poll workers to preparing for Election Day service. Because of their superior training, employees who take advantage of the program should lead operations at the polling place.

The Lawyers' Committee strongly supports Rep. Lofgren's initiative to address the nation's shortage of poll workers by calling on civil servants to provide election administration assistance to a state or unit of local government at a polling place.

Rep. Lofgren's bill recognizes that civil servants who heed the call of state and county officials to serve voters on Election Day should be rewarded, not penalized, for their participation in the program.

The Lawyers' Committee for Civil Rights Under Law strongly encourages the passage of this bill. It is a proactive step in improving the administration of elections across the country.

Sincerely,

Barbara R. Arnwine
Executive Director
Lawyers' Committee for Civil Rights Under Law



July 29, 2008

The Honorable Zoe Lofgren
Chair, Subcommittee on Elections
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lofgren,

I am writing to offer the Pollworker Institute's strong support for H.R. 6339, the Federal Employees Deserve to Volunteer on the Election Act {FEDVOTE} of 2008.

The Pollworker Institute is a non-profit, non-partisan, education, research and technical assistance organization committed to securing positive election experiences for all voters and pollworkers. Our Board, staff and consultants work with pollworkers, election officials and other important stakeholders in dozens of election jurisdictions across the U.S. We have seen "the good, the bad and the ugly" in pollworker recruiting and training - from incredibly committed, enthusiastic and competent pollworkers and top notch training -- to critical pollworker shortages, Election Day "no-shows," poorly equipped pollworkers and poor pollworker performance. 6339 is primed to bring out the best in America's pollworker system.

One of the key challenges faced by U.S. election officials is recruiting sufficient numbers of qualified volunteers to staff large and small elections. Election officials seek pollworkers who are customer-service friendly, tech-savvy and, in some cases, bilingual, and willing to serve a long day amid complex procedures. Strategic partnerships with high schools, colleges, corporations and civic organizations can result in the recruitment of large numbers of fresh, new faces who can supplement the traditional pollworker workforce. HR 6339 provides an additional resource in the form of federal employees, a new pool of individuals whose dedication to public service can collectively alleviate shortages of skilled pollworkers.

The Pollworker Institute, www.ThePollworkerInstitute.org

HR 6339 will provide critically necessary financial and technical resources for improved pollworker recruiting and training programs nationwide. More effective recruiting and training methods hold the promise of better equipped and better prepared pollworkers. The EAC grants outlined in HR 6339 can result in an infusion of funds dedicated to bring new resources to pollworker recruiting, increased professionalism to pollworker training and improved analysis and implementation of pollworker management. We particularly applaud your endorsement of the EAC Successful Practices in Pollworker Recruitment, Training and Retention materials, which continues to provide election officials with successful models they can adapt to their needs and circumstances. Our only concern is that we believe that in many cases the funds may be best used if they can be funneled down to the local election officials in each state. We all know that "one size does not fit all", and that is so true within each state. The needs of the largest jurisdictions are different than the rural, very small ones. We would like to see the Bill address the local needs within each state and include some wording in the grant program details such that that local jurisdictions can apply to the state to receive funding. This would bring about innovative partnerships with academics, regional jurisdiction endeavors, etc.

Thank you for your leadership on this important initiative!

Respectfully Submitted,

Jennifer Collins-Foley, President
The Pollworker Institute
Ph: (540) 379-9974 / Email: collinsfoley@thepollworkerinstitute.org

The CHAIRMAN. I would now like to recognize Ms. Lofgren for an opening statement.

Ms. LOFGREN. Thank you, Mr. Chairman.

First, let me offer my apologies to the members of the committee. Both Mr. Lungren and I were in a markup in the Judiciary Committee that went longer than we thought. In fact, it is still going on. So that is what made us tardy, and I do apologize for that.

The bill as proposed would entitle the Federal employee to receive administrative leave for up to 6 days a year to serve as a poll worker for a State or local government on Election Day and to receive any mandatory training that is permitted.

The Office of Personnel Management in the bill is tasked with setting the regulations. As we know, poll workers are variously called judges, booth workers, precinct officials, board workers and, of course, poll workers; and the person in charge of the polling place on Election Day can be called a precinct captain, chief judge, supervisor or presiding judge, to name just a few.

Consistent with the EAC's manual on poll worker recruiting, training and retention, this legislation uses the term poll worker to refer to all workers in a polling place. It provides grants to States for recruiting and training poll workers using the EAC manual on successful practices for poll worker recruiting, training and retention.

The grants are not used to pay poll workers but to train and recruit them, and it requires grantees to report to the EAC and the EAC to report to the Congress on the grant program. It authorizes \$75 million for the grants, and it also exempts the EAC from the Paperwork Reduction Act which will make it easier for the agency to request information from the public by not requiring approval from the Office of Management and Budget first.

As we know, this has received support from a variety of sectors; and you have already added the letters of support into the record.

I would note that Federal employees are permitted to use administrative leave, for example, for jury duty. This would simply allow another reason to use administrative leave. It is not a new benefit. It is just a new way to use an existing benefit.

We know that we have a shortage in this country of poll workers. We have had hearings on this, and I think we all share in the desire to make sure that we have enough volunteers on Election Day so that we have a smooth election. This is one way to help, as the Federal employees we know are literate and responsible and would be potentially a good source of reliable poll workers.

And I will have an amendment that strikes the word "nonpartisan" to conform to Section 3. Because some States organize in a very different way than California does. We need to make sure that there is training in all cases and a report in all cases. So I will do that at the appropriate time. And I thank the chairman for recognizing me and yield back.

The CHAIRMAN. I thank the lady.

I would now like to recognize the ranking member, Mr. Ehlers, for an opening statement.

Mr. EHLERS. Thank you. And these are just opening statements on each bill separately, correct?

The CHAIRMAN. Yes.

Mr. EHLERS. Okay, thanks.

We have heard many times in this committee about the struggle to find young, technologically savvy poll workers; and I think it has been very clever on the part of local clerks to hire students who tend to be technological and more savvy than some of the older people who have worked here. That is certainly one way to handle it.

I am also intrigued by this proposal to have Federal workers, although this bill does seem to primarily address Virginia, D.C. And Maryland, where there are an abundance of Federal poll workers and does not help the backwaters of the United States, so to speak, where there are no Federal agencies.

I sort of like the idea, but I think there are a number of problems here that we haven't cleared up yet. One, for example, is these Federal workers will receive full pay, as I understand the bill, during their serving as poll workers. Are we then going to allow them also to receive the poll worker pay from the local unit or does that get reimbursed to the Federal Government? I haven't seen that clearly specified in here.

Ms. LOFGREN. Would the gentleman yield?

Mr. EHLERS. Yes.

Ms. LOFGREN. I am thinking really to model after a jury duty. I mean, in California, for example, there is a small stipend for a juror. We don't take it away from the employee. But it is like using your administrative leave in a different way, as if you were called to jury duty, because this civic duty is as important, really, in some ways as serving on a jury.

And I thank the gentleman for yielding.

Mr. EHLERS. Yes. In fact, I was drawing exactly the same parallel, but I live in a State with less money than California, and we are not allowed to double-dip there. The State employees who serve have to turn in their jury duty to the State or not receive salary for that time. And I think every State does it differently. In other words, I don't think it is appropriate for anyone to double-dip for doing this, because that provides a motivation you don't want.

Ms. LOFGREN. Mr. Ehlers, if I could ask you to yield again. Thank goodness for staff. The attorney who has been working on this has advised me that Federal employees cannot accept the pay for jury duty; and, therefore, as drafted, they would not be able to accept the pay for serving as poll workers, either.

Mr. EHLERS. So they would serve free of charge as far as the local jurisdiction is concerned.

Ms. LOFGREN. That would be correct.

Mr. EHLERS. Thank you.

The other concerns that I have involve the items in here regarding the Election Advisory Commission, in particular the Paperwork Reduction Act. And I am concerned about, as I understand the bill, it is essentially a permanent exemption from the Paperwork Reduction Act. I can certainly understand that we might want to do it for a year or two and help them get their feet on the ground. But I am very concerned about giving them permanent exemption from the Paperwork Reduction Act, and so I will be offering amendments on that.

Other than that, I think that covers the points; and I yield back.

The CHAIRMAN. I thank the gentleman.

I now call up and lay before the committee H.R. 6339.

Without objection, the first reading is dispensed with and the bill is considered as read and open for amendment at any point.

[The information follows:]

110TH CONGRESS
2D SESSION

H. R. 6339

To amend title 5, United States Code, to provide additional leave for Federal employees to serve as poll workers, and to direct the Election Assistance Commission to make grants to States for poll worker recruitment and training.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2008

Ms. ZOE LOFGREN of California (for herself, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. TOM DAVIS of Virginia, Ms. NORTON, and Mr. HOYER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, 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 amend title 5, United States Code, to provide additional leave for Federal employees to serve as poll workers, and to direct the Election Assistance Commission to make grants to States for poll worker recruitment and training.

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 “Federal Employees De-
3 serve to Volunteer on the Elections Act of 2008” or the
4 “FEDVOTE Act of 2008”.

5 **SEC. 2. LEAVE TO SERVE AS A POLL WORKER.**

6 (a) IN GENERAL.—Subchapter II of chapter 63 of
7 title 5, United States Code, is amended by adding at the
8 end the following:

9 **“§ 6329. Absence in connection with serving as a poll
10 worker**

11 “(a) IN GENERAL.—An employee in or under an Ex-
12 ecutive agency is entitled to leave, without loss of or reduc-
13 tion in pay, leave to which otherwise entitled, credit for
14 time or service, or performance or efficiency rating, not
15 to exceed 6 days in a leave year, in order—

16 “(1) to provide election administration assist-
17 ance to a State or unit of local government at a poll-
18 ing place on the date of any election for public of-
19 fice; or

20 “(2) to receive any training without which such
21 employee would be ineligible to provide such assist-
22 ance.

23 “(b) REGULATIONS.—The Director of the Office of
24 Personnel Management may prescribe regulations for the
25 administration of this section, including regulations set-
26 ting forth the terms and conditions of the election admin-

1 istration assistance an employee may provide for purposes
2 of subsection (a).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 63 of title 5, United States Code, is amended
5 by inserting after the item relating to section 6328 the
6 following:

“6329. Absence in connection with serving as a poll worker.”.

7 **SEC. 3. GRANTS TO STATES FOR POLL WORKER RECRUIT-**
8 **MENT AND TRAINING.**

9 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
10 SION.—

11 (1) IN GENERAL.—The Election Assistance
12 Commission (hereafter referred to as the “Commis-
13 sion”) shall make a grant to each eligible State for
14 recruiting and training individuals to serve as non-
15 partisan poll workers on dates of elections for public
16 office.

17 (2) USE OF COMMISSION MATERIALS.—In car-
18 rying out activities with a grant provided under this
19 section, the recipient of the grant shall use the man-
20 ual prepared by the Commission on successful prac-
21 tices for poll worker recruiting, training and reten-
22 tion as an interactive training tool, and shall develop
23 training programs with the participation and input
24 of experts in adult learning.

25 (b) REQUIREMENTS FOR ELIGIBILITY.—

1 (1) APPLICATION.—Each State that desires to
2 receive a payment under this section shall submit an
3 application for the payment to the Commission at
4 such time and in such manner and containing such
5 information as the Commission shall require.

6 (2) CONTENTS OF APPLICATION.—Each appli-
7 cation submitted under paragraph (1) shall—

8 (A) describe the activities for which assist-
9 ance under this section is sought;

10 (B) provide assurances that the funds pro-
11 vided under this section will be used to supple-
12 ment and not supplant other funds used to
13 carry out the activities;

14 (C) provide assurances that the State will
15 furnish the Commission with information on the
16 number of individuals who served as non-
17 partisan poll workers after recruitment and
18 training with the funds provided under this sec-
19 tion; and

20 (D) provide such additional information
21 and certifications as the Commission deter-
22 mines to be essential to ensure compliance with
23 the requirements of this section.

24 (e) AMOUNT OF GRANT.—

1 (1) IN GENERAL.—The amount of a grant
2 made to a State under this section shall be equal to
3 the product of—

4 (A) the aggregate amount made available
5 for grants to States under this section; and

6 (B) the voting age population percentage
7 for the State.

8 (2) VOTING AGE POPULATION PERCENTAGE DE-
9 FINED.—In paragraph (1), the “voting age popu-
10 lation percentage” for a State is the quotient of—

11 (A) the voting age population of the State
12 (as determined on the basis of the most recent
13 information available from the Bureau of the
14 Census); and

15 (B) the total voting age population of all
16 States (as determined on the basis of the most
17 recent information available from the Bureau of
18 the Census).

19 (d) REPORTS TO CONGRESS.—

20 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
21 later than 6 months after the date on which the
22 final grant is made under this section, each recipient
23 of a grant shall submit a report to the Commission
24 on the activities conducted with the funds provided
25 by the grant.

1 (2) REPORTS BY COMMISSION.—Not later than
2 1 year after the date on which the final grant is
3 made under this section, the Commission shall sub-
4 mit a report to Congress on the grants made under
5 this section and the activities carried out by recipi-
6 ents with the grants, and shall include in the report
7 such recommendations as the Commission considers
8 appropriate.

9 (e) STATE DEFINED.—In this Act, the term “State”
10 includes the District of Columbia, the Commonwealth of
11 Puerto Rico, Guam, American Samoa, and the United
12 States Virgin Islands.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be
15 appropriated to carry out this section \$75,000,000.
16 Any amount appropriated pursuant to the authority
17 of this subsection shall remain available without fis-
18 cal year limitation until expended.

19 (2) ADMINISTRATIVE EXPENSES.—Of the
20 amount appropriated for any fiscal year pursuant to
21 the authority of this subsection, not more than 3
22 percent shall be available for administrative expenses
23 of the Commission.

1 **SEC. 4. EXEMPTION OF ELECTION ASSISTANCE COMMIS-**
2 **SION FROM PAPERWORK REDUCTION ACT.**

3 Section 3502(1) of title 44, United States Code, is
4 amended—

5 (1) by striking “or” at the end of subparagraph
6 (C);

7 (2) by striking the semicolon at the end of sub-
8 paragraph (D) and inserting “; or”; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(E) the Election Assistance Commis-
12 sion;”.

○

The CHAIRMAN. I would now like to recognize the lady, Ms. Lofgren.

Ms. LOFGREN. Thank you Mr. Chairman.

As noted in my opening statement, I do have an amendment that might be distributed from the desk. Have members been provided with the amendment?

Mr. EHLERS. I haven't seen an amendment.

The CHAIRMAN. Do we have an amendment?

Ms. LOFGREN. Can we provide the amendment to Mr. Ehlers?

The CHAIRMAN. I believe that the amendment has been distributed.

Ms. LOFGREN. Okay. Make sure that Mr. Ehlers has it.

Mr. EHLERS. Okay.

Ms. LOFGREN. The amendment strikes the word "nonpartisan" before poll worker in Section 3. That would conform with the language in Section 2. The training should not be limited to nonpartisan poll workers because, in some States, they are partisan workers; and they all need to be trained.

Pursuant to State law, this would not impose a new mandate on States. It would recognize that States organize in different ways. States should not be required if they have partisan workers—California does not—to have two sets of trainings. We should allow them to do one set of training.

And then we should, for poll workers of a political affiliation, we want a report from them—on them as well as the nonpartisan. It is really—you know, I am so in favor of California's nonpartisan approach, and sometimes I forget that not every State does it in the same way. But we need to defer to those States that do it differently and allow them to do the training as they do in their States.

Mr. EHLERS. Would the gentlelady yield?

Ms. LOFGREN. Certainly.

Mr. EHLERS. We also don't have any partisan workers in the polls in Michigan. Can you give me an example where partisan workers are used?

Ms. LOFGREN. I believe in Philadelphia, in Pennsylvania and some other States. I don't have a full list, but I am aware—here. The list, Alabama—let's see.

Mr. DAVIS OF ALABAMA. Wherever the best example—

Ms. LOFGREN. If I can give you this rather than read it aloud, Mr. Ehlers, I think that would be more efficient.

Mr. EHLERS. My staff just told me that Maryland has it, too. So I will yield on that, and I have no problem with the amendment.

Ms. LOFGREN. Thank you.

The CHAIRMAN. Okay. Also, without, objection the amendment is considered as read.

[The information follows:]

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AMENDMENT TO H.R. 6339
OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

Page 3, line 14, strike “nonpartisan”.

Page 4, line 16, strike “nonpartisan”.



The CHAIRMAN. The question is on Ms. Lofgren's amendment to H.R. 6339. All in favor, signify by saying aye. Any opposed?

No opposed. The amendment passes.

Any further amendments?

Mr. EHLERS. I have several amendments. Does Ms. Lofgren have any more?

Ms. LOFGREN. I don't have an additional amendment.

The CHAIRMAN. I recognize Mr. Ehlers.

Mr. EHLERS. I have several amendments. The first is dealing with the paperwork exemption or exemption from the Paperwork Reduction Act.

As I said earlier, I think it would be appropriate to have a trial period where you have an exemption from the Paperwork Reduction Act while they are still going through their growing pains. I would just rather have this——

The CHAIRMAN. Excuse me. Without objection, the amendment is considered as read. I am sorry.

[The information follows:]

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AMENDMENT TO H.R. 6339
OFFERED BY M . _____

Strike section 4.



Mr. EHLERS. Okay. Thank you.

The amendment will simply remove—strike Section 4 of the bill, and I urge adoption of that amendment.

The CHAIRMAN. Ms. Lofgren.

Ms. LOFGREN. I rise in opposition to the amendment; and maybe there is a way to find some common ground here, Mr. Ehlers.

Here is the concern. The Paperwork Reduction Act actually creates a lot of paperwork and bureaucracy, and we want this to be smooth. I understand that because it is a departure there is an interest in not making a permanent change. Here is my concern. That if we do this, the EAC, as we know, has had problems organizationally, and they are going to have to change some things administratively. I would hate to have them do that for one year and then have to redo it.

But I do understand your desire to have kind of a test period and see how this works. I wonder if we were to limit this, say, for 4 years and get a report. That would allow for a test, at least two elections, to see how it worked and for us to make changes if necessary, but it wouldn't require them to redo their process in a 12-month time period.

We didn't have a chance to talk about that privately, so maybe it is not fair to toss it at you, but it just struck me as I was listening to your discussion.

Mr. EHLERS. Well, if we are going to bargain here, I will suggest 1 year.

Ms. LOFGREN. Well, 1 year is the problem. By the time they finish, it will be all over again, so that is the concern. And if we could—you know, I pulled 4 years out of the hat because it would be two elections, but I wonder if we could find a common ground on that.

The CHAIRMAN. I hear 1. I hear 4. Going on, Mr. Ehlers?

Mr. EHLERS. Well, I would suggest 2 to match the election cycle. How is that?

Ms. LOFGREN. So we just have one election.

Mr. EHLERS. Yes.

Ms. LOFGREN. Well—

Mr. EHLERS. It would be a less stressful election.

Ms. LOFGREN. I oppose the amendment, but since this has just come out I would suggest that we defeat the amendment but we talk further about this between now and the floor and try and reach an agreement based on the election schedule which I am just sort of ad hoc'ing here with the hope and intention that we would reach an agreement on a suitable trial period, Mr. Chairman.

The CHAIRMAN. Do I hear 3?

Mr. EHLERS. Well, Mr. Chairman—

Ms. LOFGREN. Perhaps we could withdraw and discuss between now and the floor.

Mr. EHLERS. I will just say I have been the recipient of many kind offers like that, and usually the promises are forgotten before they reach the floor of the manager's amendment.

Ms. LOFGREN. I do not forget my promises.

Mr. EHLERS. I am pleased to hear that. I think this is something we should be able to work out as long as we end up with 2 years.

The CHAIRMAN. So we will—

Ms. LOFGREN. Well, with an intention to agree, but we will have to see if we agree.

Mr. EHLERS. Okay. I will withdraw my amendment with the understanding that we will work in good faith to come to an agreement on this issue.

The CHAIRMAN. I thank the gentleman.

Any other amendments.

Mr. EHLERS. Yes, indeed.

The CHAIRMAN. Without objection, the amendment is considered as read when offered.

Mr. EHLERS. The others were different terms, so we have by-passed that issue, so that is the last amendment on this.

The CHAIRMAN. That is the last amendment on this one here. Okay.

Mr. LUNGREN. Mr. Chairman, may I strike the requisite number of words?

The CHAIRMAN. You are recognized.

Mr. LUNGREN. If I could address the question to the gentlelady from California, you said that since this is amending the already existing law and that does not allow payment for jury duty, therefore, it wouldn't allow payment for poll working, I don't see that anywhere as I look in the law. Are you saying that that is something that can be done by virtue of regulation by the Office of Personnel Management?

Ms. LOFGREN. It is my understanding that the rule for use of administrative leave at this point precludes payment while using that leave. That is the rule for jury duty for which administrative leave is provided; and the rule on the use of administrative leave, I am told, would be the same for this other civic purpose.

Mr. LUNGREN. So it would be pursuant to regulation by the Office of Personnel Management.

Ms. LOFGREN. Yes.

Mr. LUNGREN. Then I would hope that in the committee report we would urge the Office of Personnel Management to do that.

Ms. LOFGREN. I think that is a good suggestion.

Mr. LUNGREN. The second thing, in your presentation, you said this adds nothing in terms of—I believe you said adds nothing in terms of an additional cost to the Federal Government because we are just adding another basis upon which people can use administrative leave. But, as I read it, this is administrative leave up to and including 6 days a year without loss or reduction in pay, leave or—to which someone is otherwise entitled. So, as I understand it, this does add an additional potential 6 days of administrative leave that does not currently exist, is that not correct?

Ms. LOFGREN. I think you are correct. You are correct, and I stand corrected.

Mr. LUNGREN. So, in essence, what we are suggesting is an additional potential 6 days as long as they used it for this purpose.

Ms. LOFGREN. It is not an additional cost, but it is an additional reduction in service, essentially, because these are salaried individuals, and you are correct.

Mr. LUNGREN. I would argue that if you have people who are not working for 6 days for your job you probably have to pick it up somewhere else. If I have got an employee and it doesn't matter

whether they show up for 6 days or not, maybe that employee doesn't need to be there. In most cases, they do need to be there, and they have to have someone to take up the slack. So I just wanted to make it clear that this is not without some expense to the Federal Government when you are adding 6 additional days.

As I understand it now, they would be prohibited from using 6 days administrative leave, but they could use 6 days of vacation or—well, they could use vacation days.

Ms. LOFGREN. People can use vacation days whichever way they wish. It is also subject to scheduling.

But the EAC has called for—if the gentleman would yield—recruiting 2 million poll workers for this November; and I am feeling—I think we all do—a sense of urgency that we as a Nation are going to be able to respond to this incredible event.

Mr. LUNGREN. And this would be training as well as actual service as a poll worker, is that correct?

Ms. LOFGREN. Pardon me?

Mr. LUNGREN. This would include training time as well as service as an actual poll worker?

Ms. LOFGREN. Yes.

Mr. LUNGREN. I thank the gentlelady. I thank the chairman.

Mr. EHLERS. It seems to me there are a lot of details here that we are not quite sure on yet. And I would like to ask that the negotiations on the first item I brought up, that is, the length of time in the paperwork reduction, that in addition we discuss the other issues that may come up today, as I believe we need some clarification on this point.

Ms. LOFGREN. If the gentleman would yield, I would be happy to. I think any further productive discussion would be warranted and useful.

Mr. EHLERS. If we can agree to work together and try to develop a manager's amendment that would clarify it, I think we would feel much better.

Ms. LOFGREN. I think that a lot of these issues are actually covered by the personnel policies, but we can flesh that out to our satisfaction.

The CHAIRMAN. The Chair recognizes Ms. Lofgren for the purpose of making a motion.

Ms. LOFGREN. Mr. Chairman, I move to report H.R. 6339 favorably to the House with an amendment, and noting the addition to the committee report that Mr. Lungren had.

The CHAIRMAN. The question is on the motion. All those in favor, signify by saying aye. Any opposed? With one opposition.

In the opinion of the Chair, the ayes have it.

The bill will be reported to the House without objection, and the motion to be considered is laid upon the table.

The next item is H.R. 6474, introduced by Ms. Lofgren. The bill would authorize the Chief Administrative Officer of the House to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings to the House of Representatives.

I would like to recognize Ms. Lofgren for an opening statement.

Ms. LOFGREN. Thank you, Mr. Chairman.

This bill would authorize the CAO to carry out demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings to the House. It authorizes the CAO to enter into contracts consistent with current House Administration regulations and requires a report to be submitted to the House Administration and Appropriations Committee analyzing the project in the extent that it reduced energy consumption and promoted energy efficiency and cost savings to the House.

It authorizes \$5 million for each of the fiscal years 2009 and 2010 to carry out the projects until expended, or \$10 million over 2 years. It is limited in scope. It is to help the House determine which technologies are best suited to its needs.

Not only would this further prove our commitment to environmentally sustainable practices, but it could also lower the cost of House operations, a significant savings for taxpayers.

On April 28, 2008, I hosted a panel discussion and meeting with Silicon Valley industry leaders titled, How Going Green Saves Money, Jobs and Improves Lives at the Tech Museum of Innovation in San Jose. At the panel discussion, the private sector and the public sector shared the steps that they are taking to reduce their carbon footprint by creating new ways to use energy more efficiently and generate power in more sustainable ways.

The benefits of going green are not limited to improving the environment. Companies have also improved efficiency and lowered costs.

Applied Materials, a company I am very proud of in our community, estimates that by installing solar panels it will create 900 jobs.

Adobe Systems, which has just shy of one million square feet in downtown San Jose, installed 23,000 sensors on their office towers and was able to monitor and control electricity consumption. The sensors paid for themselves in 8 weeks' time for Adobe, and the entire move that Adobe made to get the highest rating of energy efficiency paid for itself in 18 months.

So there is tremendous opportunity in the retrofitting of buildings, the use of new technology to save a tremendous amount of energy and, therefore, to save a tremendous amount of money.

Adobe also made the switch to nontoxic cleaning products, which saved them money and kept their cleaning crew healthier and also spared Adobe employees from harmful effects of being exposed to noxious fumes.

At our request, Chief Administrative Officer Dan Beard attended the discussion. Because Silicon Valley is ground zero on what is happening on the pivot of technology to a green economy. And with the cooperation of his office I believe that the straightforward, innovative recommendations that we made as a product of the report, the report that we have, would help in the sustainable operations for the House community.

I am proud to say that this is a bipartisan measure, and it is also a measure that has attracted the support of not only the authorizers but the appropriators, something that isn't always the case. I was happy that Mr. Wamp of Tennessee was eager to work on this with me.

I have been made aware only this morning—and I don't know the details, and I hope it will not be part of the discussion today because it is a personnel issue, not a policy issue—that there is some angst about the individual who currently holds the position. But this is a policy issue on whether we can allow innovation to occur in a rapid manner that I think and hope we can all support.

And with that I would thank the chairwoman for his introduction and yield back.

The CHAIRMAN. Thank you.

I would like to recognize the ranking member, Mr. Ehlers, for an opening statement.

Mr. EHLERS. Thank you, Mr. Chairman.

I certainly support the spirit of this bill; and I must say, in spite of an article which appears to have been planted which questions my green credentials, I have been conserving energy for over 30 years. I am a physicist. I know a lot about energy, and I have applied that knowledge.

I have spent a considerable number of hours crawling around my attic to properly insulate it, because it seems even the insulators who get paid to do it don't understand how to really do it right, and I cut one-third off my heating bill every year because of the work that I did. Now, if you live in Michigan, that is substantial. That is about a \$400 savings every year. Certainly worth doing.

I drive a hybrid automobile. I have just every way possible tried to conserve energy, and so I am entirely in agreement with the spirit of this.

But what I question is why would we give financial resources to the CAO to do this. We have already by law in this House and Senate charged the Architect of the Capitol with very stringent requirements that he has to meet with regard to energy efficiency requirements. He has worked very hard on those. He has made considerable progress. He has done it without publicity or press releases. And perhaps we should publicize what he has done, or at the very least we should ask him to appear before this committee and give us a review of what he has accomplished and what he would do.

So I will be offering an amendment that will replace the CAO with the Architect of the Capitol and also increase the amount allocated from the \$5 million to \$10 million each year for the next 2 years.

This is a very important issue. I support it. There is an immense amount we can do around the Capitol and particularly the House to conserve energy.

If I take my own office, for example, currently, it is operating between 70 degrees and 71 degrees. I see no reason in the world to keep it that cool. I have it turned to the maximum high temperature that I can with the air conditioner in my office. It drives me crazy. I would be happy to work in an office that is 74, 75, maybe even 76 degrees, no problem. Just think of how much energy we would save. And then multiply that by all the offices around here. We would save a considerable amount of energy just on that.

I see endless opportunities around this campus for conserving energy, and I say let us do it. But we have already given the job to the Architect of the Capitol. I am not sure why we would want to

give it to the CAO, unless we do it in a fashion that says the CAO is to lend all possible assistance to the Architect of the Capitol in achieving the goals that have already been established for him.

So I am opposed to this bill as it is written, simply because it is the wrong approach and it will cost us more than necessary, given the fact we already have an organization working on this problem.

With that, I yield back.

The CHAIRMAN. I thank the gentleman.

Yes, Ms. Lofgren.

Ms. LOFGREN. I move to strike the last word—

The CHAIRMAN. You are recognized for 5 minutes.

Ms. LOFGREN [continuing]. And to oppose the amendment. The bill is just—

The CHAIRMAN. Let me call the bill up first.

I now call up and lay before the committee H.R. 6474—That was the opening statement.

And I would like to commend my ranking member for keeping his thermostat on 74. I wish I could. Mine doesn't work, so I can't keep it on that. I am at the will of anybody that wants to heat or air condition my office. But we have to look into that.

I now call up and lay before the committee H.R. 6474. Without objection, the first reading is dispensed with and the bill is considered as read and open for amendment at any point.

[The information follows:]

110TH CONGRESS
2D SESSION

H. R. 6474

To authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2008

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

A BILL

To authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives.

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. DEMONSTRATION PROJECTS TO PROMOTE IN-**
2 **NOVATIONS IN REDUCING ENERGY CON-**
3 **SUMPTION IN HOUSE OF REPRESENTATIVES.**

4 (a) **AUTHORITY TO CARRY OUT DEMONSTRATION**
5 **PROJECTS.—**

6 (1) **IN GENERAL.—**The Chief Administrative
7 Officer of the House of Representatives may carry
8 out a series of demonstration projects to promote
9 the use of innovative technologies in reducing energy
10 consumption and promoting energy efficiency and
11 cost savings in the House of Representatives.

12 (2) **CONTRACTS.—**In carrying out such
13 projects, the Chief Administrative Officer may enter
14 into contracts with entities which have developed
15 new methods of using energy more efficiently, gener-
16 ating electric power in a more sustainable manner,
17 or improving the efficiency and lowering the costs of
18 existing renewable power systems, consistent with
19 the regulations promulgated by the Committee on
20 House Administration for contracts entered into by
21 the Chief Administrative Officer.

22 (b) **REPORTS.—**Upon the completion of each dem-
23 onstration project carried out under this section, the Chief
24 Administrative Officer shall submit a report on the project
25 to the Committees on House Administration and Appro-
26 priations of the House of Representatives, and shall in-

1 clude in the report the Chief Administrative Officer's anal-
2 ysis of the extent to which the project reduced energy con-
3 sumption and promoted energy efficiency and cost savings
4 in the House of Representatives.

5 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated \$5,000,000
7 for each of the fiscal years 2009 and 2010 to carry out
8 demonstration projects under this Act. Amounts appro-
9 priated pursuant to the authorization under this section
10 shall remain available without fiscal year limitation until
11 expended.

○

The CHAIRMAN. I believe the committee relies upon the CAO to place the highest priority on projects that are cost-effective on increasing energy efficiency and reducing greenhouse gas emissions. So I would now like to recognize for 5 minutes the gentlelady from California.

Ms. LOFGREN. Mr. Chairman, I think procedurally I jumped the gun, because Mr. Ehlers wanted to—he has discussed his amendment and probably wants to officially record—

The CHAIRMAN. I will recognize the ranking member for any amendments that he may have.

Ms. LOFGREN [continuing]. Before the committee.

Mr. EHLERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. Without objection, the amendment is considered as read.

[The information follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6474
OFFERED BY MR. EHLERS**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. DEMONSTRATION PROJECTS TO ASSIST IN**
2 **MEETING ENERGY CONSERVATION AND RE-**
3 **NEWABLE ENERGY USAGE REQUIREMENTS.**

4 (a) **AUTHORITY TO CARRY OUT DEMONSTRATION**
5 **PROJECTS.—**

6 (1) **IN GENERAL.—**The Architect of the Capitol
7 may carry out a series of demonstration projects to
8 assist the House of Representatives in meeting ap-
9 plicable energy conservation and renewable energy
10 usage requirements under law.

11 (2) **CONTRACTS.—**In carrying out such
12 projects, the Architect of the Capitol may enter into
13 contracts with entities which have developed new
14 methods of using energy more efficiently, generating
15 electric power in a more sustainable manner, or im-
16 proving the efficiency and lowering the costs of ex-
17 isting renewable power systems, consistent with ap-

1 applicable regulations governing contracts entered into
2 by the Architect of the Capitol.

3 (b) REPORTS.—Upon the completion of each dem-
4 onstration project carried out under this section, the Ar-
5 chitect of the Capitol shall submit a report on the project
6 to the Committees on House Administration and Appro-
7 priations of the House of Representatives, and shall in-
8 clude in the report the Architect’s analysis of the extent
9 to which the project assisted the House of Representatives
10 in meeting applicable energy conservation and renewable
11 energy usage requirements under law.

12 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated \$10,000,000
14 for each of the fiscal years 2009 and 2010 to carry out
15 demonstration projects under this Act. Amounts appro-
16 priated pursuant to the authorization under this section
17 shall remain available without fiscal year limitation until
18 expended.

Amend the title so as to read: “A bill to authorize
the Architect of the Capitol to carry out a series of dem-
onstration projects to assist the House of Representatives
in meeting applicable energy conservation and renewable
energy usage requirements under law.”.



Mr. EHLERS. And the sense of the amendment is pretty much as I have described, to simply take the text of the bill but modify it so that the assignment for the work to be done is given to the Architect of the Capitol.

Ms. LOFGREN. Mr. Chairman—

The CHAIRMAN. I recognize the lady from California.

Ms. LOFGREN. I strike the last word.

The CHAIRMAN. You are recognized for 5 minutes.

Ms. LOFGREN. I oppose the gentleman's amendment.

I do commend him for his efforts in saving energy in his office, and I have a suggestion. We could save some energy in this room if we would turn the air conditioning up. I mean, this is the coldest room in the Capitol. I can't understand why it is this cold. So that is a suggestion that we can all make.

But on the amendment itself, this bill, the Lofgren-Wamp bill, is for a pilot program. It is not involving changes to House facilities. The CAO is tasked with the Green the Capitol Program, not the Architect. And the Architect is only putting in meters. I mean, they are not really—they are not aggressive on this. It took a letter from the Speaker and the language of the December '07 energy bill to get them off the stick to start putting in meters. The Department of Energy estimated it could be done for under \$1 million in 3 months, but the Architect wants to take a year and spend over \$3 million. And we need a quicker, more aggressive pilot project to see what can happen.

I will note that when we checked with the private sector and we sent a report on this form we had in Silicon Valley, that you can do this stuff quite promptly and save a lot of money. And this was—we had Mr. Lungren's constituent, the Marquiss Wind Power participated.

And the ability to move quickly is what this bill is all about. When Adobe put in their sensors, I mean, it was massive, it was quick, and it paid for itself in 8 weeks.

And we can't wait for a pilot project to take a year. It is just unnecessary. And we will find out, because Mr. Wamp suggested this, and I thought I incorporated his request, that we will get reports both to the Appropriations Subcommittee and to this committee on how these pilots are working so that we will be able to monitor our success or if we are not meeting with success. And I think that that is something I look forward to.

And we know that we have an energy—we all know that we have an energy challenge in this country. But the quickest hit is conservation. And what has been done on the private sector is astonishing and what is going to be doable in even the next 6 months is terrific.

So I want us to be part of the process of being life, of being agile, of taking these steps as a pilot project so that we can be leaders; and it is clear that the CAO is able to do that. The Architect has a very different role to play; and I therefore, with respect, oppose the gentleman's amendment.

Mr. EHLERS. Mr. Chairman.

The CHAIRMAN. I recognize Mr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman.

First of all, I will agree that—and I have preached this for years because my dad was a preacher so I have inherited that characteristic—but there is no quicker, cheaper way to resolve energy issues in this country, including gasoline prices, by the way, than conservation. There is no question about that.

I have to rise to the defense of the Architect when you say he hasn't done anything. He has reduced the energy consumption on this campus by 6 percent each of the last 2 years. That means we are down 12 percent already. Can we do more? Of course. We are going to have to appropriate a lot of money to do that, and I think part of the problem the Architect has is we have given him the task but not a great deal of money to really attack it vigorously. He has to work within his budget. But, nevertheless, 12 percent reduction in 2 years' time, that is very commendable.

And before we run off half-cocked and say we are going to do it a different way with different people, at the very least we should know what the Architect is doing and what he has accomplished already. And I suggest bringing him before the committee or just having an informal meeting with interested committee members and find out from him what he has done, what remains to be done, how we could speed it up, and what role the CAO can play in helping this happen.

But to simply toss the ball to the CAO without recognizing what is going on and making sure that everything meshes, particularly since I am not—and I have been very, very careful not to criticize the CAO publicly in spite of the fact we have had some differences—but since this has come up here I do have to comment that paying \$700,000 just to develop a plan for the lighting of the Dome, that is called the greening of the Dome, when the annual electricity bill for that is only about \$13,500 or something, why would we spend \$700,000 to examine a problem like that?

There are a lot worse problems, as have been mentioned here. The air conditioning in these buildings. If we are going to spend \$700,000, let us combine it with the Architect and see what we can accomplish.

I just don't think it makes sense to have two different entities working on the same problem, using our money and without any coordination, without having them work closely together. And I urge the adoption of my substitute.

The CHAIRMAN. Mr. Lungren.

Mr. LUNGREN. Mr. Chairman, I rise in support of the substitute.

Mr. Chairman, as the largest single energy consumer in the United States, the Federal Government, beyond the House of Representatives, has both a tremendous opportunity and a clear responsibility to lead by example with smart energy management, as the gentlelady from California has suggested. And while the government has made some considerable progress improving its use of energy, even here at the Capitol, much more remains to be done. All you have to do is walk by at night and see all the lights that are left on. If you just had motion switches rather than manual switches, we could probably save a considerable amount in the House of Representatives without having to do a study on it.

In general, I like the concept of this resolution because it is pushing the envelope to pursue cleaner and renewable energy in an effi-

cient manner. I think it is important for us to try and do everything we can to increase energy savings and production in an environmentally friendly and stewardship-minded fashion; and I have worked with the gentlelady on a number of issues, including a couple of them coming up later today.

But I am not sure if I can support this measure without the Ehlers amendment. My concern is that it provides very broad authority of the CAO, does not specifically state what projects will be executed, nor require any coordination with the Architect of the Capitol who is, we must be reminded, our facility manager. It does not provide a return on investment standard, plus it might conflict with the Architect's ongoing contractual or planning efforts.

I know the Architect of the Capitol has an overall campus master plan along with numerous low-hanging fruit energy projects sitting on the shelf ready to execute with known returns on energy savings which would make a significant difference. They also have an ongoing energy saving performance contract, plus several in the works. I would hope that this legislation coordinates with that, rather than interferes with that.

I have done numerous telephone town halls in the last couple of months, and one of the biggest complaints I hear from my constituents is we are not doing enough to resolve America's energy issues. This bill is in some ways a baby step in the right direction, but I think folks want us to be transformational here.

I looked it up and found that the Federal Government will spend at least \$2 billion over the next 10 years on energy expenditures for electricity, natural gas, coal and fuel oil for more than 120 large facilities, including at least two major utility plants in our Nation's Capitol just here, Federal buildings, \$2 billion. And we have had some discussions with the executive branch, GSA and others, and wondered if it would make sense for us to try and get together with the power plants we have here with the rest of the Federal establishment and see if we can conserve energy to make it more efficient and build some redundancy in the system.

I also found that it is extremely difficult for our branch to be talking with the executive branch or even the executive branch's various departments to be talking with one another, and we are wasting a tremendous amount of energy as a result of that. So I would ask the Chairman, might we consider a hearing on this issue that would broaden it a little bit such that we could entertain some suggestions from the Department of Energy, from others, to see if we might be able to have some compatibility and maybe some cooperation? You would think that has happened before, but my investigation suggests it hasn't and it probably won't happen unless we urge it to occur.

The CHAIRMAN. I would have no problem entertaining that and having the right and proper people come in from all the other organizations that can help us try to conserve our energy. We will start with having somebody come to my office and fix my thermostat.

Mr. LUNGREN. Very good. Thank you.

Mr. EHLERS. Will the gentleman yield?

Mr. LUNGREN. I will be happy to yield.

Mr. EHLERS. I just want to tag on to that.

I totally agree with the comments made. I would love to seriously address the energy consumption of the Capitol. I would love to carry it even beyond that to whatever extent we have jurisdiction.

We just don't take this problem seriously as a government, as a Nation, and it is crucial. It is absolutely crucial. The gas price issue now is bringing it home that we do not have an infinite supply of energy, and we have to develop new sources, alternative sources, and we have to use what we have wisely and conserve as much as we can.

I would love to have a complete examination of the type that Ms. Lofgren has described is taking place in California. This bill doesn't do it. And I would be happy to work with the author of the bill and make it more comprehensive, make it really hard-hitting and really get the job done.

We talk about air conditioning in this room and our offices. There are endless examples I see around here where we can make substantial changes with not much money and certainly things that will pay themselves back. But this bill is not the answer.

Mr. LUNGREN. I thank the gentleman for the time.

The CHAIRMAN. You are welcome.

The question is on Mr. Ehlers' amendment in the nature of a substitute to H.R. 6474. All those in favor, say aye. All those opposed, say no.

Mr. EHLERS. Ask for a recorded vote.

The CHAIRMAN. In the opinion of the Chair, the noes have it.

We ask for a recorded vote. Would the clerk please call the role.

The CLERK. Ms. Lofgren.

Ms. LOFGREN. No.

The CLERK. Mr. Capuano.

Mr. CAPUANO. No.

The CLERK. Mr. Gonzalez.

[No response.]

The CLERK. Mrs. Davis of California.

Mrs. DAVIS of California. No.

The CLERK. Mr. Davis of Alabama.

Mr. DAVIS of Alabama. No.

The CLERK. Mr. Ehlers.

Mr. EHLERS. Yes.

The CLERK. Mr. Lungren.

Mr. LUNGREN. Yes.

The CLERK. Mr. McCarthy.

Mr. MCCARTHY. Aye.

The CLERK. Mr. Brady.

The CHAIRMAN. No.

The yeas are three; the noes are five. The amendment fails.

Mr. EHLERS. Mr. Chairman, I have another amendment.

The CHAIRMAN. Yes, the Chair recognizes Mr. Ehlers for his amendment.

Mr. EHLERS. My second amendment would be—

The CHAIRMAN. Without objection, the amendment is considered as read.

[The information follows:]

AMENDMENT TO H.R. 6474**OFFERED BY M** . _____

Page 2, insert after line 21 the following:

1 (3) ROLE OF ARCHITECT OF THE CAPITOL.—If
2 a demonstration project under this section includes
3 a modification of any building or grounds under the
4 jurisdiction of the Office of the Architect of the Cap-
5 itol, the Chief Administrative Officer shall consult
6 with and obtain the approval of the Architect of the
7 Capitol before the modification is made.

Page 3, line 4, strike the period and insert the fol-
lowing: “, including energy savings to capital cost com-
parisons and detailed scalability assessments.”.



Mr. EHLERS. Thank you.

The second amendment is: Page 2, insert after line 21 the following:

Role of Architect of the Capitol. If a demonstration project under this section includes a modification of any building or grounds under the jurisdiction of the Office of the Architect of the Capitol, the Chief Administrative Officer shall consult with and obtain the approval of the Architect of the Capitol before the modification is made.

And some minor technical amendments with that. I urge the adoption of the amendment. This would ensure they work together appropriately.

The CHAIRMAN. Any further discussion on the amendment?

Ms. LOFGREN. Mr. Chairman.

The CHAIRMAN. Yes, Ms. Lofgren.

Ms. LOFGREN. Briefly.

The purpose of the bill that Mr. Wamp and I have introduced is for short-term pilot projects done quickly to show us how we can get substantial savings in energy in a quick time period. Although I am sure that the motivation of the gentleman's amendment is the very best, I believe that the additional requirements would simply slow down progress on this and really prevent the success that Mr. Wamp and I hoped would be the product of this bill. And, therefore, I do oppose the amendment while respectfully recognizing that the motivation is the best; and I would yield to Mr. Ehlers.

Mr. EHLERS. Thank you. Thank you for yielding.

Frankly, whether we adopt it or not, this is going to happen. The CAO, I don't believe, is going to be able to perform modifications of the buildings on the grounds because all of that is already under the jurisdiction of the Architect of the Capitol; and so it is just recognizing the responsibilities that have already been entrusted to the Office of the Architect of the Capitol.

So I am disappointed that you are not willing to accept it. It is just saying, this is the way it is, folks. It has always been that way, and the CAO should be able to work with this.

Ms. LOFGREN. Reclaiming my time.

The gentleman makes my point. There is an existing requirement that there be coordination. Creating still another permission process I think would slow down what Mr. Wamp and I hope to achieve with this pilot project bill, and that is why I do not support it.

Mr. EHLERS. If the gentlelady would yield.

Ms. LOFGREN. I would be happy to yield.

Mr. EHLERS. I am trying to prevent cowboy action here, where someone says, good grief, we are going to do this, and bingo, and it is in contradiction with what the Architect of the Capitol is doing. I am trying to avoid that conflict.

Ms. LOFGREN. I would yield back, Mr. Chairman.

The CHAIRMAN. The question is on Mr. Ehlers' amendment number two to H.R. 6474. All those in favor, say aye. All those opposed, say no.

In the opinion of the Chair, the noes have it.

Mr. EHLERS. Roll call vote.

The CHAIRMAN. I would like to ask the clerk for a roll call vote, please.

I apologize, we have one—this is amendment number three. Mr. Ehlers, we are voting on for a roll call right now. The clerk will call the roll.

The CLERK. Ms. Lofgren.

Ms. LOFGREN. No.

The CLERK. Mr. Capuano.

Mr. CAPUANO. No.

The CLERK. Mr. Gonzalez.

[No response.]

The CLERK. Mrs. Davis of California.

Mrs. DAVIS of California. No.

The CLERK. Mr. Davis of Alabama.

Mr. DAVIS OF ALABAMA. No.

The CLERK. Mr. Ehlers.

Mr. EHLERS. Aye.

The CLERK. Mr. Lungren.

Mr. LUNGREN. Aye.

The CLERK. Mr. McCarthy.

Mr. MCCARTHY. Aye.

The CLERK. Mr. Brady.

The CHAIRMAN. No.

The noes are five; the ayes are three. The amendment fails.

Hearing no other amendments, I would like to recognize Ms. Lofgren for the purpose of making a motion.

Ms. LOFGREN. Mr. Chairman, I move to report H.R. 6474 favorably to the House.

The CHAIRMAN. The question is on the motion. All in favor, signify by saying aye. Any opposed?

In the opinion of the Chair, the ayes have it, and the bill is reported to the House without objection, and the motion is considered.

Mr. EHLERS. I am sorry. You zipped by my third amendment.

The CHAIRMAN. I am sorry. You have another amendment?

Mr. EHLERS. Yes.

The CHAIRMAN. We will go back and hear Mr. Ehlers—

Ms. LOFGREN. I ask unanimous consent to withdraw my motion to report.

The CHAIRMAN. Until we move the motion—unanimous consent to hold the motion to report the bill out for Mr. Ehlers' amendment number five—we are back to number two. Number two we skipped.

[The information follows:]

AMENDMENT TO H.R. 6474**OFFERED BY M** . _____

Page 2, strike lines 12 through 21 and insert the following:

1 (2) CONTRACTS.—In carrying out such
2 projects, the Chief Administrative Officer may, upon
3 approval by the Committee on House Administra-
4 tion, enter into contracts with entities which have
5 developed new methods of using energy more effi-
6 ciently, generating electric power in a more sustain-
7 able manner, or improving the efficiency and low-
8 ering the costs of existing renewable power systems,
9 in strict adherence to the regulations promulgated
10 by the Committee on House Administration for con-
11 tracts entered into by the Chief Administrative Offi-
12 cer in order to ensure best value for the House of
13 Representatives.



The CHAIRMAN. Okay. Mr. Ehlers is recognized.

Mr. EHLERS. Thank you, Mr. Chairman.

This is just a very simple amendment reinforcing the responsibilities of the Chief Administration Officer. And it simply says that, in carrying out such projects, the Chief Administrative Officer may, upon approval by the Committee on House Administration, enter into contracts with entities which have developed new methods of using energy more efficiently, generating electric power in a more sustainable manner, or improving the efficiency and lowering the costs of existing renewable power systems, in strict adherence to the regulations promulgated by the Committee on House Administration for contracts entered into by the Chief Administrative Officer in order to ensure best value for the House of Representatives.

This is just reinforcing what is currently the requirement on the Chief Administrative Officer, and this is I think important to insert in because we have had a recent example where he has negotiated something after we have approved a contract without seeking our approval for the revisions to the contract. So I urge that we adopt this and make clear what the requirements of our contractual process are.

The CHAIRMAN. The question is on Mr. Ehlers' amendment number two to H.R. 6474. Those in favor, signify by saying aye; those opposed, no.

In the opinion of the Chair, the noes have it.

Mr. EHLERS. A roll call.

The CHAIRMAN. A roll call is requested. The clerk will call the roll.

Mrs. DAVIS of California. Can I just clarify? This is existing today, correct?

The CHAIRMAN. Yes.

The clerk will call the roll.

The CLERK. Ms. Lofgren.

Ms. LOFGREN. No.

The CLERK. Mr. Capuano.

Mr. CAPUANO. No.

The CLERK. Mr. Gonzalez.

[No response.]

The CLERK. Mrs. Davis of California.

Mrs. DAVIS of California. No.

The CLERK. Mr. Davis of Alabama.

[No response.]

The CLERK. Mr. Ehlers.

Mr. EHLERS. Aye.

The CLERK. Mr. Lungren.

Mr. LUNGREN. Aye.

The CLERK. Mr. McCarthy.

Mr. MCCARTHY. Aye.

The CLERK. Mr. Brady.

The CHAIRMAN. No.

The noes are four; the ayes are three. The amendment is not adopted.

I would now like to recognize Ms. Lofgren for the purpose of making a motion.

Ms. LOFGREN. Mr. Chairman, I move to report H.R. 6474 favorably to the House.

The CHAIRMAN. The question is on the motion. All those in favor, vote aye. Those opposed, no.

In the opinion of the Chair, the ayes have it.

Mr. EHLERS. Roll call.

The CHAIRMAN. We would like to have a roll call. The clerk will call the role.

The CLERK. Ms. Lofgren.

Ms. LOFGREN. Aye.

The CLERK. Mr. Capuano.

Mr. CAPUANO. Aye.

The CLERK. Mr. Gonzalez.

[No response.]

The CLERK. Mrs. Davis of California.

Mrs. DAVIS of California. Aye.

The CLERK. Mr. Davis of Alabama.

[No response.]

The CLERK. Mr. Ehlers.

Mr. EHLERS. No.

The CLERK. Mr. Lungren.

Mr. LUNGREN. No.

The CLERK. Mr. McCarthy.

Mr. MCCARTHY. No.

The CLERK. Mr. Brady.

The CHAIRMAN. Aye.

The ayes are four, the nays are three, and the bill without objection passes. The motion will be considered as laid upon the table.

Mrs. DAVIS of California. Mr. Chairman.

The CHAIRMAN. Yes.

Mrs. DAVIS of California. There may be an opportunity at some point, I am not sure that within this session because things are running down, but I certainly would be delighted to listen to both the Architect and the CAO together talk about what they have done. I think they are coordinating, and so it would be good to just hear some of that interplay as well. I think that would be a concern. I would like to make our mark on that.

The CHAIRMAN. We will do that. We will do that as soon as possible. I do not think we can get that done before Friday.

Mr. LUNGREN. Unless you want to stay here.

The CHAIRMAN. Oh, I love it here. I love it in my hot office, yes.

But we will try to get that done. I will work to get that done before we do break for our November break.

The committee will now take up H.R. 6475, a bill introduced by Ms. Lofgren and Mr. Lungren to establish the Daniel Webster Congressional Clerkship Program.

I would like to recognize Ms. Lofgren for an opening statement.

Ms. LOFGREN. Thank you, Mr. Chairman.

This bill, the Daniel Webster Congressional Clerkship Act, has been introduced by myself and Congressman Lungren. It provides for congressional clerks to serve in various offices of the House and Senate. When legislation was introduced last year by Mr. Lungren, it had the support of many of the Nation's top law schools.

I would note that clerks are selected for the other branches of government, and these are prestigious posts where the top graduates of law schools across the country aspire to serve. The House has not had the equivalent clerkship.

These clerks would be chosen from a pool of law school graduates who possess excellent academic records and who have demonstrated a commitment to public service and a strong interest in public policy. It creates a selection committee comprised of the Senate Committee on Rules and Administration and the Committee on House Administration to select no more than six congressional clerks to serve as employees for a 1-year period in their respective chambers. Clerks will be compensated at the same rate as judicial clerks in the U.S. District Court for D.C.

As you may know, many law school graduates, top law school graduates begin their legal career as judicial law clerks; and these law clerks go on to become leaders of their profession in private practice or later serving as judges or as law professors. The Daniel Webster Congressional Clerkship Program will do a lot, we believe, to improve understanding and appreciation of the legislative process within the legal profession and in the country as a whole by providing leaders of the legal profession their first formative experience in Congress. And given that clerks in the judicial branch often go on to become judges themselves I think it is particularly important that there be an appreciation for the legislative branch for high-quality clerkships.

I don't know whether Mr. Lungren would like his own time. I would be happy to yield to him for his comments.

Mr. LUNGREN. Thank you.

The CHAIRMAN. Mr. Lungren is recognized.

Mr. LUNGREN. I appreciate that, and I thank the gentlelady from California for working with me on this bill.

The genesis of this bill was a visit I received from the Stanford University Dean of the Law School probably 2 years ago. His name is Larry Kramer.

While he has great respect for the judiciary and judges, he also has tremendous respect for the legislative branch; and so these are his words: Clerking for a trial or appellate judge provides young lawyers with an invaluable insider's understanding of the decision-making process. Not surprisingly, judicial clerkships leave young lawyers with a highly court-centered view of the law and the legal system; and precisely because these are the top law school graduates, former law clerks go on disproportionately to assume leadership positions in the bar and in the profession, explaining in part why the legal profession in this country is so heavily tilted towards the courts.

And what he was trying to convey as a dean in one of the outstanding law schools in the United States was that it is frustrating to him to see that lean towards the courts and not a proper balance to the other branches of government, particularly the legislative branch, not to any animus on the part of these individuals but because of their experience.

And his thought was if we had a comparable experience in the legislative branch to which top graduates of our law schools would aspire that would help introduce a different experience path for

some of these outstanding young people and he thought over time would result in a greater respect for the work that we do.

I am reminded of a conversation of a member of the United States Supreme Court some years ago when, in a discussion on an issue that the Court decided, a particular individual after the Court had decided said, well, why did you decide that way? Congress clearly intended something else.

And the response of this member of the Supreme Court was, well, Congress never considered that.

To which this person who had studied the issue said, well, yes, they did. As a matter of fact, there was a colloquy on the floor of the House about that very issue.

To which this member of the Supreme Court said, oh, that doesn't matter. They don't write their own stuff, anyway.

Now that is maybe just an anecdotal example, but it evidences a lack of appreciation for the work that we do. And this is just a small thing that we can do that I think may begin to address it.

No fewer than 12 clerks per Congress would be selected to serve in the offices of various committee chairs and ranking members. It would be highly competitive. It would be bipartisan. It would be in the Senate and the House.

The number of congressional clerks assigned to offices of the House will not be less than numbers assigned to the Senate. The number assigned to the House and Senate office affiliated with the majority party shall be equal to the offices affiliated with the minority party. We are trying to make it as bipartisan as possible.

I would hope for unanimous support of this.

I was pleased that a dean of a law school would come to me with this suggestion, recognizing the lack of appreciation for the work done in the Congress by many on the court, and I hope we can support this.

Ms. LOFGREN. Reclaiming my time, although I was an undergraduate at Stanford, the dean of the law school has been a great advocate, as my colleague has described. But he is not the only advocate. This has received support from top law schools across the country.

Mr. Lungren is correct; it is a way over time for the legislative branch to gain a little more clout in the judicial ranks than we have today.

I yield back the balance of my time.

The CHAIRMAN. Mr. Ehlers.

Mr. EHLERS. Mr. Chairman, I am pleased to support H.R. 6475, and in the interest of time, I will submit a written statement.

The CHAIRMAN. I now call up and lay before the committee H.R. 6475. Without objection, the first reading of the bill will be dispensed with. Without objection, the bill is considered as read and open for amendment at any point.

[The information follows:]

110TH CONGRESS
2D SESSION

H. R. 6475

To establish the Daniel Webster Congressional Clerkship Program.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2008

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

A BILL

To establish the Daniel Webster Congressional Clerkship Program.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Daniel Webster Con-
5 gressional Clerkship Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Each year, many of the most talented law
9 school graduates in the country begin their legal ca-
10 reers 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 poss-
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 2009 and each succeeding fiscal year from the appli-
23 cable accounts of the House of Representatives and the

52

7

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

○

The CHAIRMAN. Any debate? Any amendments?

If not, I recognize Ms. Lofgren for the purpose of offering a motion.

Ms. LOFGREN. Mr. Chairman, I move to report the bill H.R. 6475 favorably to the House.

The CHAIRMAN. All those in favor, signify by saying aye.

All those opposed?

The ayes have it, and the motion is agreed to. Without objection, the motion to reconsider is laid on the table and the bill is reported to the House.

The next item is H.R. 6589, introduced by Ms. Lofgren and Mr. Lungren, to provide financial support for the operation of the Law Library of the Library of Congress; and I would like to recognize Ms. Lofgren for an opening statement.

Ms. LOFGREN. Mr. Chairman, this bill, the Charles H.W. Meehan Law Library Improvement and Modernization Act, was introduced by myself and Congressman Lungren. The bill and the private-public partnership embodied within the bill is named after Charles Meehan, who was the first Law Librarian at the Library of Congress.

The Law Library of Congress maintains a unique and actually world-renowned collection, and this bill will ensure that the Law Library will have the resources needed to maintain and expand its collections while, at the same time, modernizing its systems.

The act includes \$3.5 million for maintaining and administering the operations of the Law Library, including the cataloging of the collections of the Law Library, which unfortunately is way behind and therefore not highly usable at the moment. The provision includes language which allows, to the extent practicable, efforts to catalog and archive nonproprietary material in the collections electronically in a nonproprietary and nondiscriminatory format to ensure the widest use. It also provides a line item to the Law Library to ensure the autonomy and ability to improve the Law Library.

I would note also we have worked very closely with the American Bar Association and other legal groups who want to help maintain this Law Library, and it is their judgment that when they go out to try and solicit private funds for the support of the Law Library, having a line item is going to be crucial for them in whether or not they succeed.

The creation of this program will provide enhanced special services for the Law Library, and the Librarian will carry out the program through agreements and partnerships entered into with other government and private entities.

As I mentioned, the American Association of Law Libraries is joining with the American Bar Association in the effort to provide funds, both donations of money and also in-kind contributions, in support of the program.

It requires an annual report, and it authorizes to be appropriated for the program an amount equal to 40 percent of the amount of the donations accepted by the Library of Congress trust fund in support of the program's 60-40 private-public split.

The Law Library really is an invaluable resource, both to the Congress and the Nation, and I think we have an obligation to future generations to provide for its continuation through the estab-

lishment of the Charles H.W. Meehan program. Not only does it have the ABA and the American Association of Law Libraries' support, but probably because of Mr. Lungren and myself, the Northern California Association of Law Libraries has taken a bold step forward in support of the bill.

Some have wondered why should we have a law library, but it has a unique collection that is unavailable anywhere else in the United States and, in some cases, the world. It has been neglected. And I want to mention specifically former Congressman Bill Orton, who has volunteered and, I think, has met with both of us as part of the ABA committee that is paying attention to this.

This is obviously bipartisan and important, and I hope we can all support this unanimously.

I yield to Mr. Lungren.

Mr. LUNGREN. I agree with you, the Law Library at the Library of Congress ought to be the premier Law Library of the Nation because it has the capacity of getting international legal journals and texts, as well as those from around the country.

Unfortunately, in the last 10 to 15 years, I fear that budget restraints have caused the Library to have to make some very tough choices. The Library has had to cancel subscriptions and refrain from acquiring important legal materials in order to stay within their budget.

People might say that happens with all libraries, and so forth, but the effectiveness of a law library is the timeliness of the receipt of the latest legal decisions; and in this case, when they are trying to scan the world, that is a difficult task.

In addition, there are approximately 680,000 volumes of legal material that we have been informed the library has acquired, but has not yet had the resources to catalog and, thus, make available to the public. Once again, not timely.

It is important that the Law Library have adequate funding in order to develop, maintain and make available its comprehensive and unique legal collections for the future, as well as protect its rare and historic materials that chronicle our heritage.

This act addresses these concerns, authorizes immediately \$3.5 million so it may renew cancelled subscriptions and purchase needed treatises, as well as work the catalog and classify the materials more quickly.

Giving the Law Library a separate line item in the Library of Congress budget will allow the Law Library to have better control over its collection and be directly accountable to us, the Congress.

In addition—and this is important, and I would just like to underscore what the gentlelady has said—it allows a mechanism for the Library to receive private and charitable donations to help with keeping its collection up to date. And we have every reason to believe from those who have testified before us, as well as those who have talked with us, that this will be done.

There is a recognition of the importance of this library, and we think that private and charitable donations will come forward.

The legislation is timely and needed. And for those who might be concerned that this sets a precedent for other elements of the Library of Congress spinning off, that is not my purpose, and I would not support that. I want to make that very clear.

Ms. LOFGREN. Reclaiming my time, I agree with that. This is not intended to be the first of many line items or changes in the structure. This is a unique situation, and I concur that I would not be interested in pursuing additional alterations.

I yield again to the gentleman.

Mr. LUNGREN. Therefore, I urge the committee to support this, and I thank both the gentlelady and the chairman of the committee.

The CHAIRMAN. Mr. Ehlers.

Mr. EHLERS. Mr. Chairman, very briefly, I just want to say that I support the effort of both of our colleagues, Congressman Lungren and Congresswoman Lofgren, to augment and maintain the Law Library within the Library of Congress. Given what we have had with the last two bills and the wonderful agreement between the two Members of Congress, perhaps we should assign them the job of writing the energy conservation bill as well.

But I do just want to state a caution, and that is, by authorizing a separate line item in the Library's budget, we are not implying that we wish to begin segmenting other items in the Library's budget. Doing so would limit the ability of the Library to manage its own resources, and that would be unnecessarily bureaucratic.

With that clarification and understanding, I would be pleased to support the bill.

The CHAIRMAN. The Chair now calls up and lays before the committee H.R. 6589.

Without objection, the first reading of the bill is dispensed with. [The information follows:]

110TH CONGRESS
2D SESSION

H. R. 6589

To provide financial support for the operation of the law library of the Library of Congress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2008

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, and in addition to the Committee on Transportation and Infrastructure, 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 financial support for the operation of the law library of the Library of Congress, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Charles H.W. Meehan
5 Law Library Improvement and Modernization Act”.

1 **SEC. 2. FINANCIAL SUPPORT FOR LAW LIBRARY OF LI-**
2 **BRARY OF CONGRESS.**

3 (a) **FINANCIAL SUPPORT.**—In addition to any other
4 amounts made available for the salaries and expenses of
5 the Library of Congress, there are authorized to be appro-
6 priated to the Librarian of Congress \$3,500,000 for build-
7 ing, maintaining, and administering the operations of the
8 law library of the Library of Congress, including the cata-
9 logging of the collections of the law library. Any amounts
10 appropriated pursuant to the authority of this subsection
11 shall remain available without fiscal year limitation until
12 expended.

13 (b) **ELECTRONIC CATALOGING OF NONPROPRIETARY**
14 **MATERIAL.**—To the extent practicable, in using any funds
15 appropriated pursuant to the authority of subsection (a)
16 to catalog and archive nonproprietary material in the col-
17 lections of the Law Library after the date of the enact-
18 ment of this Act, the Law Librarian of Congress shall
19 catalog and archive the material electronically in a non-
20 proprietary and nondiscriminatory format. Nothing in the
21 previous sentence may be construed to affect any cata-
22 logging and archiving activities carried out with funds
23 which are not appropriated pursuant to the authority of
24 subsection (a).

1 **SEC. 3. SEPARATION OF LAW LIBRARY SALARIES AND EX-**
2 **PENSES IN PREPARATION OF ANNUAL LI-**
3 **BRARY OF CONGRESS BUDGET.**

4 (a) SEPARATE BUDGET TREATMENT OF LAW LI-
5 BRARY.—In preparing the annual budget for the Library
6 of Congress which will be submitted by the President
7 under chapter 11 of title 31, United States Code, and in
8 preparing the annual budget and related materials for the
9 Library of Congress for the use of the Committees on Ap-
10 propriations of the Senate and House of Representatives,
11 the Librarian of Congress shall ensure that all amounts
12 attributable to salaries and expenses of the law library of
13 the Library of Congress are set forth separately as a sepa-
14 rate line item from other salaries and expenses of the Li-
15 brary of Congress.

16 (b) EFFECTIVE DATE.—This section shall apply with
17 respect to fiscal year 2010 and each succeeding fiscal year.

18 **SEC. 4. CHARLES H. W. MEEHAN PROGRAM TO SUPPORT**
19 **THE MISSION OF THE LAW LIBRARY OF THE**
20 **LIBRARY OF CONGRESS.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Librarian of Congress,
23 acting through the Law Librarian of Congress, shall
24 establish and operate a program to be known as the
25 “Charles H. W. Meehan Law Library Support Pro-

1 gram” (hereafter in this section referred to as the
2 “Program”), which will—

3 (A) provide enhanced or special services
4 and programs for the Law Library; and

5 (B) otherwise support the mission of the
6 Law Library.

7 (2) RELATION TO OTHER PROGRAMS.—The Li-
8 brarian shall operate the Program in a manner
9 which ensures that the resources of the Program are
10 not commingled with the resources used to carry out
11 the program operated under section 2.

12 (b) ROLE OF OTHER ENTITIES.—The Librarian may
13 carry out the Program through agreements and partner-
14 ships entered into with other government and private enti-
15 ties, including the American Association of Law Libraries
16 and the American Bar Association.

17 (c) PRIVATE SUPPORT.—

18 (1) ACCEPTANCE OF DONATIONS.—Donations
19 of funds and in-kind contributions in support of the
20 Program may be accepted—

21 (A) by the Library of Congress Trust
22 Fund Board, as provided under the Act entitled
23 “An Act to create a Library of Congress Trust
24 Fund Board, and for other purposes”, approved
25 March 3, 1925 (2 U.S.C. 154 et seq.); and

1 (B) by the Librarian of Congress, as pro-
2 vided under section 4 of such Act (2 U.S.C.
3 160).

4 (2) USE OF AMOUNTS.—Notwithstanding the
5 second paragraph of section 2 of the Act entitled
6 “An Act to create a Library of Congress Trust Fund
7 Board, and for other purposes”, approved March 3,
8 1925 (2 U.S.C. 157), or the third sentence of sec-
9 tion 4 of such Act (2 U.S.C. 160), any amounts ac-
10 cepted by the Library of Congress Trust Fund
11 Board or the Librarian of Congress in support of
12 the Program shall be subject to disbursement by the
13 Librarian only upon the recommendation of the Law
14 Librarian (except to the extent otherwise provided
15 under any terms and conditions on the use of the
16 amounts which are imposed by the person making
17 the donation).

18 (3) ACCEPTANCE OF OTHER VOLUNTARY SERV-
19 ICES.—Notwithstanding section 1342 of title 31,
20 United States Code, the Librarian of Congress may
21 accept voluntary and uncompensated services in sup-
22 port of the Program.

23 (d) ESTABLISHMENT OF SEPARATE ACCOUNT.—

24 (1) IN GENERAL.—There is established in the
25 Treasury (among the accounts of the Library of

1 Congress) a separate account for the Program,
2 which shall consist of—

3 (A) amounts accepted by the Library of
4 Congress Trust Fund Board in support of the
5 Program as described in subsection (c)(1)(A),
6 together with any income earned on such
7 amounts;

8 (B) amounts accepted by the Librarian of
9 Congress in support of the Program as de-
10 scribed in subsection (c)(1)(B), together with
11 any income earned on such amounts;

12 (C) amounts appropriated pursuant to the
13 authorization under subsection (f); and

14 (D) interest on the balance of the account.

15 (2) USE OF AMOUNTS.—The funds contained in
16 the account established under this subsection shall
17 be used solely by the Law Librarian of Congress to
18 carry out the Program.

19 (e) ANNUAL REPORT.—Not later than April 30 of
20 each year (beginning with 2009), the Librarian of Con-
21 gress shall submit a report on Program funding and ac-
22 tivities to the Committee on House Administration of the
23 House of Representatives, the Committee on Rules and
24 Administration of the Senate, the American Bar Associa-

1 tion, and the American Association of Law Libraries. The
2 report shall include—

3 (1) a listing of all donations received in support
4 of the Program during the previous year;

5 (2) the total obligations during the previous
6 year for each Program activity;

7 (3) the amount appropriated pursuant to the
8 authorization under subsection (f) for the fiscal year
9 beginning on the previous October 1;

10 (4) a list of Program activities, with budget in-
11 formation for each such activity, planned for the cal-
12 endar year in which the report is submitted; and

13 (5) any findings in the most recently completed
14 audit conducted with respect to the Law Library or
15 Program funds or investments.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—In addi-
17 tion to any other amounts authorized to be appropriated
18 to the Librarian of Congress for the Law Library of Con-
19 gress for a fiscal year, there are authorized to be appro-
20 priated for deposit into the account established under sub-
21 section (d) an amount equal to 40 percent of the amount
22 of the donations accepted by the Library of Congress
23 Trust Fund Board in support of the Program under sub-
24 section (e)(1) during the previous fiscal year.

○

The CHAIRMAN. I would like to recognize Ms. Lofgren for a technical amendment.

Ms. LOFGREN. Mr. Chairman, I have an amendment that on page 2, line 6, would strike the word "building" from the bill; and I believe this is a technical amendment.

The CHAIRMAN. Without objection, the amendment is considered as read and the gentlelady from California is recognized.

[The information follows:]

FAM10\LOFGRE\LOFGRE_098.XML

AMENDMENT TO H.R. 6589
OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

Page 2, line 6, strike “building, maintaining, and administering” and insert “maintaining and administering”.



Ms. LOFGREN. This is a technical amendment. We are not really building anything, we are maintaining and administering. We want to clarify that.

It corrects a jurisdictional issue as well.

The CHAIRMAN. Any further discussion?

If not, without objection the amendment is agreed to.

Any further amendments?

The question is on Ms. Lofgren's amendment to H.R. 6589. All those in favor, signify by saying aye.

All those opposed?

The ayes have it.

The Chair recognizes Ms. Lofgren to make a motion.

Ms. LOFGREN. Mr. Chairman, I move to report H.R. 6589 favorably to the House with an amendment.

The CHAIRMAN. I thank the gentlelady.

All in favor, signify by saying aye.

Any opposed?

In the opinion of the Chair, the ayes have it. The bill with the amendment will be reported to the House. Without objection, the motion to reconsider will be laid on the table.

We have a vote, but we will try to get through the next bill before the vote.

The next bill is H.R. 998, the Civil Rights History Project Act. And I will forgo all of my statement, and I will submit my statement for the record, and I recognize the ranking member, Mr. Ehlers, for an opening statement.

[The statement of Mr. Brady follows:]

STATEMENT OF CHAIRMAN ROBERT A. BRADY

The Civil Rights History Project is an important step toward completing the recorded history of that important era. The Library of Congress and Smithsonian Museum's National Museum of African American History will work together on this project. They will gather firsthand accounts from the citizens who fearlessly fought for equal rights, lending a unique and untold perspective to what we already know about the Civil Rights Movement.

Building on the success of the Veteran's History Project, the Civil Rights History Project will highlight the efforts of those who would otherwise go unacknowledged. We know a lot about Martin Luther King, Junior and Rosa Parks, but countless others were also involved in securing fair and equal treatment for African Americans. This project will tell their story.

We have a letter from the Library of Congress and the Smithsonian explaining how they will work together on the Civil Rights History Project. Without objection, I will include that letter in the record.

I would now like to recognize the Ranking Republican Member, Mr. Ehlers, for an opening statement.

Mr. EHLERS. I will also enter my statement in the record, but I do want to mention that I am offering a minor amendment just to ensure the accuracy of the data, and that is based on a lot of experience.

If you wish, I may go directly into describing the amendment.

The CHAIRMAN. I need to call up the bill.

The Chair now calls and lays upon the committee H.R. 998. Without objection, the first reading of the bill is dispensed with. The bill is considered as read and open for amendment at any point.

[The information follows:]

110TH CONGRESS
1ST SESSION

H. R. 998

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

FEBRUARY 12, 2007

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

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 2007”.

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 1950’s through the
11 1960’s 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 (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 2008; and

15 (2) such sums as may be necessary for each of
16 the fiscal years 2009 through 2012.

○

The CHAIRMAN. And now I would like to recognize Mr. Ehlers.
Mr. EHLERS. Mr. Chairman, I am pleased to offer this amendment.
[The information follows:]

AMENDMENT TO H.R. 998
OFFERED BY M . _____

Page 5, strike lines 15 through 19 and insert the following:

1 (C) to review and (to the extent prac-
2 ticable) verify the authenticity and accuracy of
3 the recordings and other materials obtained,
4 and to create, catalog, and index a collection of
5 such recordings and materials in a manner the
6 Librarian and the Secretary consider appro-
7 priate; and



Mr. EHLERS. As many of you have dealt with stories from people who have lived through events, often there are inaccuracies that appear, and so the amendment just requires that they review and, to the extent practicable, verify the authenticity and accuracy of the recordings and other materials that are obtained; and to create, catalog and index the collection of such recordings and materials in a manner that the Secretary and Library consider appropriate.

I urge adoption of the amendment.

The CHAIRMAN. We have the amendment to the Civil Rights History Project.

I respectfully ask for a "no" vote on this amendment. Rather than going through all of the talking points, I would just call for the vote on the amendment.

Mr. EHLERS. Would the gentleman just summarize the objections?

The CHAIRMAN. To verify the recollection of stories and experiences of the real-life accounts of those who participated in the Civil Rights Movement of the 1950s and the 1960s is not the job of the Library of Congress or the Smithsonian Institution.

History is for people to interpret; and mainly, we can't ask the Library to insult the dignity of a person by asking them to provide documentation of a story of terrible beatings or attacks by dogs and fire hoses way back when in the Civil Rights Movement.

And how do you verify? We would be doing it forever and forever to have them verify everything that was coming in. In some instances, their physical scars still remain. But in countless other cases, the emotional scars still exist, and it is hard to verify any emotional scars.

Mr. EHLERS. Mr. Chairman, as the oldest person on the panel, I can vouch for the fact that memories weaken as you get older. And the verification is simply to get two statements from two different sources. Then it is verified.

This is not an attempt to argue with the authenticity of things, but simply to try to accumulate enough data so that scholars can find out what is the real story in any given event. There is certainly no intent to question the integrity of people's memories.

The CHAIRMAN. Again, I respectfully ask for a "no" vote on this amendment.

Mr. LUNGREN. If the gentleman would yield, I would just ask Mr. Ehlers: The genesis of this amendment was the experience we had, and have, with some of the oral histories dealing with veterans, where we had some people making claims they were Medal of Honor winners and so forth; and there was a concern that there not be an effort by some to have inappropriate information here. And that is why Mr. Ehlers drafted this "to verify to the extent practicable."

I believe that is the only purpose for his amendment, as I understood it, not to require people to relive their histories or to put them through third-degree investigation, but rather, to try and avoid what we had with the other experience.

I would just offer that for consideration.

Mr. EHLERS. If I may give an example, I was with a group of veterans once. There were four veterans from the same battle who

fought side by side, and they started telling their stories, and there was constant correction back and forth.

“No, Joe, that’s not the way it was. Remember, the plane came in from over the hill instead of through the valley.”

“Oh, yeah, that’s right.”

That is the sort of verification I am talking about.

The CHAIRMAN. And that just proves the point, there is no practical way for the Library of Congress to accomplish that, in my opinion.

Mr. EHLERS. It states “to the extent practicable.”

Ms. LOFGREN. There is a Veterans Administration. There is a way to find out whether somebody actually did get the medal or not get the medal. I think this is a much more complicated question here, which is why I agree with the chairman.

The CHAIRMAN. All those in favor of Mr. Ehlers’ amendment signify by saying aye.

Those opposed?

In the Chair’s opinion, the noes have it. The amendment is not agreed to.

Mr. Ehlers, do you have another amendment?

Mr. EHLERS. Yes. I have a simple amendment to change some dates, 2007 to 2008, et cetera, just to extend the timeline and give them time to put it together.

[The information follows:]

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AMENDMENT TO H.R. 998

OFFERED BY M . _____

Page 2, line 3, strike “2007” and insert “2008”.

Page 8, line 14, strike “2008” and insert “2009”.

Page 8, line 16, strike “2009 through 2012” and insert “2010 through 2013”.



The CHAIRMAN. This is my amendment, but I could give it to you. All those in favor, signify by saying aye.

Those opposed, no.

Mr. EHLERS. That's the only way I will get one passed.

The CHAIRMAN. You've got this one. The amendment is agreed to. Any further amendments?

The chairman moves the committee reports H.R. 998 favorably to the House with amendments. All those in favor say aye.

Opposed, no.

In the opinion of the Chair, the ayes have it. The motion is agreed to, and the bill with an amendment will be reported to the House. Without objection, the motion to reconsider is laid on the table.

We will now break to go vote and come back when the votes are over.

[The information follows:]



Smithsonian
Institution

July 21, 2008

The Honorable Robert Brady
U.S. House of Representatives
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

Attention: Kahlil Abboud
Diana Rodriguez

At the request of the Committee on House Administration staff, the Library of Congress (LOC) and the Smithsonian (SI) have been working together to determine the role of our respective institutions in carrying out H.R. 998, the Civil Rights History Project Act of 2007. We appreciate the courtesy of your staff in bringing about these discussions so that the coordination of this important project can begin prior to Committee action on the bill.

It is our intent that the Library's American Folklife Center (AFC) and the Smithsonian Institution's National Museum of African American History and Culture (NMAAHC) will work cooperatively and in equal partnership to plan and implement a five-year oral history project to collect and preserve video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement.

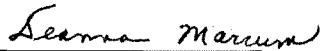
Each organization has already identified its respective strengths in carrying out the identified activities related to this project. The following activities will be carried out to the extent that funding for the project is available through appropriations or donations specifically for this purpose:

- Create a detailed Memorandum of Understanding (MOU) between the LOC and the SI within two months of enactment of HR 998 (this will not require additional funding). This MOU will be based on joint planning that will assign budgetary and reporting responsibilities and assign specific duties and tasks to both AFC and NMAAHC, subject to appropriations.
- Conduct a survey of major extant Civil Rights Movement oral histories, repositories and other resources for researchers; identify gaps in the historic record; and develop plans to interview individuals who are not represented in existing collections.

- Identify a representative set of individuals who lived through and worked in the Civil Rights Movement of the 1950s and 1960s in the United States and make contact.
- Professionally interview as many of these individuals as possible, concentrating on the most elderly participants first; and continue to collect oral histories to create a balanced and wide-ranging collection available for research.
- Create methodologies, databases and archival tools to preserve, catalog, and make accessible these oral histories at both the AFC and NMAAHC.
- Develop long-term preservation and access plans for the collection.
- Create a website to showcase the collection and make it accessible to the public.
- Develop and implement public programming as appropriate and within the limits of available funding.


Because the Library and the Smithsonian are funded through different legislative vehicles, it would be very helpful to expressly authorize within the bill transfers of appropriated and gift funds between our agencies in order to carry out the project. It is our intent that the MOU will spell out more specifically any further formalities in this arrangement. We suggest the following language: "TRANSFER OF FUNDS- The Librarian of Congress and the Secretary may enter into agreements with each other to perform or procure services under this section, and may transfer between themselves appropriations or other available funds to pay the costs therefor."

We appreciate the hard work and commitment of Reps. Carolyn McCarthy and John Lewis and their staff in envisioning this very worthwhile project so that the voices of the Civil Rights movement will be heard for generations to come.



Deanna Marcum
Associate Librarian for Library Services
Library of Congress

Date: July 21, 2008



Lonnie Bunch
Director, NMAAHC
Smithsonian Institution

Date: 7/21/08

[Recess.]

The CHAIRMAN. I would like to recognize myself for a brief statement on H.R. 6625.

I am proud to sponsor this bill, which requires the Secretary of Veterans Affairs to allow States to designate a VA facility as a voter registration agency under section 7 of the National Voter Administration Act. In addition, VA facilities are required to provide voting information, assist veterans with registering as well as voting, and work with election officials to ensure proper delivery of voting materials.

The bill also prohibits the Secretary of Veterans Affairs from preventing nonpartisan organizations and election officials from providing veterans with voting information at VA facilities.

Our veterans have dedicated their lives to protect our country, and many have been seriously wounded doing so. They deserve every opportunity to participate in the political process.

Recent policy decisions by the VA that interfere with veterans' registration are simply an outrage. This bill would direct the VA to provide the voting assistance our veterans deserve and ensure that those with the most expertise and election officials and nonpartisan voter education groups can assist them in the voting process.

Without objection, I would like to enter into the record some letters of support received from groups that represent over 6 million veterans and hundreds of thousands of concerned citizens.

[The information follows:]

**VETERANS OF FOREIGN WARS
OF THE UNITED STATES**

July 25, 2008

The Honorable Robert A. Brady
United States House of Representatives
206 Cannon House Office Building
Washington, DC 20515

Dear Congressman Brady:

On behalf of the 2.3 million members of the Veterans of Foreign Wars and our Auxiliaries, I would like to offer our support for your bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies.

This important legislation will ensure that our veterans are given the opportunity to register and vote. Veterans have dedicated their lives to protecting our country and deserve every commitment from the government to offer them the opportunity to participate in the political process.

Congressman Brady, this legislation is a great way to honor and give back to those who have sacrificed so much for our Nation. Thank you for concentrating on the changes that can make all the difference in veterans' lives. The VFW commends you, and we look forward to working with you and your staff to ensure the passage of this important legislation.

Thank you for your continued support for America's veterans.

Sincerely,



DENNIS CULLINAN, Director
National Legislative Service



July 28, 2008

The Honorable Robert A. Brady, Chairman
 House Administration Committee
 1309 Longworth House Office Building
 Washington, DC 20510

Dear Chairman Brady,

On behalf of the Paralyzed Veterans of America (PVA) I want to thank you for introducing the "Veteran Voting Support Act of 2008." This legislation will require the Secretary of the Department of Veterans Affairs (VA) to permit a State to designate facilities of the VA located in such State as voter registration agencies under section 7 of the National Voter Registration Act of 1993 (NVRA). In addition to the duties under Section 7 of NVRA, VA designated facilities shall provide information and assistance in requesting an absentee ballot and working with local election officials to ensure delivery.

As you know, on May 25, 2008, the VA issued directive VHA 2008-025. This directive further defines what VA personnel can and can not do to assist veterans who reside in VA facilities when it comes to registering and voting. Policy requires the veteran to request assistance in voting to initiate action from personnel. "It is VHA policy to assist patients who seek to exercise their right to register and vote; however, due to Hatch Act (Title 5 United States Code (U.S.C.) sec. 7321-7326) requirements and to avoid disruptions to facility operations, voter registration drives are not permitted."

Whereas this policy directive is a good first step, PVA believes that your legislation will further help veterans exercise their franchise. Specifically, sec. 5 allows non-partisan organizations to provide voter registration and assistance at VA facilities and sec. 6 allows election administration officials, whether State or local, party affiliated or non-party affiliated, elected or appointed, to provide voting information to veterans at any VA facility.

The right to register and vote is one of the explicit rights set forth in the VA patients' rights regulation at Title 38 Code of Federal Regulations (CFR) § 17.33. In order for the veteran to make an informed decision, it is imperative that they have up to date information about absentee balloting, registration, and polling location prior to casting a ballot.

Chartered by the Congress of the United States

801 Eighteenth Street, NW ★ Washington, DC 20006-3517
 phone:(202) 872-1300 ★ tdd:(202) 416-7622 ★ fax:(202) 785-4452 ★ www.pva.org

The Honorable Robert A. Brady
Page Two
July 28, 2008

Again thank you for your leadership on this important issue to ensure all veterans who are using the VA facilities have voter access.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas K. Vollmer". The signature is written in a cursive style with a large initial 'D'.

Douglas K. Vollmer
Associate Executive Director
for Government Relations



July 24, 2008

The Honorable Robert A. Brady, Chair
House Committee on Administration
1309 Longworth House Office Building
Washington, D.C. 20515-6157

Dear Chairman Brady:

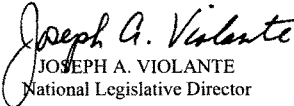
On behalf of the 1.3 million members of the Disabled American Veterans (DAV), I take this opportunity to express support for your draft legislation, companion bill to S. 3308, introduced by Senator Feinstein, to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs (VA) to be designated as voter registration agencies.

As you know, throughout the history of America, veterans have fought to defend our freedom. One of the most essential of those freedoms is the right to vote. But now the VA chooses to stand in the way of veterans exercising that same freedom by not allowing state agencies and nonpartisan groups to register veterans to vote at a VA facility.

The commitment of the DAV is solidified through the adoption of a long-standing resolution by our National Convention delegates encouraging disabled veterans to register to vote.

Once again, thank you for introducing this important legislation. I look forward to working with you and your staff to build better lives for America's disabled veterans.

Sincerely,


JOSEPH A. VIOLANTE
National Legislative Director

JAV:Imb

JUL-24-2008 02:13PM FROM-AMERICAN LEGION

2028612785

T-409 P.002/003 F-085

**The
American
Legion*** WASHINGTON OFFICE * 1808 "K" STREET, N.W. * WASHINGTON, D.C. 20006-2847 *
(202) 861-2700 * FAX (202) 861-2728 *

July 25, 2008

46

Honorable Robert A. Brady, Chairman
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, DC 20515-6157

Dear Chairman Brady:

On behalf of the 2.7 million members of The American Legion, I am writing to offer our support of your proposed legislation to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, the "Veteran Voting Support Act."

The American Legion has a long standing resolution that encourages all Americans to register and vote in all elections. We find it unreasonable to deny veterans the same opportunity to register to vote, therefore denying them the opportunity to participate in the electoral process simply because they are in Department of Veterans Affairs' facilities.

The American Legion, through our nonpartisan "Get Out the Vote" program, welcomes the opportunity to provide voting registration information and assistance to our veterans who are in Department of Veterans Affairs' facilities.

Veterans have dedicated their lives to protecting this country and the right for all citizens to vote. They certainly deserve every commitment from the local, state, and Federal government to offer them each and every opportunity to participate in the political process.

Sincerely,

JOSEPH E. CAOUILLE
Chairman
National Americanism Commission

Cc: Martin F. Conatser, National Commander
Robert W. Spanogle, National Adjutant
Daniel S. Wheeler, Executive Director

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John Sommer, Executive Director
Steve Robertson, Director, Legislative Division
Marty Justis, Director, Americanism and Children & Youth Division
Jill Druskis, Deputy Director, Americanism and Children & Youth Division



July 30, 2008

Committee on House Administration
United States House of Representatives
Washington, DC 20515

Dear Committee Member:

On behalf of the hundreds of thousands of members of People For the American Way, we write in support of the Veteran Voting Support Act (H.R. 6625).

H.R. 6625 makes sure that all veterans, especially those that due to disability may not be able to leave Department of Veterans Affairs (VA) facilities, are able to register and vote. The bill would enable state election officials to designate VA facilities as voter registration agencies and grant access for those officials and their local counterparts. It would also ensure that nonpartisan organizations get the opportunity to provide on-site registration services and assistance. Additionally, H.R. 6625 provides for information related to absentee applications and ballots.

H.R. 6625 is especially important given recent events. On April 25, 2008, Dr. Michael Kussman, the VA Under Secretary for Health, issued VHA Directive 2008-023: Voting Assistance for VA Patientsⁱ, which allowed nonpartisan organizations access to VA facilities for purposes of voter registration and absentee ballot assistance. Ten days later, Dr. Kussman reversed course and rescinded that access with the issuance of VHA Directive 2008-025.ⁱⁱ

Just as it is impossible to ignore the hard fought battles and the countless number of Americans that risked their lives for the right to cast a ballot, it is also impossible to ignore the fact that those who've defended our country currently face needless barriers to exercising that right. People For the American Way urges you to right this wrong by supporting H.R. 6625.

Our goal is simple and should be unquestioned in the United States of America: an electoral system that guarantees every citizen the right to vote and that facilitates rather than frustrates every citizen's ability to cast a vote that is fairly and accurately counted.

Sincerely,

Kathryn Kolbert
President

Tanya Clay House
Director, Public Policy

ⁱ <http://rules.senate.gov/newsroom/PR08/04252008vadirective.pdf>

ⁱⁱ http://www1.va.gov/vhapublications/ViewPublication.asp?pub_ID=1687



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July 30, 2008

The Honorable Robert Brady
 Chairman, Committee on House Administration
 1309 Longworth House Office Building
 Washington, D.C. 20515

Dear Chairman Brady:

On behalf of AARP, we support your veterans voting legislation (H.R. 6625) which seeks to ensure that the nation's veterans have access to opportunities to register to vote, and obtain information and assistance regarding the exercise of the right to vote. AARP believes voting is a basic right for all Americans, and encourages expansion of that right by the removal of barriers that prejudice voting opportunity and access.

This legislation will help ensure that the men and women who have fought for the security of our nation also have the opportunity to participate in our democracy through clarification of the National Voter Registration Act (NVRA) of 1993. We are pleased that the bill would:

- Require the VA to make voter registration services available at VA facilities in states that request it, in accordance with NVRA. Services would include providing voter registration forms, answering questions on registration issues and assisting with submitting voter registration forms.
- Require the VA to assist veterans at facilities to receive and use absentee ballots if they choose to vote absentee.
- Allow non-partisan groups and election officials to provide voter information and registration information to veterans.
- Require an annual report to Congress from the Department of Veterans Affairs on progress related to this legislation.

Since the NVRA requires states to offer voter registration opportunities at all offices that provide public assistance, services to the disabled and at all motor vehicle offices, and also allows federal agencies to provide these voter assistance opportunities, AARP welcomes your leadership and supports this legislation. Please contact me or Larry White (202-434-3813) if you have questions.

Sincerely,

David P. Sloane
 Senior Vice President
 AARP Government Relations and Advocacy

The CHAIRMAN. I will now recognize the ranking member, Mr. Ehlers, for an opening statement.

Mr. EHLERS. Thank you, Mr. Chairman. As I have often stated in the past, I believe it is extremely important that we ensure that every vote is counted and that every eligible person is able to cast a ballot and that no one's vote is weakened by someone else casting an illegal vote.

As a part of that effort, I am pleased to join Chairman Brady in support of this bill which would designate veterans' facilities as voter registration agencies. Doing so will allow those who have risked their lives for our freedom an opportunity to register to vote and make their voices heard.

I do wish we had had the opportunity to have a full hearing on this bill, rather than having it introduced yesterday and then marking it up today. This is an important issue, and I would have preferred we receive testimony from the relevant parties on both sides as to the potential impact of this bill before we vote on whether or not to move it forward.

In particular, one of my main concerns with this bill is the language that states that nonpartisan groups may have reasonable access to veterans in order to encourage voter registration. The word "reasonable" means different things to different people, and I would hate to see a veteran who wishes to convalesce in a private setting be intruded upon by an activist from a voter registration group, however well-intentioned they may be.

I would ask that we more clearly define the boundaries that are considered reasonable, or strike this language altogether to prevent these types of interactions or intrusions from occurring.

Thank you, Mr. Chairman. I reserve the balance of my time.

The CHAIRMAN. Thank you.

Ms. Lofgren.

Ms. LOFGREN. Mr. Chairman, if I may make a brief comment, thanks for the bill.

And in support of your bill, I think it was in my county that, at least as far as I am aware, this first came to a head when volunteers attempted to register veterans at the Palo Alto VA hospital and were turned away. Those volunteers have now sued the Veterans Administration. And as your letters indicate, the veterans groups support what you are doing here.

So I appreciate that if we succeed here, we will avoid the need for litigation to resolve this and we will legislatively make sure that our veterans get the help they deserve and need.

I yield back the balance of my time.

The CHAIRMAN. I thank the gentlelady.

I call up and lay before the committee H.R. 6625. Without objection, the first reading of the bill is dispensed with. Without objection, the bill is considered as read and open for amendment at any point.

[The information follows:]

110TH CONGRESS
2D SESSION

H. R. 6625

To require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2008

Mr. BRADY of Pennsylvania (for himself, Ms. WATSON, Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mr. GONZALEZ, Mrs. DAVIS of California, Ms. WASSERMAN SCHULTZ, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. McDERMOTT, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. HINCHEY, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. FARR, Mr. MURPHY of Connecticut, Mrs. CHRISTENSEN, Mr. FOSTER, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Ms. JACKSON-LEE of Texas, Mr. BOUCHER, Mr. DAVIS of Alabama, Mr. SERRANO, Ms. SHEA-PORTER, Mrs. CAPPS, Mr. UDALL of Colorado, Mr. ALLEN, Mr. SCOTT of Virginia, Mr. McGOVERN, Mr. BOSWELL, Ms. SLAUGHTER, Mr. GRIJALVA, Mr. HOLT, Mr. GENE GREEN of Texas, and Mr. COURTNEY) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Veterans' Affairs, 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 require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veteran Voting Sup-
5 port Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Veterans serving in foreign wars have per-
9 formed a great service to, and risked the greatest
10 sacrifice in the name of, our country, and should be
11 supported by the people and the Government of the
12 United States.

13 (2) Veterans are especially qualified to under-
14 stand issues of war, foreign policy, and government
15 support for veterans, and they should have the op-
16 portunity to voice that understanding through vot-
17 ing.

18 (3) The Department of Veterans Affairs should
19 assist veterans in meeting their medical, social, and
20 civic needs, including the full participation of vet-
21 erans in our democracy.

22 (4) The Department of Veterans Affairs should
23 make every effort to assist veterans to register to
24 vote and to vote.

1 **SEC. 3. USE OF DEPARTMENT OF VETERANS AFFAIRS FA-**
2 **CILITIES AS VOTER REGISTRATION AGEN-**
3 **CIES.**

4 The Secretary of Veterans Affairs shall permit a
5 State to designate facilities of the Department of Veterans
6 Affairs located in such State as voter registration agencies
7 under section 7 of the National Voter Registration Act of
8 1993 (42 U.S.C. 1973gg-5).

9 **SEC. 4. ASSISTANCE WITH ABSENTEE BALLOTS.**

10 In addition to the duties required under section 7 of
11 the National Voter Registration Act of 1993 (42 U.S.C.
12 1973gg-5), any facility of the Department of Veterans Af-
13 fairs designated as a voter registration agency under sec-
14 tion 3 shall—

15 (1) provide information relating to the oppor-
16 tunity to request an absentee ballot;

17 (2) make available absentee ballot applications
18 and absentee ballots upon request, as well as assist-
19 ance in completing such applications and ballots;
20 and

21 (3) work with local election officials to ensure
22 the proper delivery of absentee ballot applications
23 and absentee ballots.

1 **SEC. 5. INFORMATION PROVIDED BY NONPARTISAN ORGA-**
2 **NIZATIONS.**

3 The Secretary of Veterans Affairs shall permit a
4 meaningful opportunity for nonpartisan organizations to
5 provide voter registration information and assistance at
6 facilities of the Department of Veterans Affairs.

7 **SEC. 6. ASSISTANCE PROVIDED BY ELECTION OFFICIALS**
8 **AT DEPARTMENT OF VETERANS AFFAIRS FA-**
9 **CILITIES.**

10 (a) DISTRIBUTION OF INFORMATION.—

11 (1) IN GENERAL.—The Secretary of Veterans
12 Affairs shall not prohibit any election administration
13 official, whether State or local, party-affiliated or
14 non-party affiliated, or elected or appointed, from
15 providing voting information to veterans at any facil-
16 ity of the Department of Veterans Affairs.

17 (2) VOTING INFORMATION.—In this subsection,
18 the term “voting information” means nonpartisan
19 information intended for the public about voting, in-
20 cluding information about voter registration, voting
21 systems, absentee balloting, polling locations, and
22 other important resources for voters.

23 (b) VOTER REGISTRATION SERVICES.—The Sec-
24 retary shall provide reasonable access to facilities of the
25 Department of Veterans Affairs to State and local election

1 officials for the purpose of providing nonpartisan voter
2 registration services to individuals.

3 **SEC. 7. ANNUAL REPORT ON COMPLIANCE.**

4 The Secretary of Veterans Affairs shall submit to
5 Congress an annual report on how the Secretary has com-
6 plied with the requirements of this Act.

○

The CHAIRMAN. Any debate? Amendments?

Mr. EHLERS. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. Without objection, the amendment is considered as read.

[The information follows:]

AMENDMENT TO H.R. _____
OFFERED BY M. _____

Amend section 4 to read as follows:

1 **SEC. 4. ASSISTANCE WITH ABSENTEE BALLOT APPLICA-**
2 **TIONS.**

3 In addition to the duties required under section 7 of
4 the National Voter Registration Act of 1993 (42 U.S.C.
5 1973gg—5), any facility of the Department of Veterans
6 Affairs designated as a voter registration agency under
7 section 3 shall—

8 (1) provide information relating to the oppor-
9 tunity to request an absentee ballot;

10 (2) make available absentee ballot applications
11 upon request, as well as assistance in completing
12 such applications; and

13 (3) work with local election officials to ensure
14 the proper delivery of absentee ballot applications.



The CHAIRMAN. I recognize the ranking member for 5 minutes.
Mr. EHLERS. Well, this amendment would strike from section 4 of the act language requiring VA facilities that are designated as voter registration agencies to make available absentee ballots upon request.

Although we question the propriety of imposing upon veterans facilities additional burdens beyond those required of other NVRA section 7 voter registration agencies, we are aware of the potential for fraud inherent in absentee voting. And I can give numerous examples of that if you wish.

We do endorse full enfranchisement of our Nation's veterans and, where appropriate, via absentee voting. Accordingly, we believe that those who are eligible to vote absentee under the laws of their State should be offered absentee ballot applications at voter registration agencies.

However, we do not support the notion of VA facilities, which are Federal offices, administering elections by having absentee ballots on site for disbursement to voters by VA personnel. Such ballots should be sent to the voter by a State or local election official pursuant to State law.

Therefore, under the language of this amendment, VA facilities that are designated as voter registration agencies under NVRA section 7, would still be required to provide information relating to the opportunity to request an absentee ballot and make available absentee ballot applications and provide assistance in completing such an application.

In other words, I am encouraging absentee balloting, but absentee ballots should not be available and kept on hand at a facility; they should always be under the control of an election facility until they are mailed out to the appropriate person requesting them.

I offer this amendment.

The CHAIRMAN. I thank the gentleman.

Any statements in reply?

Ms. Lofgren.

Ms. LOFGREN. Mr. Chairman, although I don't doubt the good intentions of the amendment, I think that the amendment would weaken a very good bill. I think that our veterans have risked life and limb to protect our freedom and the right to vote; especially soldiers who returned home impaired because of injury should have whatever help is necessary.

The CHAIRMAN. I thank the gentlelady.

I also agree that these men and women fought for us. There could be some loss of sight and mobility, and maybe they cannot get to register or to an agency that will provide an absentee ballot. I don't see anything wrong with the absentee ballot being made available to them, done in a proper way; and I don't see why we can't allow them to fill out the absentee ballot with a nonprofit or with somebody from their veterans home that would assist them, just like on that ballot, they would ask for assistance if they got an opportunity to vote, and if not, they would be able to vote via absentee ballot.

So I would ask for a "no" vote on this amendment.

Mr. EHLERS. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. EHLERS. Just continuing on with my comments, I don't know, perhaps you misunderstand what I am saying here. I am not disagreeing with you.

The facility should provide applications for persons to apply for an absentee ballot. An institution should assist veterans in filling out the forms and putting it in the mail. And once it is received, the facility should assist the veterans in looking at it and, if necessary, assist them in voting if they are incapacitated in some way.

The objection is simply to having a stack of absentee ballots in the facility. I don't know of any other place which would just allow a stack.

For example, a nursing home is very similar. No one would ever think of having the local clerk of elections drop off 100 absentee ballots at a nursing facility and say, Here, give them to whoever wants them, and they can fill them out.

There is a process under State law by which absentee ballots are processed. Every State has their own law. I believe that the VA facility should operate under State law just like a nursing home would.

The CHAIRMAN. Ms. Lofgren.

Ms. LOFGREN. Mr. Chairman, under section 7 of the Voting Rights Act, it actually requires assistance agencies—I don't know if the VA is included—to actively go out and recruit voters. I think, whether or not—and I can't do this from memory—they are included, certainly the spirit of what is intended in NVRA is honored by the bill which you have introduced; and certainly nothing in this bill changes the requirements that are present in State law.

I won't get into the jurisdictional issue, but there is nothing in this bill that changes the State eligibility requirements.

The CHAIRMAN. According to State law, they would have to fill out an application. They could do that by presenting an application to them, and then they would receive the ballot in the mail to them at the nursing home.

All we are saying is that we think they need to be assisted in applying for it, and we think they should have assistance in filling it out. They are not given a stack of ballots to take with them. They have to apply for them like anywhere else.

Mr. EHLERS. I am simply saying they should apply, as anyone else.

NVRA, for example, just to make clear, does require the distribution of voter mail registration application forms, and I am just trying to make this comply with the NVRA law.

The CHAIRMAN. Again, with all due respect, it is the same thing happening here. Nobody is walking into a nursing home with a stack of absentee ballots and passing them out. Anyone anywhere can have an application. I can walk around with an application.

Mr. EHLERS. I don't contest that.

The CHAIRMAN. That is what we are doing here.

Mr. EHLERS. No. The way it is written, it states absentee ballots will be available, not applications.

That is my concern. That is what we are trying to change.

The CHAIRMAN. Again, I don't read it that way. I would be opposed to this amendment.

The question is on Mr. Ehlers' amendment No. 1 to H.R. 6625. All those in favor, signify by saying aye.

Those opposed, no.

In the opinion of the Chair, the noes have it.

Mr. EHLERS. Mr. Chairman, if I may have the privilege of a comment. I think there may be a misunderstanding here between what my amendment is trying to do and what the bill is trying to do. I would be happy to sit down with you and your staff and our staff and try to make sure that we, first of all, understand each other on this and what our concern is.

The CHAIRMAN. I will be more than happy to do that.

Mr. EHLERS. I don't think we are apart in what we are trying to do, but I think we are getting tangled up in the language here.

The CHAIRMAN. We can do that in the clarifying language in the report in September. I will be willing to work with you on that.

The amendment was not agreed to.

Now opening up again for any further amendments.

Mr. EHLERS. I have a second amendment.

[The information follows:]

AMENDMENT TO H.R. _____
OFFERED BY MR. EHLERS

In section 4(2), strike the semicolon and insert the following: “, except that nothing in this paragraph may be construed to waive any requirement under State or local law regarding an individual’s eligibility to receive an absentee ballot or vote by absentee ballot in any election;”.



Mr. EHLERS. Amendment No. 2 provides clarification that nothing in this act may be construed to waive any requirement under State or local law regarding an individual's eligibility to receive an absentee ballot or vote by absentee ballot. And this is necessary because the act, as drafted, is vague as to whether section 4, which provides absentee ballot application, et cetera, be made available upon request, and establishes a new basis for eligibility to vote absentee which may conflict with State law.

Again, we don't disagree with what you are trying to do. We are simply trying to clarify the language to make certain that it agrees with current law and State law.

The CHAIRMAN. I have no problem in accepting this amendment.

Mr. Capuano.

Mr. CAPUANO. I am with you, Mr. Chairman.

The CHAIRMAN. We accepted Ehlers' amendment No. 2.

I recognize Mr. Ehlers for amendment 3.

[The information follows:]

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AMENDMENT TO H.R. _____**OFFERED BY MR. EHLERS**

In section 3, strike the period and insert the following: “, but only with respect to facilities in which the Veterans Affairs Voluntary Service does not provide voter registration assistance.”.



Mr. EHLERS. Amendment No. 3, this amendment exempts from eligibility to be designated as a voter registration agency any VA facility where the voluntary service provides for the provision of voter registration and voting assistance services.

To comment on that, this will ensure that the VA offers voter registration and voting assistance in a nonpartisan manner and with minimal disruption to facility operations. This service should be coordinated through the agency's voluntary service office at each medical facility.

We should encourage State and local government officials to work with the voluntary service officers to provide coordinated, accurate, and timely voter registration information and services; and where the voluntary service provides these services, we think it is unnecessary for States to designate such facilities as voter registration agencies.

The CHAIRMAN. I do appreciate again the gentleman's amendment. The only problem is that it does cut the cord of the bill.

I am not comfortable with the VA having anything to say in regulating in any way, shape or form how a nonprofit can come into the veterans home, simply because the director already is saying that they cannot without having a conversation with any one of us; and that is the purpose of this bill.

Again, I think it cuts the cord and I think it cuts the ability and the right of our men and women that have been in harm's way, while we are here in either our too-air-conditioned offices or not-too-air-conditioned offices; and we are trying to impede in any way, shape, or form, as the veterans administrator did when they impeded their right to get an opportunity to vote absentee or to be registered to vote at all.

I would ask for a "no" vote on this.

The question is on Ehlers amendment 3 to H.R. 6625. All those in favor, signify by saying aye.

Those opposed, no.

In the opinion of the Chair, the noes have it.

I would like to recognize Mr. Ehlers for amendment No. 4.

[The information follows:]

AMENDMENT TO H.R. 6625**OFFERED BY MR. EHLERS**

In section 4—

(1) strike “In addition” and insert “(a) IN GENERAL.—In addition”; and

(2) add at the end the following new subsection:

1 (b) EXCLUDING FACILITIES IF ACTIVITIES WOULD
2 BE DETRIMENTAL TO HEALTH OR INTERFERE WITH
3 PROVISION OF SERVICES.—Subsection (a) shall not apply
4 with respect to any facility of the Department of Veterans
5 Affairs in which the provision of the information and as-
6 sistance referred to in such subsection would be detri-
7 mental to the health of the individuals who receive services
8 at the facility under title 38, United States Code, or would
9 interfere with the provision of such services to such indi-
10 viduals.



Mr. EHLERS. Amendment No. 4, this amendment prohibits the provision of certain services at VA facilities that have been designated as voter registration facilities under NVRA section 7 where the provision of such services would be detrimental to the health of or interfere with the provision of services to any patient or beneficiary.

The goal here is to protect the well-being of our veterans. We are concerned by the stark differences between other voter registration agencies, such as public welfare agencies on the one hand, and VA facilities where injured veterans go to receive health care services. We simply want to protect the health and dignity of patients, and accordingly, we want to ensure that the provision of assistance with absentee ballots does not do harm to veterans in any way, under the care of the VA.

So it is just saying, if someone is very ill and they shouldn't be disturbed, then they shouldn't be disturbed by people trying to get them to vote either.

The CHAIRMAN. I can understand and appreciate the intent, but the problem with this is that, again, it goes back to our veterans administrator, who put out that directive that can say at any point in time they can exclude an entire facility.

Our intent is not to disturb or bother or cause any hardship on these men and women, but allow them their rights. I want to ensure that no one—I can't imagine how you would try to bother or impose upon any veteran that is there, that can't or won't be able to or have the ability at that particular time to fill out an absentee ballot, to register to vote.

The problem I have is excluding an entire facility. Again, it was at the direction of the veterans administrator, who I have no faith at all in, in allowing our veterans to be registered and being able to vote via absentee ballot. And so, again, I ask for a "no" vote on the amendment.

Mr. EHLERS. So I take it, Mr. Chairman, you would like a new administrator?

The CHAIRMAN. I am sure we will have one, one way or another.

The question is on Ehlers amendment No. 4 to H.R. 6625. All those in favor, say aye.

All those opposed, no.

In the opinion of the Chair, the noes have it. The amendment is not agreed to.

I recognize Mr. Ehlers again for amendment No. 5.

[The information follows:]

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AMENDMENT TO H.R. _____

OFFERED BY MR. EHLERS

In section 4, strike “any facility” and insert “any inpatient or residential facility”.



Mr. EHLERS. Amendment No. 5 would simply limit the scope of the applicability of the requirements of section 4 to those VA facilities where patients reside.

I don't know if I have to really say much more about that, but the whole idea is, we are doing this for the patients, and it wouldn't have to apply to VA facilities that don't have patients.

The CHAIRMAN. Again, I oppose this amendment.

We should allow an outpatient that would have the opportunity to come into the Veterans Administration for any type of medical procedure, any type of medical update, any kind of prescriptions; they could probably have their appointments the same day, making it a one-stop shop when they know there is registration being held and have the opportunity to make it easier for them.

Just because they are outpatient, I don't want to discriminate against them—again, to afford the luxury of making it easier for them to absentee vote or register to vote.

So again, I ask for a “no” vote on this amendment.

The question is on Ehlers amendment No. 5 to H.R. 6625. All those in favor, signify by saying aye.

Those opposed, no.

In the opinion of the Chair, the noes have it.

The Chair moves to report H.R. 6625 favorably to the House with an amendment. All those in favor, signify by saying aye.

All those opposed, no.

In the opinion of the Chair, the ayes have it. The motion is agreed to, and the bill is reported to the House.

Without objection, a motion to reconsider is laid on the table.

We will next consider H.R. 6627, the Smithsonian Institution Facilities Authorization Act for 2008.

H.R. 6627 represents an agreement between our committee and the Committee on Transportation and Infrastructure to move two Smithsonian projects. We agree to release the bill at this point in order to get around jurisdictional dispute with other committees. It sets no precedent for future Smithsonian bills.

Ranking Member Ehlers has joined me in cosponsoring this bill introduced by Chairman Oberstar. The House Administration Committee was given an additional referral to consider section 2.

That section authorizes a project at the Smithsonian Environmental Research Center in Edgewater, Maryland, on the Chesapeake Bay. H.R. 6627 will authorize a total of \$41 million over 3 years for design and construction of the Mathias Laboratory renovation and trailer replacement project. \$3.5 million will be used to design the project for fiscal year 2009, and has been included in the House Interior appropriation bill. Construction is then expected to cost \$37.5 million over the following 2 fiscal years.

The current Mathias Laboratory exceeds its capacity by 40 percent, and is considered unsuitable for missions and safety of staff. The project will modernize the facility, a building that was constructed in seven phases between 1978 and 2000. The Smithsonian will also demolish a series of trailers and other ad hoc structures, some more than 30 years old, which pepper the site.

The bill will also be considered by the Transportation Committee in its markup tomorrow. They will consider a SCRC project. And, also, section 3 of this bill deals with the Smithsonian Tropical Re-

search Institute in Gamboa, Panama. I also support that project, which was inspected by committee staff from both sides last January.

I would now like to recognize the ranking member, Mr. Ehlers, for an opening statement.

Mr. EHLERS. Thank you, Mr. Chairman.

I am proud to have cosponsored this bill which will enable additional research to continue both at the Smithsonian Environmental Research Center in Edgewater, Maryland, and at the Smithsonian Tropical Research Institute in Panama City, Panama.

In the interest of time, I will not read the remainder of my statement, but submit it for the record. But I simply want to agree with the Chair's comments.

These are very valuable facilities, particularly the research institution in Panama, which is a worldwide center for research. I have visited this in the past under the auspices of a different committee, and I know that our committee staff has gone down and visited the facility in Panama.

I respectfully suggest, Mr. Chairman, that you organize a codel some time during this year to examine perhaps both facilities, but certainly the Tropical Research Institute in Panama. It is a great asset to the entire world, and I think the members of this committee should be completely aware of what a wonderful gem we have there and what we can do.

I was surprised. I didn't even know about it when I went down there, as I said, under the auspices of another committee; and I was just astounded what an excellent facility it is. I certainly support the bill and respectfully suggest a codel.

[The statement of Mr. Ehlers follows:]

The CHAIRMAN. I appreciate that and I take your recommendation. We will put together a codel going down to Panama.

The Chair now calls up before the committee H.R. 6627. Without objection, the first reading is dispensed with and the bill is considered as read and open to amendment.

[The information follows:]

110TH CONGRESS
2D SESSION

H. R. 6627

To authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2008

Mr. OBERSTAR (for himself, Mr. BRADY of Pennsylvania, Mr. MICA, Mr. EILERS, Mr. HOYER, Ms. NORTON, Mr. BECERRA, Ms. MATSUI, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on House Administration, 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 authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Smithsonian Institu-
5 tion Facilities Authorization Act of 2008”.

1 **SEC. 2. LABORATORY AND SUPPORT SPACE, EDGEWATER,**
2 **MARYLAND.**

3 (a) **AUTHORITY TO DESIGN AND CONSTRUCT.**—The
4 Board of Regents of the Smithsonian Institution is au-
5 thorized to design and construct laboratory and support
6 space to accommodate the Mathias Laboratory at the
7 Smithsonian Environmental Research Center in
8 Edgewater, Maryland.

9 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
10 authorized to be appropriated to carry out this section a
11 total of \$41,000,000 for fiscal years 2009 through 2011.
12 Such sums shall remain available until expended.

13 **SEC. 3. LABORATORY SPACE, GAMBOA, PANAMA.**

14 (a) **AUTHORITY TO CONSTRUCT.**—The Board of Re-
15 gents of the Smithsonian Institution is authorized to con-
16 struct laboratory space to accommodate the terrestrial re-
17 search program of the Smithsonian tropical research insti-
18 tute in Gamboa, Panama.

19 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
20 authorized to be appropriated to carry out this section a
21 total of \$14,000,000 for fiscal years 2009 and 2010. Such
22 sums shall remain available until expended.

○

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

If not, the Chair will move to report H.R. 6627 favorably to the House.

The question is on the motion. All those in favor, say aye?

Those opposed.

In the opinion of the Chair, the ayes have it. The bill is reported to the House. Without objection, the motion to reconsider is laid on the table.

Our next bill is H.R. 6608, a bill I introduced with Mr. Ehlers. This bill would replace lost income for military reservists working for the House of Representatives when they are activated for more than 30 days.

I introduced this important bill after discussing with several House employees who have also served as members of the armed services. With our country engaged in mismanaged wars without end, some reservists or National Guard members are now being deployed for the second or third time. When they are called up, these men and women must leave their homes, families and jobs, often for an indeterminate and unpredictable amount of time. While on active duty, these men and women earn the wages of full-time servicemen and forfeit their regular salary.

We know that many companies have helped families continue to survive during this difficult time by continuing to pay the difference between their annual salary and their active pay. This bill would do the same thing for House employees. It requires the CAO to provide debt supplement for House employees when they are activated involuntarily.

This is a good bill that honors the devoted public service of our House employees who not only serve as stewards of our democracy at home, but as defenders abroad.

I would now like to recognize the ranking member for any statement he may have.

Mr. EHLERS. Thank you, Mr. Chairman. I thank you for your leadership on this issue, and I am proud to join with you as a cosponsor of this important bill.

I think it is extremely important for us to help our Armed Forces in any way that we can, and we have an opportunity to do so with our own House staff, and we can set an example for the Nation by doing so.

I submit the rest of my statement for the record in order to save time.

The CHAIRMAN. I thank the gentleman.

Any other statements?

I now call up and lay before the committee H.R. 6608. Without objection, the first reading of the bill will be dispensed with. Without objection, the bill is considered as having been read and open for amendment at any point.

[The information follows:]

110TH CONGRESS
2D SESSION

H. R. 6608

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

JULY 24, 2008

Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS) 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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “House Reservists Pay
5 Adjustment Act of 2008”.

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 Offi-
9 cer of the House of Representatives shall pay to the
10 employee 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 (c) 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 2008.”.

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 2008).”.

○

The CHAIRMAN. Any debate? Any amendments?

If not, the Chair will move to report H.R. 6608 favorably to the House. The question is on the motion. All those in favor, signify by saying aye.

All those opposed?

In the opinion of the Chair, the ayes have it and the bill is reported to the House. Without objection, the motion to reconsider is laid on the table.

The next item is H. Res. 1207, which directs the Chief Administrative Officer to give House employees the option of receiving receipts of pay and withholdings electronically. This is a common-sense step to the modernization of our pay system. Not only will it simplify pay records, it will reduce paper and waste and support the Speaker's Green Capitol Initiative.

I now recognize our ranking member for an opening statement.

Mr. EHLERS. Thank you, Mr. Chairman. I fully support this bill. I think it achieves a number of goals. As I am sure everyone does, virtually all of my personal banking and financial work is done online, and the check that I receive from this institution goes to my bank. I never see it.

By passing this bill, we can extend the electronic use even further and save time and paper. I believe it is a good bill.

I submit the remainder of my statement for the record in the interest of time.

The CHAIRMAN. I thank the gentleman.

I now call up and lay before the committee H. Res. 1207. Without objection, the first reading of the resolution is dispensed with. And without objection, the resolution is considered as read and open to amendment any point.

[The information follows:]

110TH CONGRESS
2D SESSION

H. RES. 1207

Directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2008

Ms. FOXX submitted the following resolution; which was referred to the
Committee on House Administration

RESOLUTION

Directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically.

1 *Resolved,*

1 **SECTION 1. PROVIDING INDIVIDUALS PAID BY CHIEF AD-**
2 **MINISTRATIVE OFFICER OF THE HOUSE OF**
3 **REPRESENTATIVES WITH THE OPTION OF RE-**
4 **CEIVING RECEIPTS OF PAY ELECTRONI-**
5 **CALLY.**

6 (a) IN GENERAL.—The Chief Administrative Officer
7 of the House of Representatives shall take such steps as
8 may be necessary to provide each individual whose pay is
9 disbursed by the Chief Administrative Officer by electronic
10 funds transfer with the option of receiving the receipt of
11 the pay and the accompanying withholdings electronically.

12 (b) ELECTRONIC FUNDS TRANSFER DEFINED.—In
13 subsection (a), the term “electronic funds transfer” has
14 the meaning given such term by section 3332 of title 31,
15 United States Code.

○

The CHAIRMAN. Is there any additional debate?

Mr. EHLERS. I am sorry. I do have an amendment.

The CHAIRMAN. Your amendment is now in order, Mr. Ehlers.
[The information follows:]

AMENDMENT TO H.RES. 1207
OFFERED BY M _____

Page 2, line 11, strike the period and insert the following: “, the option of viewing electronically the individual’s employee statement required under section 6051 of the Internal Revenue Code of 1986, and the option of revising electronically (to the extent permitted under applicable law and regulations) the individual’s number of deductions and withholdings under that statement and information relating to the deposit of the individual’s funds with the financial institution to which the electronic funds transfer is made.”.



Mr. EHLERS. Page 2, line 11, strike the period and insert the following, "the option of viewing electronically the individual's employee statement required under section 6051 of the Internal Revenue Code of 1986, and the option of revising electronically (to the extent permitted under applicable law and regulations) the individual's number of deductions and withholdings under that statement and information relating to the deposit of the individual's funds with the financial institution to which the electronic funds transfer is made."

I am just adding a few more things to improve the bill, and so if we want to change the number of dependents, instead of having to go down to the service's office or have them mail the form, we can get on line and enter our code and change our number of deductions, reduce or increase, whatever.

We are just adding three different things, in other words, to make it an even better bill.

The CHAIRMAN. I thank the gentleman.

I would ask the committee to agree to Mr. Ehlers' amendment.

The question is on Mr. Ehlers' amendment to H. Res. 1207. All those in favor, signify by saying aye.

All those opposed?

In the opinion of the Chair, the ayes have it.

Any additional amendments?

If not, the Chair moves to report H. Res. 1207 favorably to the House with an amendment.

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

Those opposed, no.

In the opinion of the Chair, the ayes have it and the resolution will be reported to the House. And without objection, the motion to reconsider is laid on the table.

The next item of business is Committee Resolution 110-7 related to shared employees in the House of Representatives.

In May, the House inspector general told us the results of his investigation of how the system of shared employees affects the House. The IG made several recommendations regarding what we can do to secure House funds, and I would ask my statement be entered in the record for the sake of time.

I would now like to recognize our ranking member for his opening statement.

[The statement of Mr. Brady follows:]

STATEMENT OF CHAIRMAN ROBERT A. BRADY

In May, the House Inspector General told us the results of his investigation into how the system of shared employees affects the House. The IG made several recommendations regarding what we can do to secure House funds and data.

Some of the IG's recommendations just required action by the CAO's office. We wrote to the CAO shortly after the hearing and asked him to take steps on disclosure and to educate Members and staff on the rules governing shared employees. But some of the IG's recommendations required additional regulations from this committee that we are taking up today.

These rules would require employees who work for three or more offices to provide additional disclosure. They would be required to tell their employers who else they are working for. And they would be required to file annual financial disclosure forms. In addition, the regulations would require that shared employees read the Shared Employee Manual that the CAO is now preparing. They would have to certify that they are complying with the mandatory laws and rules listed in the manual. This requirement would only take effect after the Committee approves the manual.

Finally, these new rules would make it clear that House staff are not permitted to market anything back to the House. We believe that this prohibition is already part of existing rules, but the IG's report suggested that we should make it more explicit.

I now recognize the Ranking Member for his opening statement.

Mr. EHLERS. Thank you, Mr. Chairman. I am pleased we are instituting these changes to the guidelines for shared employees. Most of our shared employees are very hardworking men and women who provide valuable services to many Members, but there are few individuals who might be tempted to take advantage of the system.

Previously, shared employees who engaged in criminal activity used the currently largely unregulated, shared employee structure to their advantage. It is their actions that unfortunately make these reforms necessary. By implementing the financial disclosure statement filing requirement for those individuals who are concurrently employed by more than three offices, we will be increasing transparency into a key group of individuals that pose the greatest financial risk to the House.

In addition, the shared employee reports that will be provided by the CAO, as well as the regulation which stipulates that existing House staff may not contract their services to other offices, will ensure that the House is safeguarded against those with criminal intent.

Mr. Chairman, as you know, we have had a problem with this issue in the past year. And, in fact, one individual is either soon going to jail or has already gone to jail as a result; and we want to make sure we lock the barn door even after the horse is gone to make sure that it doesn't happen again.

The CHAIRMAN. I thank the gentleman. We have many more horses still in this barn.

Any other debate?

Any amendments?

I would now call up Committee Resolution 110-7. Without objection, the first reading is dispensed with. And Committee Resolution 110-7 is considered as read and open for amendment.

[The information follows:]

COMMITTEE ON HOUSE ADMINISTRATION
110TH CONGRESS

COMMITTEE RESOLUTION # 110-7
7/30/08

Resolved, that the regulations of the Committee on House Administration pertaining to shared employees are amended as follows:

1. **Each House employee who, during any pay period, is simultaneously employed by three or more House employing authorities is required to inform each employing authority in writing of the employee's employment status and any change in employment status with other employing authorities;**
2. **(Upon Committee approval of the Shared Employee Manual) -- Each House employee who, during any pay period, is simultaneously employed by three or more House employing authorities is required to file with the House Finance Office a signed Acknowledgment of Receipt and Understanding of Shared Employee Manual and Certification of Continued Compliance upon becoming simultaneously employed by three or more employing authorities. (see attached *Acknowledgement and Certification*)**
3. **Each House employee who is simultaneously employed by three or more House employing authorities for more than 60 days during a calendar year must file a Financial Disclosure Statement under 5 U.S.C app§ 101 et. seq. by May 15 of each year.**
4. **Any House employee engaged in any outside employment or business activity may not directly, or indirectly through such outside employment or business activity, sell, lease, or otherwise provide any goods or assets to any House office or entity.**

Resolved further, that the Chairman of the Committee on House Administration is authorized to make technical and conforming amendments to the above regulations upon issuance and inclusion in the Congressional Handbooks.

Acknowledgment of Receipt and Understanding of

Shared Employee Manual

and Certification of Continuing Compliance

With

The Mandatory Provisions Incorporated Therein

Revised: August __, 2008

I acknowledge that I have received a copy of the Shared Employee Manual, and that I have read and understand the contents of the Manual. I understand that the Manual is intended to provide me with both general and specific information about House practices, policies, and procedures attendant to being a shared employee of three or more employing authorities. I acknowledge and understand that employment within the House is at-will, and that each employee serves at the pleasure of the employing authority(s). I understand and acknowledge that the Shared Employee Manual does not create an actual or implied contract of employment, nor confer any right to remain an employee of any House office, nor otherwise change in any respect the employment-at-will relationship between employing authority(s) and myself. I certify that I am currently, and will take all necessary steps to remain, in compliance with the mandatory provisions of law and regulation described in the Shared Employee Manual.

(Signature of Shared Employee)

(Date)

The CHAIRMAN. Any debate?

If not, the question is on agreeing to Committee Resolution 110–7. All those in favor, signify by saying aye.

Those opposed, no.

The ayes have it. Committee Resolution 110–7 is agreed to. Without objection, the motion to reconsider is laid on the table.

The last item of business is Committee Resolution 110–8 related to student loan repayment, and I would ask unanimous consent to put my remarks into the record and ask my ranking member for any statement he would like to make.

[The statement of Mr. Brady follows:]

STATEMENT OF CHAIRMAN ROBERT A. BRADY

Recently the Congress increased the cap on student loan repayment—a benefit the federal government offers to some employees. However, that increase in benefits can't take effect in the House until this Committee changes the regulations.

The resolution before us today would change the House regulations to increase the annual benefit cap to \$10,000 and the lifetime cap to \$60,000. It would also clean up some other technical errors in the regulation. These changes will place House staff on a level playing field with other federal workers and allow offices like the Legislative Counsel to recruit top employees.

I now recognize the Ranking Member for his opening statement.

Mr. EHLERS. Mr. Chairman, this again is something that is very important to our employees.

The price of most goods and services has risen over the years and so, too, has the price of education. More and more young people pay their own way through school, and also are faced with substantial student loans once they graduate.

I am pleased that the student loan repayment program has proven to be successful and that we have been able to alleviate some of the financial burden associated with higher education.

As a former educator myself, I know the value of education far outweighs the cost of attendance. It is in the public's interest that we find creative ways to enable bright young people to embark upon careers in the legislative branch. With the House limited in what financial incentives we can offer those who are considering a career in public service, increasing the disbursement cap for the student loan reimbursement program is an excellent way to encourage recent graduates to choose public service while still being able to meet the financial obligations they entered into while achieving their educational goals.

I thank you Mr. Chairman. I reserve the balance of my time.

The CHAIRMAN. I thank the gentleman. And I call up Committee Resolution 110–8. Without objection the first reading is dispensed with and Committee Resolution 110–8 is considered as read and open for amendment.

[The information follows:]

COMMITTEE ON HOUSE ADMINISTRATION
110TH CONGRESS

COMMITTEE RESOLUTION # 110-8
7/30/08

Resolved, that the Committee's Implementing Regulations For Student Loan Repayment are hereby amended as follows (see attachment):

1. Add the word "Program" to the end of the title.
2. Strike "Sec. 1." and renumber using conventional section and paragraph numbering.
3. In Section 1 (b) (2) (A) (i), strike "500" and insert in lieu thereof "833".
4. In Section 1 (b) (2) (A) (ii), strike "40,000" and insert in lieu thereof "60,000".
5. In Section 1 (b) (3) (C) (i) (I), strike "2.5" and insert in lieu thereof "3.5".
6. In Section 1 (b) (3) (C) (i) (II), strike "2.5" and insert in lieu thereof "3.5".
7. In Section 1 (d) (5), strike "which is not paid for pursuant to the service agreement" and insert in lieu thereof "that continues to be the employee's responsibility".
8. In Section 1 (e) 1, strike "2004, and each January 1 thereafter" and insert in lieu thereof "of each year".
9. In Section 1 (f), strike the entire subsection and renumber accordingly.
10. In Section 1 (g) (2) strike paragraphs (A) and (B) and insert in lieu thereof "who is an employee of the House of Representatives."
11. In Section 1 (h), strike the entire subsection.
12. Renumber as appropriate

Resolved further, that the Chairman of the Committee on House Administration is authorized to make technical and conforming amendments to the above regulations upon issuance and inclusion in the Congressional Handbooks.

The CHAIRMAN. Any additional debate? Any additional amendments?

If not, the question is agreeing to Committee Resolution 110-8. All those in favor, signify by saying aye.

Those opposed, no.

In the opinion of the Chair, the ayes have it and Committee Resolution 110-8 is agreed to. Without objection, a motion to reconsider is laid upon the table.

Without objection, staff may make technical and conforming changes to the various matters considered by the Committee today.

There being no further business, I thank our committee members, those that stayed. I thank the gentlelady for staying. I thank this lovely audience for participating with us and staying with us for all this time. And I thank our ranking member and recognize our ranking member.

Mr. EHLERS. Thank you, Mr. Chairman. We probably have to double the budget of the committee to pay for all the paper we generated today. I thank you for your work in the spirit in which this was done, and I hope we will be able to resolve our minor differences on some of the bills before they go to the Floor.

The CHAIRMAN. We certainly will.

I thank everyone. And have a good, healthy and safe break. Thank you all.

If there is no further business, this committee stands adjourned. [Whereupon, at 2:14 p.m., the committee was adjourned.]

