

MARKUP OF H.R. 406, H.R. 6122, H. CON. RES.
132, AND H.R. 1402

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

HELD IN WASHINGTON, DC, JULY 19, 2012

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**MARKUP OF H.R. 406, H.R. 6122, H. CON. RES.
132, AND H.R. 1402**

THURSDAY, JULY 19, 2012

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

The committee met, pursuant to call, at 10:09 a.m., in room 1310, Longworth House Office Building, Hon. Daniel E. Lungren (chairman of the committee) presiding.

Present: Representatives Lungren, Harper, Gingrey, Nugent, Lofgren, and Gonzalez.

Staff Present: Phil Kiko, Staff Director and General Counsel; Peter Schalestock, Deputy General Counsel; Kimani Little, Parliamentarian; Joe Wallace, Legislative Clerk; Yael Barash, Assistant Legislative Clerk; Salley Wood, Communications Director; Linda Ulrich, Director of Oversight; Dominic Storelli, Oversight Staff; Bob Sensenbrenner, Elections Counsel; Matt Pinkus, Minority Senior Policy Analyst; Khalil Abboud, Minority Elections Staff; and Greg Abbott, Minority Professional Staff.

The CHAIRMAN. I now call to order the Committee on House Administration for today's committee markup. A quorum is present, so we may proceed.

Today we have four items to consider. We had originally planned to consider a fifth bill, H.R. 1974; however, some of our colleagues identified some issues with it for which they wanted additional time to work out, and after consulting with Representative Quigley, the sponsor, they asked that we remove it from today's schedule, and we have done so.

Our first bill today is H.R. 406, a bill to amend the Federal Election Campaign Act of 1971 so as to allow candidates to designate an individual who would be authorized to disburse campaign funds in the event of the death of the candidate. Under current law, only the campaign treasurer is authorized to disburse these funds.

First introduced by Congressman Walter Jones in 2008, this bill will give candidates more flexibility when deciding who should have responsibility over where campaign funds are distributed.

The second bill is H.R. 6122, a bill to revise the authority of the Librarian of Congress to accept gifts and bequests on behalf of the Library. This bill expands the Library's ability to receive gifts and authorizes the Librarian of Congress to accept gifts of securities for immediate disbursement, personal property valued up to \$25,000, nonpersonal services or voluntary and uncompensated personal services. It would also require the Librarian to describe such gift

or bequest valued at \$1,000 or more in the annual report of the Library of Congress.

The third measure to be considered is H. Con. Res. 132, authorizing additional funds for printing the publication *Hispanic Americans in Congress*. This resolution will bring the printed number of *Hispanic Americans in Congress* on par with the previous publications *Women in Congress* and *Black Americans in Congress*.

Finally, the committee will consider H.R. 1402, introduced by Mr. Kildee and cosponsored by our ranking member Mr. Brady, which will authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in House parking areas. Users of these stations will be charged a fee, approved by the committee, to ensure that there is no net cost to the government.

I thank my colleagues for being here today, and I would now recognize Mr. Gonzalez for any opening statement that he may wish to make.

Mr. GONZALEZ. I waive opening, Mr. Chairman. Thank you.

The CHAIRMAN. That was the finest presentation that I have heard from you in a long time. No. Thank you very much for your courtesy. I understand that we are attempting to try and deal with Members' schedules with other committees. So I appreciate that.

I would now call up and lay before the committee H.R. 406, H.R. 6122, and H. Con. Res. 132. The committee will consider these matters en bloc.

[The information follows:]

112TH CONGRESS
1ST SESSION

H. R. 406

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2011

Mr. JONES introduced the following bill; which was referred to the Committee on House Administration

A BILL

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

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

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

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

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

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

1 Commission a signed written statement of revocation (in
2 a standardized form developed by the Commission).

3 “(3) Upon the death of a candidate who has des-
4 ignated an individual for purposes of paragraph (1), funds
5 in the accounts of each authorized committee of the can-
6 didate may be disbursed only under the direction and in
7 accordance with the instructions of such individual, sub-
8 ject to the terms and conditions applicable to the disburse-
9 ment of such funds under this Act or any other applicable
10 Federal or State law (other than any provision of State
11 law which authorizes any person other than such indi-
12 vidual to direct the disbursement of such funds).

13 “(4) Nothing in paragraph (3) may be construed to
14 grant any authority to an individual who is designated
15 pursuant to this subsection other than the authority to
16 direct the disbursement of funds as provided in such para-
17 graph, or may be construed to affect the responsibility of
18 the treasurer of an authorized committee for which funds
19 are disbursed in accordance with such paragraph to file
20 reports of the disbursements of such funds under section
21 304(a).”.

22 (b) INCLUSION OF DESIGNATION IN STATEMENT OF
23 ORGANIZATION OF COMMITTEE.—Section 303(b) of the
24 Federal Election Campaign Act of 1971 (2 U.S.C. 433(b))
25 is amended—

1 (1) in paragraph (5), by striking “and” at the
2 end;

3 (2) in paragraph (6), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(7) in the case of an authorized committee of
8 a candidate who has designated an individual under
9 section 302(j) (including a second individual des-
10 ignated to carry out the responsibilities of that indi-
11 vidual under such section in the event of that indi-
12 vidual’s death or incapacity or unwillingness to carry
13 out the responsibilities) to disburse funds from the
14 accounts of the committee in the event of the death
15 of the candidate, a copy of the statement filed by the
16 candidate with the Commission under such section
17 (as well as a copy of any subsequent statement of
18 revocation filed by the candidate with the Commis-
19 sion under such section).”.

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

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

7

5

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

○

112TH CONGRESS
2D SESSION

H. R. 6122

To revise the authority of the Librarian of Congress to accept gifts and bequests on behalf of the Library, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2012

Mr. DANIEL E. LUNGREN of California introduced the following bill, which was referred to the Committee on House Administration

A BILL

To revise the authority of the Librarian of Congress to accept gifts and bequests on behalf of the Library, 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. AUTHORITY OF LIBRARIAN OF CONGRESS TO**

4 **ACCEPT GIFTS AND BEQUESTS.**

5 (a) EXPANDING TYPES OF GIFTS THAT MAY BE AC-
6 CEPTED.—The first undesignated paragraph of section 4
7 of the Act entitled “An Act to create a Library of Con-
8 gress Trust Fund Board, and for other purposes”, ap-
9 proved March 3, 1925 (2 U.S.C. 160), is amended—

1 (1) in the first sentence, by striking “in the
2 name of the United States” and all that follows and
3 inserting the following: “in the name of the United
4 States and in the interest of the Library, its collec-
5 tions, or its service, gifts or bequests of money for
6 immediate disbursement, personal property valued at
7 \$25,000 or less, nonpersonal services, or voluntary
8 and uncompensated personal services.”;

9 (2) in the second sentence, by inserting “of
10 money” after “bequests”; and

11 (3) in the third sentence, by striking “enter
12 them” and inserting “enter the gift, bequest, or pro-
13 ceeds”.

14 (b) TREATMENT OF GIFTS OF SECURITIES.—The
15 first undesignated paragraph of section 4 of such Act (2
16 U.S.C. 160) is amended by inserting after the first sen-
17 tence the following new sentence: “In the case of a gift
18 of securities, the Librarian shall sell the gift and provide
19 the donor with a receipt from the proceeds of the sale.”.

20 (c) PUBLIC REPORT ON ACCEPTED GIFTS.—Section
21 4 of such Act (2 U.S.C. 160) is amended—

22 (1) in the first sentence of the first undesignated
23 paragraph, by striking “Nothing” and insert-
24 ing “(a) ACCEPTANCE AND DISBURSEMENT OF
25 GIFTS.—Nothing”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(b) PUBLIC REPORT ON ACCEPTED GIFTS.—In
4 each Annual Report of the Library of Congress, the Li-
5 brarian of Congress shall include a description of each gift
6 or bequest accepted under this section during the year in-
7 volved which is valued at \$1,000 or more.”.

○

112TH CONGRESS
2D SESSION

H. CON. RES. 132

Providing funding to ensure the printing and production of the authorized number of copies of the revised and updated version of the House document entitled “Hispanic Americans in Congress”, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2012

Mr. DANIEL E. LUNGREN of California (for himself and Mr. SERRANO) submitted the following concurrent resolution; which was referred to the Committee on House Administration

CONCURRENT RESOLUTION

Providing funding to ensure the printing and production of the authorized number of copies of the revised and updated version of the House document entitled “Hispanic Americans in Congress”, and for other purposes.

- 1 *Resolved by the House of Representatives (the Senate*
- 2 *concurring),*

1 **SECTION 1. FUNDING TO ENSURE PRODUCTION OF AU-**
2 **THORIZED NUMBER OF COPIES OF REVISED**
3 **VERSION OF “HISPANIC AMERICANS IN CON-**
4 **GRESS”.**

5 Notwithstanding section 2(b) of House Concurrent
6 Resolution 90, One Hundred Seventh Congress (agreed to
7 December 7, 2001), in printing the updated version of
8 House Document 103–299, entitled “Hispanic Americans
9 in Congress” (as revised by the Library of Congress), the
10 Public Printer shall print the maximum number of copies
11 of such Document for which the total printing and produc-
12 tion costs do not exceed an amount equal to the amount
13 provided for under such section, increased by \$700,000.

14 **SEC. 2. ELECTRONIC PUBLICATION OF CERTAIN HOUSE**
15 **DOCUMENTS.**

16 (a) **ELECTRONIC PUBLICATION.**—Upon request of
17 the Committee on House Administration of the House of
18 Representatives, the Public Printer shall publish and dis-
19 seminate an electronic version of each of the House docu-
20 ments referred to in subsection (b), under the direction
21 of the Committee.

22 (b) **DOCUMENTS DESCRIBED.**—The House docu-
23 ments referred to in this subsection are as follows:

24 (1) The updated version of House Document
25 103–299, entitled “Hispanic Americans in Con-
26 gress”, as described in section 1.

1 (2) House Document 108-223, entitled
2 “Women in Congress, 1917-2006”.

3 (3) House Document 108-224, entitled “Black
4 Americans in Congress, 1870-2007”.

○

The CHAIRMAN. Would Representative Gonzalez like to be heard on any of these matters?

Mr. GONZALEZ. Again, Mr. Chairman, we have gone over these. They are not controversial. And it is actually welcoming news that today it will be an efficient use of our time on matters that are important, but that we have a meeting of the minds. So I yield back.

The CHAIRMAN. I thank the gentleman.

Would any other Member like to be heard on any of these matters?

The gentleman from Georgia.

Mr. GINGREY. Mr. Chairman, thank you very much. And very briefly, I want to say that I fully support H. Con. Res. 132. This, of course, would ensure the printing and production of Hispanic Americans in Congress.

I believe that it is important that we honor and recognize all Hispanic Americans who have served in this body and, of course, in the other Chamber. At the same time, though, I wanted to make this statement, because when we have significantly reduced funding for the legislative branch by 10.5 percent during this 112th Congress, I believe that we must continue to find ways that we can save taxpayer dollars.

We must acknowledge that the primary source of information is now online. We have had recent hearings on that. Through the leadership of this committee, we have seen the decline in physical production of the Congressional Record, Federal Register, and U.S. Code.

So, Mr. Chairman, as we move forward in printing all documents related to the history of Members of Congress, I would suggest that we focus more in the digital space that reflects the mode of communication that most represents how our constituents choose today to get their information about Members. So I ask my colleagues to keep this important point in mind as we move forward in the future.

I yield back. I thank the chairman.

The CHAIRMAN. I thank the gentleman for his comments.

Are there any others who wish to make comments?

If not, I would move that H.R. 406, H.R. 6122, and H. Con. Res. 132 be ordered favorably to the House. The question is on the motion.

All those in favor of the motion, signify by saying aye. Aye.

All opposed, signify by saying nay.

In the opinion of the chair, the ayes have it, and the motion is agreed to.

Without objection, the motion to reconsider is laid upon the table.

I would ask unanimous consent that the committee staff be authorized to make any necessary technical or conforming changes to the measures the committee just considered. Without objection, it is so ordered.

Does any Member wish to file supplemental, minority, or additional views for inclusion in the committee reports to the House?

Okay. The next item on the agenda is H.R. 1402, to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of

the House of Representatives at no net cost to the Federal Government.

I now call up and lay before the committee H.R. 1402.

Without objection, the bill will be considered as read and open for amendment at any point.

[The information follows:]

112TH CONGRESS
1ST SESSION

H. R. 1402

To authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the House of Representatives at no net cost to the Federal Government.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2011

Mr. KILDEE (for himself, Mr. DINGELL, Mr. LEVIN, Mr. RYAN of Ohio, Mr. HINCHEY, and Mr. PETERS) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the House of Representatives at no net cost to the Federal Government.

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. BATTERY RECHARGING STATIONS FOR PRI-**
2 **VATELY OWNED VEHICLES IN PARKING**
3 **AREAS UNDER THE JURISDICTION OF THE**
4 **HOUSE OF REPRESENTATIVES AT NO NET**
5 **COST TO THE FEDERAL GOVERNMENT.**

6 (a) DEFINITION.—In this Act, the term “covered em-
7 ployee” means—

8 (1) an employee whose pay is disbursed by the
9 Chief Administrative Officer of the House of Rep-
10 resentatives; or

11 (2) any other individual who is authorized to
12 park in any parking area under the jurisdiction of
13 the House of Representatives on Capitol Grounds.

14 (b) AUTHORITY.—

15 (1) IN GENERAL.—Subject to paragraph (3),
16 funds appropriated to the Architect of the Capitol
17 under the heading “CAPITOL POWER PLANT” under
18 the heading “ARCHITECT OF THE CAPITOL” in
19 any fiscal year are available to construct, operate,
20 and maintain on a reimbursable basis battery re-
21 charging stations in parking areas under the juris-
22 diction of the House of Representatives on Capitol
23 Grounds for use by privately owned vehicles used by
24 Members of the House of Representatives (including
25 the Delegates or Resident Commissioner to the Con-
26 gress) or covered employees.

1 (2) VENDORS AUTHORIZED.—In carrying out
2 paragraph (1), the Architect of the Capitol may use
3 1 or more vendors on a commission basis.

4 (3) APPROVAL OF CONSTRUCTION.—The Archi-
5 tect of the Capitol may construct or direct the con-
6 struction of battery recharging stations described
7 under paragraph (1) after—

8 (A) submission of written notice detailing
9 the numbers and locations of the battery re-
10 charging stations to the Committee on House
11 Administration of the House of Representatives;
12 and

13 (B) approval by that Committee.

14 (e) FEES AND CHARGES.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 the Architect of the Capitol shall charge fees or
17 charges for electricity provided to Members and cov-
18 ered employees sufficient to cover the costs to the
19 Architect of the Capitol to carry out this section, in-
20 cluding costs to any vendors or other costs associ-
21 ated with maintaining the battery recharging sta-
22 tions.

23 (2) APPROVAL OF FEES OR CHARGES.—The Ar-
24 chitect of the Capitol may establish and adjust fees
25 or charges under paragraph (1) after—

1 (A) submission of written notice detailing
2 the amount of the fee or charge to be estab-
3 lished or adjusted to the Committee on House
4 Administration of the House of Representatives;
5 and

6 (B) approval by that Committee.

7 (d) DEPOSIT AND AVAILABILITY OF FEES, CHARGES,
8 AND COMMISSIONS.—Any fees, charges, or commissions
9 collected by the Architect of the Capitol under this section
10 shall be—

11 (1) deposited in the Treasury to the credit of
12 the appropriations account described under sub-
13 section (b); and

14 (2) available for obligation without further ap-
15 propriation during—

16 (A) the fiscal year collected; and

17 (B) the fiscal year following the fiscal year
18 collected.

19 (e) ANNUAL REPORTS.—Not later than 30 days after
20 the end of each fiscal year, the Architect of the Capitol
21 shall submit a report on the financial administration and
22 cost recovery of activities under this section with respect
23 to that fiscal year to the Committee on House Administra-
24 tion of the House of Representatives.

1 (f) EFFECTIVE DATE.—This Act shall apply with re-
2 spect to fiscal year 2011 and each fiscal year thereafter.

○

The CHAIRMAN. I do have an amendment to H.R. 1402, and the amendment should be in the Members' packets.

If there is no objection, the amendment will be considered as read.

[The information follows:]

AMENDMENT TO H.R. 1402**OFFERED BY M** . _____

Amend section 1(e) to read as follows:

1 (e) REPORTS.—

2 (1) IN GENERAL.—Not later than 30 days after
3 the end of each fiscal year, the Architect of the Cap-
4 itol shall submit a report on the financial adminis-
5 tration and cost recovery of activities under this sec-
6 tion with respect to that fiscal year to the Com-
7 mittee on House Administration of the House of
8 Representatives.

9 (2) AVOIDING SUBSIDY.—

10 (A) DETERMINATION.—Not later than 3
11 years after the date of enactment of this Act
12 and every 3 years thereafter, the Architect of
13 the Capitol shall submit a report to the Com-
14 mittee on House Administration of the House
15 of Representatives determining whether Mem-
16 bers (including any Delegate or Resident Com-
17 missioner to Congress) and covered employees
18 using battery charging stations as authorized
19 by this Act are receiving a subsidy from the
20 taxpayers.

1 (B) MODIFICATION OF RATES AND
2 FEES.—If a determination is made under sub-
3 paragraph (A) that a subsidy is being received,
4 the Architect of the Capitol shall submit a plan
5 to the Committee on House Administration of
6 the House of Representatives on how to update
7 the program to ensure no subsidy is being re-
8 ceived. If the committee does not act on the
9 plan within 60 days, the Architect of the Cap-
10 itol shall take appropriate steps to increase
11 rates or fees to ensure reimbursement for the
12 cost of the program consistent with an appro-
13 priate schedule for amortization, to be charged
14 to those using the charging stations.



The CHAIRMAN. And I would now recognize myself to speak in favor of the amendment.

This amendment adopts language that parallels the Senate's companion electric car bill. Under this amendment, if the Architect of the Capitol determined Members and staff using electric cars were receiving a subsidy, the committee would receive a plan from the Architect. If the committee did not act within 60 days, the Architect would take appropriate steps to increase rates or fees to the Members using it or staff using it to ensure that there would be no subsidy. I would urge all Members to support this amendment.

Is there any other Member who wishes to be heard on the amendment?

If not, without objection, the question is on the amendment.

All those in favor, signify by saying aye. Aye.

All opposed, signify by saying nay.

In the opinion of the chair, the ayes have it. The amendment is agreed to.

I move that the committee report H.R. 1402 favorably to the House with an amendment.

So the question is on the motion.

All those in favor of the motion, signify by saying aye. Aye.

All opposed, signify by saying nay.

In the opinion of the chair, the ayes have it, and the motion is agreed to.

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

I ask unanimous consent that the committee staff be authorized to make any necessary technical or conforming changes to the measures the committee just considered.

Without objection, it is so ordered.

Does any Member wish to file supplemental, minority, or additional views for inclusion in the committee report to the House?

All right. If not, there are no more items on today's agenda, and I thank the Members for their participation in this markup.

I now adjourn the meeting.

[Whereupon, at 10:20 a.m., the committee was adjourned.]