

TO IMPROVE THE OPERATION OF CERTAIN FACILITIES
AND PROGRAMS OF THE HOUSE OF REPRESENTATIVES,
AND FOR OTHER PURPOSES

JULY 27, 2010.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5682]

The Committee on House Administration, to whom was referred the bill (H.R. 5682) to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND SUMMARY OF THE LEGISLATION

The Rules of the House of Representatives impose the responsibility for overseeing the operation of the institution upon the Committee on House Administration.

The Committee recommends enactment of H.R. 5682, designed to improve the operation of certain House facilities and programs, as described below. The bill proposes three unrelated, substantive changes and the Committee knows of no controversy with any provision. H.R. 5682 would affect only the House. The Committee anticipates that, under longstanding practice, the Senate will quickly clear the bill for the President on grounds of comity.

COMMITTEE CONSIDERATION

On July 14, 2010, the Committee considered H.R. 5682, which was introduced on July 1, 2010, by Chairman Robert A. Brady of Pennsylvania. By voice vote, the Committee ordered H.R. 5682 favorably reported to the House, without amendment. No amendments were offered and no recorded votes were taken during the Committee's consideration of the bill.

SECTION-BY-SECTION ANALYSIS

Section 1. Access to House staff fitness facility for active duty Armed Forces personnel assigned to Congressional Liaison Office

This section authorizes the House staff fitness facility to offer memberships to active-duty military personnel serving in congressional-liaison offices located in the House office buildings in the same manner as to House employees.

The Committee is aware that the Legislative Branch Appropriations Act, 2010 (Pub. L. 111–68), included a provision (Sec. 103) extending this benefit, but only for fiscal year 2010. We agree as to the merits of that provision. We are aware of capacity constraints and acknowledge that extending membership to active-duty military liaison personnel assigned to the House buildings constitutes the only exception to the rule heretofore limiting the fitness center to House employees. The Committee believes that the small increase in potential membership permitted by H.R. 5682 will not noticeably strain center capacity, but directs the Chief Administrative Officer to advise the Committee immediately if he should ever determine otherwise.

Section 2. Revolving fund for House Child Care Center

The House Chief Administrative Officer requested this provision to ease administrative burdens on his staff.

The account established for the House of Representatives Child Care Center by the Legislative Branch Appropriations Act, 1992, is not a true revolving fund. As a result, the Chief Administrative Officer must every year seek approval to transfer the account's unobligated balances forward to the Center for use for the following year and work with the Treasury staff to effectuate what has become an annual ritual.

The Committee accepts the CAO's representation that converting the present account into a true revolving fund will streamline the accounting and recordkeeping process for the House and for the Treasury with no adverse effect on the Center's management, staff, or the children. At the request of the Appropriations Committee, section 2 includes a transfer into the new HRCCC Revolving Fund of any balance in the existing House Services Revolving Fund that may have been dedicated to the HRCCC's use.

Section 3. Miscellaneous technical correction

Section 3 contains two unrelated corrections to prior legislation. Subsection (a) conforms a 1902 provision (2 U.S.C. §2012) to the post-1995 arrangement placing responsibility for House furniture on the Chief Administrative Officer rather than the Architect of the Capitol. Subsection (b) corrects a simple error made during the drafting of Public Law 111–145 enacted earlier this year.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

Constitutional authority

Clause 3(d)(1) of House Rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which

the Committee relies for enactment of the measure under consideration.

The Committee cites the legislative power granted broadly by Article I. Sections 1 and 2 of H.R. 5682 relate to services that the House has determined it needs to support the execution of its Article I legislative powers. Section 3 of the bill constitutes a further exercise of Article I legislative power to enact corrections to previous laws.

Committee votes

Clause 3(b) of House Rule XIII requires the results of each recorded vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the Committee's consideration of H.R. 5682.

Congressional Budget Office estimate

Clause 3(c)(3) of House Rule XIII requires the report of a committee on a measure which has been approved by the committee to include a cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the CBA, if timely submitted. No CBO cost estimate was received on H.R. 5682.

Federal mandates

Section 423 of the CBA requires a committee report on any public bill or joint resolution that includes a federal mandate to include specific information about such mandates. The Committee states that H.R. 5682 imposes no federal mandates.

Preemption clarification

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 5682 is not intended to preempt any state or local law.

Oversight findings

Clause 3(c)(1) of rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of House Rule X. The Committee has general oversight responsibility for the House of Representatives.

In the exercise of its oversight of the House, the Committee finds that the policy changes proposed in sections 1 and 2 of the bill and the technical corrections made in section 3 will improve the operation of House offices and functions.

Statement of general performance goals and objectives

Clause 3(c)(4) of House Rule XIII requires committee reports to include a statement of general performance goals and objectives for which the measure authorizes funding. H.R. 5682 authorizes no appropriations. The Committee believes that enactment of H.R. 5682 will advance the Congress' goal of improving day-to-day administration of the House.

Congressional “earmarks”

Clause 9(a)(1) of House Rule XXI requires committee reports on public bills and resolutions to contain an identification of congressional “earmarks,” limited tax benefits, limited tariff benefits, and the names of the requesting Member(s). The bill contains no such items either as introduced or as reported to the House.

Congressional Accountability Act applicability

Section 102(b)(3) of the Congressional Accountability Act of 1995 (Pub. L. 104–1) requires each report on a public bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations to describe the manner in which the legislation applies to the Legislative Branch. H.R. 5682 makes no change to the terms and conditions of employment, access to public services or accommodations in the Legislative Branch.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 312 OF THE LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 1992**

SEC. 312. (a) * * *

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(d) [(1) There is established an account which, subject to appropriation, and except as provided in paragraphs (2) and (3), shall be the exclusive source for all salaries and expenses for activities carried out under this section. The Chief Administrative Officer shall deposit in the account any amounts received under subsection (c).]

(1) There is established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the “House Child Care Center Revolving Fund” (hereafter in this section referred to as the “Fund”), consisting of the amounts received under subsection (c) and any other funds deposited by the Chief Administrative Officer of the House of Representatives from amounts received by the House of Representatives with respect to the operation of the center. Except as provided in paragraphs (2) and (3), the Fund shall be the exclusive source for all salaries and expenses for activities carried out under this section.

* * * * *

(e) The Fund shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).

[(e)] (f) As used in this section—

(1) * * *

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ACT OF APRIL 28, 1902

CHAP. 594.—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June thirtieth, nineteen hundred and three, for the objects hereinafter expressed, namely:

LEGISLATIVE.

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HOUSE OF REPRESENTATIVES.

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UNDER SUPERINTENDENT OF THE CAPITOL BUILDING AND
 GROUNDS: * * *

【Hereafter the Superintendent of the Capitol Building and Grounds shall supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture hereafter required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the said Superintendent.**】**

The Chief Administrative Officer of the House of Representatives shall supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the Chief Administrative Officer.

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SECTION 3 OF HOUSE RESOLUTION 661, NINETY-FIFTH CONGRESS

(agreed to July 29, 1977 and enacted into law by section 111 of Public Law 95-391)

COMPENSATION OF CHAPLAIN OF HOUSE

SEC. 3. Effective May 1, 1977, and until otherwise provided by law, the per annum gross rate of compensation of the Chaplain of the House of Representatives shall be equal to the rate in effect from time to time for HS level 8, step 4, of the House Employees Schedule.