

# ORGANIZATIONAL MEETING OF THE JOINT COMMITTEE ON THE LIBRARY

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## ORGANIZATIONAL MEETING BEFORE THE JOINT COMMITTEE ON THE LIBRARY HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTH CONGRESS SECOND SESSION

Hearing Held in Washington, DC, March 7, 2002



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JOINT COMMITTEE ON THE LIBRARY

House

VERNON J. EHLERS, Michigan,  
*Chairman*  
ROBERT W. NEY, Ohio  
CHARLES H. TAYLOR, North Carolina  
*STENY H. HOYER, Maryland*  
*JIM DAVIS, Florida*

Senate

CHRISTOPHER J. DODD, Connecticut,  
*Vice Chairman*  
*CHARLES E. SCHUMER, New York*  
*MARK DAYTON, Minnesota*  
TED STEVENS, Arkansas  
THAD COCHRAN, Mississippi

## ORGANIZATIONAL MEETING

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THURSDAY, MARCH 7, 2002

HOUSE OF REPRESENTATIVES,  
JOINT COMMITTEE ON THE LIBRARY,  
*Washington, DC.*

The committee met, pursuant to call, at 2:56 p.m., in Room S-219 The Capitol, Hon. Vern Ehlers [chairman of the committee] presiding.

Present: Representatives Ehlers, Ney, Hoyer, and Davis, and Senators Dodd, Dayton, Stevens, and Cochran.

Staff: Bill McBride, Kennie Gill, Bill Cable, Matt Pinkey, Barbara Wolanin, and Dan Mulhollan.

Representative EHLERS. Let us call the meeting to order. I will do my best as the new chairman not to have this run so long that this becomes a dinner instead of a lunch. First of all, as a matter of the election of the chairman, which is done by poll, but without objection I will announce the results of the October, 2001, poll of the membership of the Joint Committee on the Library electing Representative Ehlers as chairman and Senator Dodd as vice chairman, and that has been approved by poll. So I hereby declare that.

Representative HOYER. So much for democracy, Mr. Chairman.

Representative EHLERS. Well, you voted for me.

Representative NEY. He comes from a Dutch background. They had a king over there.

Representative EHLERS. The committee is called to order. Before we begin our business I would like to make a brief opening statement. I assure you it will be very brief.

It is indeed an honor to me to accept this position. I have a deep love for libraries and a long history with them. First of all, I read. As a child, I read very heavily in the library and developed a great love for them. I served on the city library, the county library and the board of the Library of Michigan, the state library, and on this committee. I commented on that to a House member recently, who is a Catholic, and I said, well, I guess this will be the last one I serve on. And he said, well, I think I can probably get you on the Beckton Library, but I didn't think they would accept me.

We are honored to serve on this committee. The Library of Congress is the jewel of the Capitol complex in many ways, the world's greatest repository of written and encoded language, and it is indeed an honor for all of us to serve on this committee and we will certainly do our best to discharge that responsibility well.

If any other members request to make a statement, I will be happy to recognize them. Senator Dodd.

Senator DODD. First of all, congratulations for being chairman and I want to, and to have the record reflect it, thank the Library of Congress. This is the first opportunity we have had to meet since the events of last fall, and all of us here have asked to be here in one way or another and are very supportive of the work the Library does. I want to make special reference to Jim Belikove of the Library as well as Daniel Mulhollan of the Congressional Research Service and the many people who work with them for their tremendous job. And I also want to thank them, particularly Jim and Dan, for their support when the Senate office buildings closed. I mean they were asking could they help, how could they help serve the Senate, what space did we need? They just couldn't have been more supportive, and I want the record to reflect our deep sense of gratitude for the Library during those days. It meant a lot to us over here, and I know I speak on behalf of all of us in expressing our appreciation. So thanks to the Library and the CRS.

Representative EHLERS. Thank you, and you expressed the opinion of everyone here. You have an agenda before you and, without objection, we will include the agenda as shown. Hearing no objection, so ordered.

[The information follows:]

**ORGANIZATIONAL MEETING  
JOINT COMMITTEE ON THE LIBRARY  
March 7, 2002  
S-219 The Capitol**

**AGENDA**

- I. Call to Order
- II. Adoption of Committee Rules
- III. Resolution on Electronic Support
- IV. Correspondence
  - a) Alabama Statue Replacement
  - b) Library of Congress Madison Tunnel
- V. Other Business

Representative EHLERS. The Chair laid before the committee a resolution adopting the committee rules for the 107th Congress. Only technical and no substantive changes made to the rules for this Congress. I have personally reviewed them and find them to be in order and ask your discussion.

[The information follows:]

THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Committee Resolution 107 - 1

Adopting the Committee Rules for the 107<sup>th</sup> Congress

Adopted on \_\_\_\_\_, 2002

1. *Resolved* that the Committee Rules for the 107<sup>th</sup> Congress for the Joint Committee of Congress on the Library attached hereto and incorporated herein is approved.

**RULES OF PROCEDURE OF THE JOINT COMMITTEE ON  
THE LIBRARY OF CONGRESS**

**[One Hundred Seventh Congress]**

**Rule No. 1**

**GENERAL PROVISIONS**

(a) The Rules of the House are the rules of the Joint Committee on the Library so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and (subject to the adoption of expense resolutions as required by House Rule XI, clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee, and to distribute such information by electronic means. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the appropriate House account.

(d) The Committee's rules shall be published in the Congressional Record as soon as possible following the Committee's organizational meeting in each odd numbered year.

**Rule No. 2**

**REGULAR AND SPECIAL MEETINGS**

(a) The regular meeting date of the Joint Committee on the Library shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House

Rule XI. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee is not present at any meeting of the committee, or at the discretion of the chairman, the vice chairman of the committee shall preside at the meeting. If the chairman and vice chairman of the committee are not present at any meeting of the committee, the ranking member of the majority party who is present shall preside at the meeting.

### **Rule No. 3**

#### **OPEN MEETINGS**

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business of the committee, shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: provided, however, that no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business session which has been closed to the public.

**Rule No. 4**

**RECORDS AND ROLL CALLS**

(a) The result of each roll call vote in any meeting of the committee shall be transmitted for publication in the Congressional Record as soon as possible, but in no case later than two legislative days following such roll call vote, and shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of Congress and all members of congress shall have access thereto.

(c) House records of the committee which are at the National Archives shall be made available pursuant to House Rule XXXVI. The chairman of the committee shall notify the ranking minority party member of any decision to withhold a record pursuant to the rule, and shall present the matter to the committee upon written request of any committee member.

(d) To the maximum extent feasible, the committee shall make its publications available in electronic form.

**Rule No. 5**

**PROXIES**

No vote by any member in the committee may be cast by proxy.

**Rule No. 6**

**POWER TO SIT AND ACT; SUBPOENA POWER**

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee is authorized, (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents; as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths of any witness.

(b)(1) A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee may be enforced only as authorized or directed by the House.

**Rule No. 7**

**QUORUMS**

For the purposes of taking any action other than issuing a subpoena, closing meetings, promulgating committee orders, or

changing the rules of the committee, the quorum shall be one-third of the members of the committee. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

**Rule No. 8**

**AMENDMENTS**

Any amendment offered to any pending matter before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

**Rule No. 9**

**HEARING PROCEDURES**

(a) The chairman, with the concurrence of the vice chairman, in the case of hearings to be conducted by the committee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a

majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Committee members may question a witness only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question the witness. The 5-minute period for questioning a witness by any one member can be extended as provided by House Rules. The questioning of a witness in committee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(e) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall:

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session;  
and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

#### **Rule No. 10**

#### **BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS**

Whenever any hearing or meeting conducted by the committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause 4 of House Rule XI, subject to the limitations therein.

#### **Rule No. 11**

#### **TRAVEL OF MEMBERS AND STAFF**

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the

provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

- (1) the purpose of the travel;
- (2) the dates during which the travel will occur;
- (3) the locations to be visited and the length of time to be spent in each;
- (4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the jurisdiction of the committee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

- (A) the purpose of the travel;
- (B) the dates during which the travel will occur;
- (C) the names of the countries to be visited and the length of time to be spent in each;
- (D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and
- (E) the names of members and staff for whom authorization is sought.

(2) At the conclusion of any hearing, investigation, study,

meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

#### **Rule No. 12**

#### **POWERS AND DUTIES OF SUBUNITS OF THE COMMITTEE**

The chairman of the committee is authorized to establish appropriately named subunits, such as task forces, composed of members of the committee, for any purpose, measure or matter; one member of each such subunit shall be designated chairman of the subunit by the chairman of the committee. All such subunits shall be considered ad hoc subcommittees of the committee. The rules of the committee shall be the rules of any subunit of the committee, so far as applicable, or as otherwise directed by the chairman of the committee. Each subunit of the committee is authorized to meet, hold hearings, receive evidence, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary, and to report to the full committee on all measures or matters for which it was created. Chairmen of subunits of the committee shall set meeting dates with the approval of the chairman of the full committee, with a view toward avoiding simultaneous scheduling of committee and subunit meetings or hearings wherever possible. It shall be the practice of the committee that

meetings of subunits not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the clerk of the committee.

**Rule No. 13**

**OTHER PROCEDURES AND REGULATIONS**

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

**Rule No. 14**

**DESIGNATION OF CLERK OF THE COMMITTEE**

For the purposes of these rules and the Rules of the House of Representatives, the chairman designated staff person, of the committee shall act as the clerk of the committee.

Senator STEVENS. Mr. Chairman.

Representative EHLERS. Yes.

Senator STEVENS. Do we normally adopt the House rules as the rules of the Joint Committee?

Representative EHLERS. My understanding is that we adopt the rules of the body having the Chair.

Senator DODD. I am sure that what we would want to do is, for instance, we have a rule that the Vice Chair can call witnesses along with the minority. There is one distinction in that area. So I would just assume comity works here.

Senator STEVENS. I hope so. But if I may continue, there are some comments about expenditures and subject to paragraph so and so or clause so and so of the House rules. I have got to tell you I am sure you all work under very good rules for the House—and other things about public hearings according to clause 4, rule I of the House as far as public hearings or broadcasting the meetings. All I can say is all right, but I hope we don't get caught up in them by not knowing them. I have urged the staff to keep us informed if there is something we are doing that is not consistent with the House rules.

Senator DODD. I think what we ought to do, and I just make the suggestion, adopt these and then maybe ask the staff for a tenure because this is a joint committee and I think melding this is a way that is satisfactory to avoid the same kind of going back and forth all the time. It might be a good suggestion in the future.

Representative EHLERS. That would certainly be appropriate and let us proceed with approving these and then I will direct the staff to—

Senator STEVENS. Could I make one observation?

Representative EHLERS. Yes.

Senator STEVENS. It is interesting to note that the House rules are adopted every 2 years, fresh, brand new, ours were adopted in 1789, and they are still the rules. They can be amended, but it takes an extra-extraordinary charter to amend the rules. So it is assured continuity and stability over a long period of time so that no matter which party is in charge or which is in the majority, you can't just come in and change the rules of that body. The body has a continuance of the rules, and that is why I think the question Senator Stevens asked was very appropriate to ask. It is hard to keep up with what is the House rules and—

Representative EHLERS. I think that is probably the objective. Let me just suggest that we follow the recommendation of Senator Dodd that we approve these, and directly after that I will instruct the staff to review the rules that were used under the Senate's chairmanship and compare them with the rules under the House chairmanship and see if we can't come up with a set of rules that actually is the independent—

Senator DODD. And in the meantime Senator Stevens is concerned we just have the staff checking each other to make sure we are not doing something that causes a—

Representative EHLERS. And I will assure you of my desire as chairman to certainly accommodate any requests and comments from the Senate.

The question is on the adoption of the rules presented. Any further discussion?

All those in favor will say aye. Opposed?

The rules are adopted, and I hereby with authority of the Chair ask the staff of both the House and the Senate to review the rules carefully and combine the best of the House rules and the best of the Senate rules into a permanent document.

The next item on the agenda is a resolution on electronic support, and that relates to the comments that Senator Dodd made a moment ago about the assistance offered by the Library of Congress and CRS at the time of the anthrax disruption, and the Library of Congress and CRS have made some recommendations on that, they are working on that problem, and we have before us a resolution regarding electronic communication which will commend the Library and the CRS for their efforts and also lay out the direction and guidelines that we wish to proceed. So I will present these to you, and I will be happy to recognize Senator Dodd for a motion.

[The information follows:]

THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Committee Resolution 107-\_\_\_\_\_

Electronic Communication

Adopted on \_\_\_\_\_, 2002

Whereas, the Joint Committee on the Library commends the Congressional Research Service for its efforts to constitute to provide vital information support during periods when Members and staff were relocated to alternative work locations.

Whereas further, the increased use of electronic tools for communication and education has resulted in increased requirements to serve Members and their staffs, including a recently concluded mobile information pilot with participants from the Senate, House and Library of Congress.

Whereas further, the events of September 11th and the anthrax-related building closures have clearly shown that Congress needs to be served by a flexible and resilient infrastructure so that essential information needs can be met in a variety of ways.

Be it therefore resolved, that the Library of Congress, as it develops and implements business continuity plans, ensures that the critical resources of the Library and the Congressional Research Service, including e-mail, web sites, and other support, be structured to be available to Members and staff regardless of their respective physical locations.

Resolved further, that it be necessary to make CRS reports available to Members in a format which allows Members to efficiently provide for the public release of such reports via methods of the Members choice, including traditional methods as well as electronic posting and distribution.

Resolved further, that the Congressional Research Service completes their ongoing efforts to establish direct e-mail support between the CRS and Congressional Offices, with appropriate consideration to supporting individual Members with the tools and methods that they prefer, including support for information retrieval and communication with CRS analysts using wireless devices.

Resolved further, that finally the Congressional Research Service and the Library of Congress are directed to report their plans and progress to the Joint Committee of Congress on the Library within 30 days of the adoption of this resolution.

Senator DODD. I think it is a good resolution. I recommend its adoption, and what it does in addition to what the chairman said is provide the electronic transmission of CRS information to Members of Congress, which will be very helpful to us.

The one thing it doesn't do, which was the subject of some discussion the last time around, the issue of whether or not these re-

ports ought to be made available to the public, and there was some concern about what that meant and the implications of it. This resolution does not embrace that suggestion. This is strictly to the Members of the Congress, the CRS information, as I understand it, as is crafted here.

I think it is a good suggestion, and I also think it is wise to leave out the transmission of the public directive. This is a Congressional service and I think it will raise real issues about the value of all of this if we ended up doing that. There is nothing that restrains any Member of Congress from sharing it with the public, but having CRS to end up doing it would create some real problems.

Senator STEVENS. Can I ask a question about that? I came across a very interesting briefing on the war effort, an ongoing briefing on our website. Is that available to the public in general? Do you know?

Mr. MULHOLLAN. If you are talking about the terrorism briefing book, that is only available to Congress.

Senator STEVENS. How is it that I can pull it down off the web?

Mr. MULHOLLAN. Working with your office, anything you would like to have available—let me step back. The electronic briefing book only exists electronically. We can provide selective analyses that are referred to in the briefing book and get them on your website and we can work with you. In fact the Wills administration for a long time, for several years, has had reports that they would identify, and they are kept up to date, that they have placed on their website; for instance, on campaign finance, election reform. We could work with your office to have those reports on there.

Representative EHLERS. Excuse me, but I believe the Senator's question is how can he get this on the web?

Senator STEVENS. How can I—

Ms. GILL. It was off of the CRS website and it was one of the highlighted topics, terrorism.

Senator STEVENS. It was on a briefing book. Are those available to the public?

Mr. MULHOLLAN. No, sir. It is available solely to Members of Congress and staff.

Senator STEVENS. But on your web?

Mr. MULHOLLAN. On the CRS website.

Senator STEVENS. Can I pull those off at home?

Mr. MULHOLLAN. If you are in your district office you can do it or if your office has arranged to have connection from there.

Senator STEVENS. It is e-mailed through our system?

Mr. MULHOLLAN. Not e-mailed. It is direct contact with the Senate system itself, the Capitol Hill Internet.

Senator STEVENS. That is where I am coming from. We are spending more and more of our time at home, obviously in an election year. Can we pull it down, can we make arrangements to do that?

Senator DODD. You have a code by which you access it from your computer as a way to do that and then your computer pops up the screen with the codes you have, the same as it would be—

Representative EHLERS. It is a secure document. It is on the Internet of the Capitol. You can access it from any computer on the

Capitol grounds or in your home district. If you want to do it from your home, you have to get the code.

Mr. MULHOLLAN. But you can do that?

Representative EHLERS. You can do it.

Senator STEVENS. Another question, can we get an index of those things that are published so that we don't have to go through the web to pull them all down? Can we go to this website through this connection and find out what is there?

Mr. MULHOLLAN. Yes. On the CRS website you can immediately put in a topic and it will pull up—

Senator STEVENS. I want to pull up a list of all the topics that are there and decide which ones I want. Can I do that?

Mr. MULHOLLAN. Yes. On the website we have analyses by issue of the 150 issues that are on the House and Senate's agenda for this session.

Senator STEVENS. It was the best one I have ever seen on the war.

Senator DODD. The CRS website is a fabulous service, a great service.

Representative EHLERS. We all appreciate their efforts, and the resolution before us will in fact strengthen the relationship in electronic communication between the CRS and the Members.

Senator DODD. I so move the resolution.

Representative EHLERS. The resolution is moved by Senator Dodd, supported by Representative Ney. Any further discussion on the resolution?

Hearing none, we will call for the vote. All those in favor will say aye. Those opposed, no.

The resolution is adopted. There are a few minor technical changes we have to make. In fact we will deal with that right now. I ask unanimous consent that the staff be authorized to make technical and conforming changes on all matters considered by the committee at today's meeting.

Senator DODD. So moved.

Representative EHLERS. Without objection, so ordered.

Moving on to the agenda item four, correspondence, we have a letter from the State of Alabama requesting that they be allowed to replace their statue, and the material is in your folders.

Senator DODD. They want to change their statue.

Representative EHLERS. They want to replace the statue of Jabez Lamar Monroe Curry to a statue Helen Keller, and there is a request to us for permission to begin that process. They do not have another statue ready to be placed.

It will take some time to appoint a study committee to prepare recommendation on the statue and then build the statue and then ship it here. This is merely a request for them to begin that process.

Senator DODD. They also have to pay for the removal; isn't that it?

Representative EHLERS. They pay for the removal and the replacement and the statue, yes.

Senator DODD. Senator Durbin for one and others may have brought this up about ways in which to recognize States and, as I understand it again, every State has to pay too and I guess this

is how it has worked over the years. They pay for it to come down and so forth.

With the construction of the new visitors center, and so forth, there has been a suggestion to also provide some way to continue to reflect—in some ways we are looking at figures of our States that date back—in my case it is Jonathan Trumble and Roger Sherman, who were here in the founding of the Republic, no intention of moving them, and also there have been people in the 19th and 20th century who we would like to recognize in some way.

The suggestion has been to think about some ways States might be able to do that in the visitors center, not necessarily statues but some way to think about an idea that would incorporate more—we wouldn't want to double the numbers of the weight. I was told by the architects that it would create serious problems to the structure to have these large statues, but we could take a look at the visitors center and see how we might accommodate additional contributions to it from our States. I don't make that as part of this. I just—

Representative EHLERS. I understand. There are going to be a number of decisions that are left to be made on the visitor center. That certainly is an appropriate one. Let me also comment that this approval will be the first case which will operate under the law which this committee supported and passed by the 106th Congress, Public Law 106-554, which establishes a procedure for a State to replace its statues. It had never been in law before, and this makes it more straightforward and spells out exactly what the requirements are.

The motion to approve the placement of a new statue and removal of the old one in the State of Alabama is a motion that has been made by Senator Dodd.

Senator DODD. Does that require that there be some additional steps taken, that they need someone from the State of Alabama that agreed to do it? They have agreed to pay and do all that stuff—

Representative EHLERS. Yes. Are there any further questions on—

Senator DAYTON. Mr. Chairman, do we still have the discretion to decide whether or not to approve the State's request or not? Is there any criteria—

Representative EHLERS. We still make the decision whether or not to approve, but not the statue. We approve whether or not they—

Senator DAYTON. And is there any direction under the law or tradition in terms of whether or not to grant that approval?

Representative EHLERS. This is the first case in which it has been approved. It has always been on an ongoing basis before. This sets down very clearly what the—

Senator DODD. It says clearly the procedures and also what they have to do to be eligible for us to approve it, but it doesn't set any criteria by which we make the decision whether or not to grant that approval other than the fact they have made met these requirements.

Representative EHLERS. That is correct.

Senator DAYTON. Is it tradition to defer to the States' prerogative here, they make the decision about replacing somebody, or are we responsible for exercising any independent judgment?

Representative EHLERS. I am not familiar with the history of that, but I suspect we give general leeway to the States, except I assume if California would decide they want to place a statue of John Walker for his actions in Afghanistan we might reject the—

Senator STEVENS. Beyond that we put some time frame on it, as I recall. You can't do it every year—

Representative EHLERS. Ten years.

Senator DODD. The Curator's office, why don't you tell us?

Ms. WOLANIN. The subject of the statue is up to the State. So no one in the joint committee as far as I know has ever—

Senator DODD. The point being if all of a sudden a southern State decided to set someone up and the Governor signed it and it is highly objectionable, I assume we would have some ability here to say no. Are you suggesting we—

Ms. WOLANIN. I am just saying there isn't a historical precedent for it. Like Jefferson Davis, it didn't get accepted for many, many years.

Representative HOYER. Well, the statute says, Mr. Chairman, that we have got to approve their request, which is what we are doing here. They have suggested Helen Keller is the person they are going to send the statue of in replacement for Mr. Curry.

Senator DODD. I feel a little bad for him. I don't know if I should or not.

Senator DAYTON. We are not instructed to approve it?

Representative EHLERS. No. We have the choice and that is what is before us at this point.

Senator DAYTON. No. I just wanted to know if—

Representative EHLERS. There are—

Representative HOYER. What do you have against Helen Keller, Senator? This is going to be a hot debate.

Representative NEY. Technically they don't have to submit drawings before they send it; right?

Representative EHLERS. No. But they have to meet certain standards of the construction, of weight and so forth.

Okay. Let us return to—

Representative HOYER. Mr. Chairman.

Representative EHLER. Yes, Representative Hoyer.

Representative HOYER. Thank you. Mr. Chairman, in the letter that I am reading from Alabama, they do not address specifically the requirements in the statute in terms of payment. I presume that is presumed in the motion.

Representative EHLERS. That is presumed because that is current law.

Representative HOYER. Right. Secondly, the disposition of Mr. Curry, is it our presumption that the State would take Curry back?

Senator DODD. He goes back home.

Senator STEVENS. Take it back at their expense and on our schedule, yes.

Representative EHLERS. Any further discussion? Hearing none, we will call for the vote.

All those in favor of approving the replacement of one of the Alabama statues will say, yes.

Those opposed, nay.

The motion is approved.

Are there other items of correspondence?

Just for information, regarding the tunnel between the Madison Building and the Cannon Office Building which the Capitol Police decided to not be staffed, and the tunnel has been closed for some time, this has created great inconvenience for the Library and for the Congress because any materials coming from the Library had to then go to the off-site area to be checked and then brought into the Congress after being checked, a 3-day process, which is very exasperating to the Library staff but especially to the Congressional staff when they requested written materials to be delivered. In the interim before we were able to have this meeting, I directed a letter to the House Sergeant at Arms stating that it was essential the tunnel be opened and, if necessary, the Library would provide one of their security guards to man the station in the tunnel, and it is now open again, and I understand the Library staff was very appreciative of that.

I must express concern that it was ever closed in the first place, and I am also disappointed that the Library has to provide their own staff for that tunnel. I just hope that the Capitol Police and the Sergeant at Arms would see a need for that and do it on their own, but be that as it may, it is now open and operating.

Another aspect, incidentally, of the Capitol Visitor Center is that they are attempting to add a plan to direct a tunnel over to the Madison Building from the Capitol, which there will be a need for that particular tunnel and it might serve our visitors and especially the staff. So that is simply for information that I sent that letter as a result of inaction, and the Library staff is extremely happy with that and so is the Congressional staff.

Is there any other business?

Representative HOYER. Mr. Chairman, I would just make the observation it is my understanding from staff that this is open for Members and staff only.

Representative EHLERS. Yes. It is not for the public.

Representative HOYER. So the point being it is less of a security concern because of that restriction.

Representative EHLERS. Right. I have been informed there is a new tunnel supposed to go to the Jefferson Building. The idea is to get more visitors in the Jefferson Building. There is already a tunnel from the Jefferson Building to the Madison Building, but it is extremely difficult to find it, however. We need direction signs.

That ends the consideration of the agenda, except for other business. Are there any items of business which anyone wishes to raise at this time?

Senator DODD. Mr. Chairman, and Kennie, why don't you help me out? The Botanic Gardens Conservatory construction—

Representative EHLERS. That was pulled from the agenda. It was too preliminary to—

Senator DODD. Does that go for the Book Festival issue as well?

Representative EHLERS. Yes. That has actually been taken care of. I addressed a letter to the Architect to take further action on

that because we weren't going to take our time to consider it. It just was not presented well.

So if there is no other business before the body, I want to thank you all for your attention, and the meeting stands adjourned.

[Whereupon, at 3:21 p.m., the committee was adjourned.]

