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MARKUP OF SEVERAL BILLS

MEETING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JUNE 10, 2009

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MARKUP OF H.R. 1196, H.R. 2510, H.R. 1604, H.R. 512, H.R. 2728, H.R. 1752, H.R. 2185, H. CON. RES. 135, H. CON. RES. 131, AND A RESOLUTION

WEDNESDAY, JUNE 10, 2009

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

The committee met, pursuant to call, at 11:10 a.m., in Room 210, Cannon House Office Building, Hon. Robert A. Brady [chairman of the committee] presiding.

Present: Representatives, Brady, Lofgren, Capuano, Gonzalez, Davis of California, Lungren, McCarthy, and Harper.

Staff Present: Liz Birnbaum, Staff Director; Jamie Fleet, Deputy Staff Director; Charlie Howell, Chief Counsel; Tom Hicks, Senior Election Counsel; Matt Pinkus, Professional Staff/Parliamentarian; Khalil Abboud, Professional Staff; Kyle Anderson, Press Director; Kristin McCowan, Chief Legislative Clerk; Victor Arnold-Bik, Minority Staff Director; Peter Schalestock, Minority Counsel; Karin Moore, Minority Legislative Counsel; Alec Hoppes, Minority Professional Staff; and Salley Collins, Minority Press Secretary.

The CHAIRMAN. I would like to call the Committee on House Administration to order. I would like to thank everybody here and ask for your indulgence. I am going to jump around a little bit from the order. So if I appear confused, it is because I am, and I have to blame the people behind me. And so we are going to start with H.R. 2510.

I have no opening statement. And I would like to ask Mr. McCarthy if he would like to say anything.

Mr. MCCARTHY. In the pursuit of time, no, I am good.

The CHAIRMAN. Okay. Good. H.R. 2510, the Absentee Ballot Track, Receive, and Confirm Act.

This bill will give grants to States to establish absentee ballot tracking systems. The program is completely voluntary. It will improve transparency and voter confidence by allowing voters to receive accurate and updated information on the status of their ballot. Voters could determine whether ballots were counted by checking on line or calling by a 1–800 phone number. In fact, a few States, including California and Kansas, have already set up an effective tracking system, with minimal start-up costs.

In the long run, election officials can save time and money as they field fewer phone calls from voters inquiring about status of absentee ballots.

I would like to now recognize the bill's sponsor, Representative Susan Davis, for an opening statement.

Mrs. DAVIS of California. Okay. Thank you very much. Thank you, Chairman Brady and Ranking Member Lungren. I certainly appreciate your including H.R. 2510, the Absentee Ballot Track, Receive, and Confirm, or the TRAC Act, in today's markup. As you know, Mr. McCarthy and I have really worked closely together on H.R. 2510, and I certainly appreciate my California colleague's input, additions, and support of this important legislation.

As you, I think, initially alluded to, and to give a few more details, the bill is modeled on a successful piece of California legislation that allows voters to go on line or call a phone number to easily find out whether an elections office has sent out a ballot, whether a completed ballot has arrived back at the registrar's office, and whether the registrar has actually counted the ballot, and if not, why not.

In San Diego County, over 98,000 voters checked their ballot status on line last November. A lot of people out there want to know. And that is what this is all about. Tracking gives voters more access and takes a burden off the phone lines at election offices. And tracking is particularly useful for men and women in uniform serving overseas.

The TRAC Act would allow the Federal Government to reimburse States for establishing tracking systems. But I want to be clear that it would not require any State to set up a tracking system.

I want to ask my colleagues on both sides of the aisle to join Mr. McCarthy and me in supporting this effort to strengthen the democratic process and give American voters the electoral certainly they deserve.

I have letters of support that I will be submitting for the record from the Association of American Residents Overseas, AARO, Common Cause, Postal Regulatory Commission, the Student Association for Voter Empowerment, or SAVE, and the Federation of American Women's Clubs Overseas.

[The information follows:]

RUTH Y. GOLDWAY
COMMISSIONER

June 9, 2009

The Honorable Robert A. Brady
Chairman, Committee on House Administration
1310 Longworth Building
Washington, DC 20515

Chairman Brady:

I am writing to support H.R. 2510, the Absentee Ballot Track, Receive, and Confirm Act of 2009.

This bill would provide modest financial assistance to the states which chose to establish absentee ballot tracking systems. By doing so, it would accomplish two tasks. First, it would reduce the burden on elections officials who currently are required field many calls about the status of absentee ballots. Second, it would allow voters who chose to Vote by Mail the ability to easily find out about the status of their ballot.

Absentee ballot tracking systems are of great benefit. They help alleviate concerns of any voters who would like to verify that their absentee ballots had been received and counted. Such tracking systems will quickly save the election offices money and staff time.

In my testimony before the House Committee on Administration on October 16, 2007, I pointed out that the U.S. Postal Service provides a reliable and trusted means of voting for many Americans. Further, the Postal Service is actively working with State and local election officials to make the Vote by Mail process simpler and more accountable. However, once the ballot has been delivered to the election offices, it falls upon the state offices to respond to status inquiries from absentee voters. By providing a framework to help election officials, H.R. 2510 would help overcome an impediment to greater public access to Voting by Mail and the use of absentee ballots.

Having served for eleven years on the Postal Regulatory Commission, I am familiar with the efficiency and reliability of the mail service provided by the Postal Service. I strongly support giving citizens the option to cast mail-in ballots as a secure and efficiency alternative to in-person voting. H.R. 2510 would aid in accomplishing that worthwhile objective.

Sincerely,

Ruth Y. Goldway

Ms. Goldway is writing in her individual capacity as a Postal Regulatory Commissioner.

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1250 24th Street NW, Suite 300
Washington, D.C. 20037
e-mail: info@savevoting.org

May 26, 2009

Dear Members of Congress,

On behalf of the Student Association for Voter Empowerment (SAVE), I write in strong support of the Absentee Ballot Track, Receive, and Confirm Act (HR 2510), otherwise known as the TRAC Act. SAVE would particularly like to commend the leadership of Congresswoman Susan Davis (D-CA) and Congressman Kevin McCarthy (R-CA) for their support of a measure to increase citizen confidence in the election process.

The legislation provides grants to states for establishing absentee ballot tracking systems. To be eligible, tracking systems must allow voters to find out on-line or using a 1-800 phone number whether an elections office has sent out a ballot, whether a completed ballot has arrived back at the registrar's office, whether the registrar has counted the ballot, and if not, why not.

While the TRAC Act will assist all absentee voters, it provides particular benefits to young voters and college students who are among the most frequent absentee voters. Throughout our grassroots network and during our extensive voter outreach, young voters consistently express concern over the unreliability of the absentee ballot process. Students routinely state that their absentee ballot never arrived, that it arrived too late for them to cast a ballot, and that they fear their vote did not count. This legislation will alleviate each of these concerns by allowing a voter to follow their ballot at each step in the process.

Addressing the fears of young voters is especially important because studies indicate that one negative voting experience significantly decreases the likelihood of a voter participating in subsequent elections. Among first-time voters, most of whom are young voters, their initial voting experience is even more likely to impact future political participation.

Finally, the bill will assist election officials by automating the absentee ballot tracking process, eliminating hundreds of phone calls from concerned voters each election cycle. More importantly, the legislation offers grant money to help offset the potential cost to local jurisdictions, limiting the financial burden on local officials with tight budgets.

While many congressional members pay lip service to the importance of securing the right to vote, it is refreshing to see Mrs. Davis and Mr. McCarthy act. We urge you to follow their lead and thank you for your attention to this matter.

Sincerely,

Matthew Segal
Executive Director
Student Association for Voter Empowerment (SAVE)

The Student Association for Voter Empowerment (SAVE) is a national non-profit organization founded and run by young people. At SAVE, we work to bring young Americans into the political process by breaking down barriers to electoral participation and encouraging youth-led policy solutions. In less than two years since our inception, we have expanded from a small group of six committed college students to a network exceeding 10,000 members with over 30 college chapters in 15 different states.

THE FEDERATION OF AMERICAN WOMEN'S CLUBS OVERSEAS, INC.
Founded 1931

June 6, 2009

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

Re: HR 1604 / HR 2510

Dear Mr. Chairman,

I am an overseas voter from the state of Connecticut and the U.S. Liaison for FAWCO, with a membership of over 15,000 worldwide, and I am writing on behalf of my federation in support of HR 1604 and HR 2510, which directly address two of the obstacles faced by America's large military and overseas voting population.

Despite progress in voting procedures, barriers remain, among the most serious being the time needed to send out ballots and return them with the assurance that they will be counted, and certain requirements for eligibility which can often not be met by voters outside the country.

HR 1604, the "Universal Right to Vote by Mail Act" introduced by Congresswoman Davis and co-sponsored, among others, by 8 other members of the Americans Abroad Caucus, eliminates the notarization and witness requirements which prevent some UOCAVA voters from participating in US elections: it may not be easy in remote areas to find an appropriate witness and, more importantly, notarization is possible only at US embassies and consulates (incurring a significant time and cost burden for those not in the immediate vicinity, the equivalent of a poll tax for many voters).

HR 2510, the "Absentee Ballot Track, Receive, and Confirm Act" introduced by Congresswoman Davis and co-sponsored by Congressman McCarthy, is also of particular interest to the UOCAVA population as it will enable voters to learn quickly of any delays in the sending out or return of their ballots, in time, one would hope, to remedy the situation by casting an emergency ballot. Not only can this bill contribute to the on-time delivery and return of military and overseas ballots, but it will dispel the doubts on the part of many overseas voters that their votes are actually counted, which discourage many from even participating in the electoral process.

I hope that you and your colleagues will look favorably on both of these bills, which can significantly help military and overseas citizens to exercise their right to vote.

Thank you for your consideration.

Yours sincerely,

Lucy Stensland Luederich, FAWCO U.S. Liaison

(Voting address: 306 Birchwood, Southbury CT 06488)

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June 9, 2009

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

Dear Chairman Brady,

The members of AARO, the Association of Americans Resident Overseas, are strongly in support of HR 1604 and HR 2510 which directly address two of the obstacles faced by America's large military and overseas voting population: the time needed to send out ballots and return them with the assurance they will be counted, and certain requirements for eligibility which can often not be met by voters outside the country.

HR 1604, the "Universal Right to Vote by Mail Act", eliminates the notarization and witness requirements which prevent some UOCAVA voters from participating in US elections: notarization is possible only at US embassies and consulates and imposes the equivalent of a poll tax on voters not in the immediate vicinity.

HR 2510, the "Absentee Ballot Track, Receive, and Confirm Act", will enable voters to learn in time of any problems in the sending out or return of their ballots so as to be able to cast an emergency ballot, and will also significantly increase voter confidence that their ballots are actually counted.

I hope that you and your colleagues will support these bills which are much needed by military and overseas voters.

Thank you for your consideration.

Yours sincerely,

Kathleen de Carbuccia
President, Association of Americans Resident Overseas

The Honorable Robert Brady
Chairman
House Administration Committee
United States House of Representatives
Washington, DC 20515

The Honorable Dan Lungren
Ranking Member
House Administration Committee
United States House of Representatives
Washington, DC 20515

June 9, 2009

Dear Chairman Brady and Ranking Member Dan Lungren:

On behalf of Common Cause I would like to express our support for several legislative efforts that you will be considering before your committee tomorrow. Each of these efforts will go a long way to making the voting process more accessible to voters and would improve the fairness of the election process.

HR 512 - Federal Election Integrity Act of 2009

This legislation would amend the Federal Election Campaign Act (FECA) to make it unlawful for a chief state election administration official to take active part in political management or in a political campaign with respect to any election for federal office over which the official has supervisory authority.

This legislation is critical. The presidential election of 2004 will always be marred by the events which occurred in Ohio prior to the election. Then Secretary of State of Ohio Ken Blackwell also served as the Chair as the Republican party in addition to performing the duties of his office which included acting as the chief administrator of elections in Ohio. In this capacity he tried to set forth a number of policies and practices which very much appeared to be designed to disenfranchise certain targeted voters. He clearly had a conflict of interest by serving in this dual capacity.

HR 1604 - Universal Right to Vote by Mail Act of 2009

This legislation would give all voters the option to vote by mail in federal elections for any reason. It removes additional restrictions such as notary signatures and doctor's note requirements imposed by some states on voters requesting absentee ballots.

This legislation is also vital. Currently, every state allows registered voters to vote by mail or absentee ballot. But many states put severe restrictions on the right to vote absentee. Furthermore, many of these restrictions intrude upon basic principles of privacy and dignity. All of the restrictions assume that election workers need to know, and voters need to disclose, personal information which will serve as a valid "excuse" for voters if they cannot be present at the polls on Election Day to cast a ballot in person. For example, in Tennessee, if a voter is ill, the voter may only obtain an absentee ballot if a letter answering a list of seven questions is filled out by a physician and returned to election administrators. In New York, voters must list their exact out-of-state location on Election Day if they are going to be out of state on a personal vacation. Many state laws do not allow voters to receive an absentee ballot even if voters have jury duty or Election Day responsibilities.

Common Cause supports legislation that would simply allow voters to receive an absentee ballot if they requested it during the appropriate time frame. No "excuses" would have to be given.

HR 2510 - Absentee Ballot Track, Receive, and Confirm Act

This important legislation would direct the Election Assistance Commission (EAC) to reimburse states for the costs of implementing an absentee ballot tracking program for federal elections. It would create a voluntary, financial incentive for states to implement a tracking program.

During the course of our Election Protection efforts this past year, we noted that a number of voters were concerned that they could not determine whether their absentee ballots were actually either sent out or received and counted. The Absentee Ballot Track, Receive and Confirm (TRAC) Act (H.R. 2510), would help states establish an absentee ballot tracking systems. This system would allow voters to know whether an elections office has sent out a ballot, whether a completed ballot has arrived back at the registrar's office and whether the ballot was actually counted.

Sincerely,

Bob Edgar
President
Common Cause

Mrs. DAVIS of California. Thank you, Mr. Chairman. Look forward to the discussion.

The CHAIRMAN. Thank you. I would like to recognize the bill's cosponsor, Representative McCarthy.

Mr. MCCARTHY. Mr. Chairman, thank you very much. I just want to thank my colleague, Susan Davis, for working on this collaboratively. And I believe this will bring accountability back in the process and will be very positive throughout the Nation as well. I yield back.

The CHAIRMAN. Ms. Lofgren.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. So ordered. Sure.

Ms. LOFGREN. I will just be very brief. I think this is a very good measure, obviously with bipartisan support. I would just report to the committee that we did have a hearing that included testimony about this concept, and there was universal support for it among our witnesses. So I thought that the committee would want to know that, and I yield back.

The CHAIRMAN. Thank you. Anybody else?

I will now call up and lay before the committee H.R. 2510. Without objection, the first reading of this bill is dispensed with, and the bill is considered as read, and open for amendment at any point.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 2510

To amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2009

Mrs. DAVIS of California (for herself and Mr. MCCARTHY of California) introduced the following bill; which was referred to the Committee on House Administration

---

A BILL

To amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, 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 "Absentee Ballot Track,
5 Receive, and Confirm Act".

SEC. 2. REIMBURSEMENT FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS.

(a) REIMBURSEMENT.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following new part:

"PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

"SEC. 297. PAYMENTS TO STATES.

"(a) PAYMENTS FOR COSTS OF ESTABLISHING PROGRAM.—In accordance with this section, the Commission shall make a payment to a State to reimburse the State for the costs incurred in establishing, if the State so chooses to establish, an absentee ballot tracking program with respect to elections for Federal office held in the State (including costs incurred prior to the date of the enactment of this part).

"(b) ABSENTEE BALLOT TRACKING PROGRAM DESCRIBED.—

"(1) PROGRAM DESCRIBED.—

"(A) IN GENERAL.—In this part, an 'absentee ballot tracking program' is a program to track and confirm the receipt of absentee ballots in an election for Federal office under

which the State or local election official responsible for the receipt of voted absentee ballots in the election carries out procedures to track and confirm the receipt of such ballots, and makes information on the receipt of such ballots available to the individual who cast the ballot, by means of online access using the Internet site of the official's office.

"(B) INFORMATION ON WHETHER VOTE WAS COUNTED.—The information referred to under subparagraph (A) with respect to the receipt of an absentee ballot shall include information regarding whether the vote cast on the ballot was counted, and, in the case of a vote which was not counted, the reasons therefor.

"(2) USE OF TOLL-FREE TELEPHONE NUMBER BY OFFICIALS WITHOUT INTERNET SITE.—A program established by a State or local election official whose office does not have an Internet site may meet the description of a program under paragraph (1) if the official has established a toll-free telephone number that may be used by an individual who cast an absentee ballot to obtain the information on the receipt of the voted absentee ballot as provided under such paragraph.

1 "(c) CERTIFICATION OF COMPLIANCE AND COSTS.—

2 "(1) CERTIFICATION REQUIRED.—In order to
3 receive a payment under this section, a State shall
4 submit to the Commission a statement containing—

5 "(A) a certification that the State has es-
6 tablished an absentee ballot tracking program
7 with respect to elections for Federal office held
8 in the State; and

9 "(B) a statement of the costs incurred by
10 the State in establishing the program.

11 "(2) AMOUNT OF PAYMENT.—The amount of a
12 payment made to a State under this section shall be
13 equal to the costs incurred by the State in estab-
14 lishing the absentee ballot tracking program, as set
15 forth in the statement submitted under paragraph
16 (1), except that such amount may not exceed the
17 product of—

18 "(A) the number of jurisdictions in the
19 State which are responsible for operating the
20 program; and

21 "(B) $3,000.

22 "(3) LIMIT ON NUMBER OF PAYMENTS RE-
23 CEIVED.—A State may not receive more than one
24 payment under this part.

1 **"SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

2 "(a) AUTHORIZATION.—There are authorized to be
3 appropriated to the Commission for fiscal year 2010 and
4 each succeeding fiscal year such sums as may be necessary
5 for payments under this part.

6 "(b) CONTINUING AVAILABILITY OF FUNDS.—Any
7 amounts appropriated pursuant to the authorization under
8 this section shall remain available until expended.".

9 (b) CLERICAL AMENDMENT.—The table of contents
10 of such Act is amended by adding at the end of the items
11 relating to subtitle D of title II the following:

"PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

"Sec. 297. Payments to States.
"Sec. 297A. Authorization of appropriations.".

○

The CHAIRMAN. Is there any debate? Are there any amendments? If not, I now move to report H.R. 2510 favorably to the House. The question is on the motion.

All in favor signify by saying aye.

Those opposed, no.

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 upon the table.

Our next order of business is H.R. 1752. This is a bill to provide that the usual day of paying salaries in the House of Representatives may be established by regulations of the Committee on House Administration. The House Administration currently pays the staff once a month, and I have been contacted by many staff members that when they get paid once a month, their third and fourth week they are always a little short. They thought it would be better if this agency followed every other Federal and State agency, and have them get paid—and have them get paid twice a month instead of once a month. It does not affect our pay, it does not affect the Congress people's pay, it just affects our staff. Anybody have any comments? Statements?

Mr. MCCARTHY. I have a statement.

The CHAIRMAN. Mr. McCarthy.

Mr. MCCARTHY. Thank you, Mr. Chairman. As we strive to ensure that the House of Representatives operates in an increasingly efficient and cost-effective manner, I am pleased to support this bill, which will enable the committee to better access and implement potentially cost-saving practices. My understanding is that the preliminary financial assessment suggests that shifting the present pay cycle to a biweekly pay cycle with a lag time would allow the House to handle payroll with a greater accuracy and ease.

However, I would like to ask that the Chair of this committee seek the input of the nearly 10,000 House employees that would be impacted before making any changes under consideration. Thank you, and I reserve the balance of the time.

The CHAIRMAN. Any other questions or any other statements? Mr. Lungren.

Mr. LUNGREN. No. Just thank you for trying to accommodate the schedule that I have today.

The CHAIRMAN. Okay. I now call up and lay before the committee H.R. 1752. Without objection, the first reading of the bill is dispensed with, and the bill is considered as read, and open for amendment at any point.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 1752

To provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2009

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

---

A BILL

To provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

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 COMMITTEE ON HOUSE ADMIN-**
4 **ISTRATION TO ESTABLISH DAY FOR PAYING**
5 **SALARIES IN OR UNDER THE HOUSE OF REP-**
6 **RESENTATIVES.**

7 Section 116(a) of the Legislative Branch Appropria-
8 tions Act, 2002 (2 U.S.C. 60d–1) is amended by adding

1 at the end the following new sentence: "Notwithstanding
2 the previous sentence, the Committee on House Adminis-
3 tration may by regulation provide for the payment of sala-
4 ries with respect to a month on a date other than the date
5 provided under the previous sentence as may be necessary
6 to conform to generally accepted accounting practices.".

○

The CHAIRMAN. I will now offer amendments for the members. Without objection, the amendment is considered as read.

[The information follows:]

AMENDMENT TO H.R. 1752

OFFERED BY M__. _____

Add at the end the following:

1 **SEC. 2. MEMBERSHIP IN HOUSE OF REPRESENTATIVES EX-**
2 **ERCISE FACILITY FOR ACTIVE DUTY ARMED**
3 **FORCES MEMBERS ASSIGNED TO CONGRES-**
4 **SIONAL LIAISON OFFICE.**

5 House Resolution 1068, One Hundred Tenth Con-
6 gress, agreed to April 15, 2008, is enacted into law.

Amend the title so as to read: "A bill to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration, and for other purposes.".

The CHAIRMAN. The amendment would make a permanent change to the law affecting the House staff gym. Everyone in the military services has officers working here in the House to assist our offices. Last Congress we passed a resolution letting these folks become members of the House Gym. Rather than passing a similar resolution every Congress, this language would make the gym membership permanently available to them.

Is there any debate on my amendment? Any questions? If there is no further debate, the question is on the amendment.

All those in favor signify by saying aye.

Any opposed, no.

In the opinion of the Chair, the ayes have it, and the amendment is agreed to. Are there any additional amendments?

If not, I move to report H.R. 1752, as amended, favorably to the House.

All those in favor signify by saying aye.

Any opposed?

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

The next order of business is H. Con. Resolution 135, a resolution that would place a marker in Emancipation Hall acknowledging the role of slave labor in the construction of the Capitol.

Last Congress we held a hearing in which we received the final recommendations of the Slave Labor Task Force Working Group, chaired by Congressman John Lewis. This task force spent several years studying the role of slaves in the construction of the Capitol. We can never make up for that treatment of these laborers, or even thank them for their sacrifice. But the task force final report recommended a number of steps be taken to acknowledge the key contributions of the slave laborers. Several of the recommendations, including the naming of Emancipation Hall, have already been completed. However, the placement of a new marker in Emancipation Hall requires further legislative action.

This resolution would provide for the installation of such a marker by the Architect, under the supervision of the committee and the Senate Committee on Rules and Administration. As the resolution contemplates, we will make every effort to use some of the original slave quarried stones that were removed from the original walls of the Capitol during previous renovations. I would now recognize Mr. Lungren.

Mr. LUNGREN. Thank you very much, Mr. Chairman. I am pleased that the committee is taking up a bill that will educate our visitors here to the Capitol Visitors Center on the contributions of enslaved African Americans in the construction of the U.S. Capitol. From the Slave Labor Task Force report, we know that the annals of history often, unfortunately, overlook the degree to which our Federal city rose from the labors of enslaved peoples. The diligent work of the task force highlights that slave laborers were critical in the areas of carpentry, brick making, brick laying, timber sawing, and stone quarrying, incorporating some of the most skilled elements of building at that time, along with some of the most physically demanding.

It is appropriate, considering the historical significance of this longtime omission, that Emancipation Hall in the CVC house a formal recognition of those critical laborers. The CVC has attracted over 1 million visitors already. This bill will further enrich the visitors' experience in our Nation's Capitol by properly recognizing the vital contributions of the laborers who helped to build it.

Thank you very much, Mr. Chairman, and I would urge support for this bill.

The CHAIRMAN. Thank you. I now call up and lay before the committee H. Con. Resolution 135. Without objection, the first reading of the concurrent resolution is dispensed with, and without objection the current resolution is considered as read and open for amendment at any point.

[The information follows:]

111TH CONGRESS
1ST SESSION

H. CON. RES. 135

Directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. LEWIS of Georgia (for himself, Mr. BRADY of Pennsylvania, Mr. DANIEL E. LUNGREN of California, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Mr. CAPUANO, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Ms. MOORE of Wisconsin, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Mr. SCOTT of Virginia, Mr. CLYBURN, Mr. HASTINGS of Florida, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mrs. CHRISTENSEN, Mr. MEEKS of New York, and Mr. RANGEL) submitted the following concurrent resolution; which was referred to the Committee on House Administration

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CONCURRENT RESOLUTION

Directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

Whereas enslaved African-Americans provided labor essential to the construction of the United States Capitol;

Whereas the report of the Architect of the Capitol entitled "History of Slave Laborers in the Construction of the United States Capitol" documents the role of slave labor in the construction of the Capitol;

Whereas enslaved African-Americans performed the back-breaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol;

Whereas enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing;

Whereas the marble columns in the Old Senate Chamber and the sandstone walls of the East Front corridor remain as the lasting legacies of the enslaved African-Americans who worked the quarries;

Whereas slave-quarried stones from the remnants of the original Capitol walls can be found in Rock Creek Park in the District of Columbia;

Whereas the Statue of Freedom now atop the Capitol dome could not have been cast without the pivotal intervention of Philip Reid, an enslaved African-American foundry worker who deciphered the puzzle of how to separate the 5-piece plaster model for casting when all others failed;

Whereas the great hall of the Capitol Visitor Center was named Emancipation Hall to help acknowledge the work of the slave laborers who built the Capitol;

Whereas no narrative on the construction of the Capitol that does not include the contribution of enslaved African-Americans can fully and accurately reflect its history;

Whereas recognition of the contributions of enslaved African-Americans brings to all Americans an understanding of

the continuing evolution of our representative democracy; and

Whereas a marker dedicated to the enslaved African-Americans who helped to build the Capitol will reflect the charge of the Capitol Visitor Center to teach visitors about Congress and its development: Now, therefore, be it

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

3 **SECTION 1. PLACEMENT OF MARKER IN CAPITOL VISITOR**
4 **CENTER TO ACKNOWLEDGE ROLE OF SLAVE**
5 **LABOR IN CONSTRUCTION OF CAPITOL.**

6 (a) PROCUREMENT AND PLACEMENT OF MARKER.—
7 The Architect of the Capitol, subject to the approval of
8 the Committee on House Administration of the House of
9 Representatives and the Committee on Rules and Admin-
10 istration of the Senate, shall design, procure, and place
11 in a prominent location in Emancipation Hall in the Cap-
12 itol Visitor Center a marker which acknowledges the role
13 that slave labor played in the construction of the United
14 States Capitol.

15 (b) CRITERIA FOR DESIGN OF MARKER.—In devel-
16 oping the design for the marker required under subsection
17 (a), the Architect of the Capitol—

18 (1) shall take into consideration the rec-
19 ommendations developed by the Slave Labor Task
20 Force Working Group;

(2) shall, to the greatest extent practicable, ensure that the marker includes stone which was quarried by slaves in the construction of the Capitol; and

(3) shall ensure that the marker includes a plaque or inscription which describes the purpose of the marker.

○

The CHAIRMAN. Is there any debate? Are there any amendments? If not, I now move to report H. Con. Resolution 135 favorably to the House.

All those in favor signify by saying aye.

Any opposed?

In the opinion of the Chair, the ayes have it, and the concurrent resolution will be placed on to the House. Without objection, the motion was reconsidered and laid upon the table.

We are now on H. Con. Resolution 131, a concurrent resolution introduced by Ranking Member Lungren. This is another resolution affecting the Capitol Visitors Center. This resolution will fulfill the commitment we made to several members last fall to add to the CVC an engraved inscription, the national motto In God We Trust, and the Pledge of Allegiance to the flag. Again, these additions require legislative action.

We have received recommendations from the Architect of the Capitol, and we are prepared to move forward on this commitment once the resolution is passed.

I would now like to recognize the Ranking Member, Mr. Lungren.

Mr. LUNGREN. Thank you very much, Mr. Chairman. And I want to personally thank you for your support and leadership on this bicameral, bipartisan resolution. We have worked with both sides of the aisle and both sides of the Capitol.

The opening of the Capitol Visitors Center of December 2, 2008 marked the end of a long process. And while the Capitol Visitors Center did a good job of incorporating many elements of the Nation's history, there were, I believe, two important references that were absent: the Pledge of Allegiance and our national motto In God We Trust. I am pleased that this resolution remedies this oversight, incorporates those important parts of our national heritage into the CVC.

As the Chairman has said, we worked with the Architect of the Capitol in making sure that this is appropriate for both where these are going to appear in the CVC and the appropriateness of how they will be displayed. Both speak, that is both of these references speak to the consciousness and philosophical roots of our Founding Fathers, and serve as expressions of will and the resolve of the American people.

Recognizing them at the CVC will be a testimony to our Nation's history and to the history that exists on these Capitol grounds.

Again I thank the Chairman for your efforts in bringing this important matter before the committee and look forward to its quick passage and incorporation into the CVC.

Thank you, and I would urge support for this bill.

The CHAIRMAN. Thank the gentleman. I now call up and lay before the committee House Concurrent Resolution 131. Without objection, the first reading of the concurrent resolution is dispensed with, and the resolution will be open to amendment at any point.

[The information follows:]

IV

111TH CONGRESS
1ST SESSION

H. CON. RES. 131

Directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of "In God we trust" in the Capitol Visitor Center.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2009

Mr. DANIEL E. LUNGREN of California submitted the following concurrent resolution; which was referred to the Committee on House Administration

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CONCURRENT RESOLUTION

Directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of "In God we trust" in the Capitol Visitor Center.

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

3 **SECTION 1. ENGRAVING OF PLEDGE OF ALLEGIANCE TO**
4 **THE FLAG AND NATIONAL MOTTO IN CAP-**
5 **ITOL VISITOR CENTER.**

6 (a) ENGRAVING REQUIRED.—The Architect of the
7 Capitol shall engrave the Pledge of Allegiance to the Flag
8 and the National Motto of "In God we trust" in the Cap-

1 itol Visitor Center, in accordance with the engraving plan
2 described in subsection (b).
3 (b) ENGRAVING PLAN.—The engraving plan de-
4 scribed in this subsection is a plan setting forth the design
5 and location of the engraving required under subsection
6 (a) which is prepared by the Architect of the Capitol and
7 approved by the Committee on House Administration of
8 the House of Representatives and the Committee on Rules
9 and Administration of the Senate.

○

The CHAIRMAN. Are there any additional debates? Are there any amendments?

If not, I now move to report H. Con. Resolution 131 favorably to the House.

All those in favor signify by saying aye.

Any opposed, no.

In the opinion of the Chair, the ayes have it, and the concurrent resolution will be reported to the House. Without objection, the motion to reconsider is laid upon the table.

I would ask unanimous consent—no, not yet. Page 1. We are going back to page 1. We are on H.R. 1196. Authorizes the CAO to carry out a series of demonstration projects to reduce energy consumption and promote energy efficiency and cost savings in the House of Representatives. I would like to recognize the sponsor, Vice Chair Lofgren, for an opening statement.

Ms. LOFGREN. Thank you, Mr. Chairman. H.R. 1196, a bipartisan bill authored by myself and Congressman Zach Wamp, authorizes CAO to carry out a series of demonstration projects to promote the use of innovative technologies to reduce energy consumption, promote energy efficiency, as well as cost savings in the House. It authorizes the CAO to carry out these demonstration projects and to enter into contracts that are consistent with current House Administration regulations for the CAO.

It requires a report to be submitted to the House Administration and Appropriations Committee analyzing the project and the extent that it reduced energy consumption, promoted energy efficiency, and saved costs for the House.

It authorizes 25 million for fiscal year 2010 to carry out the projects until expended. It is a bipartisan measure, as I noted. It is very limited in scope. It will 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.

Last April I hosted a discussion and meeting in Silicon Valley, titled "How Going Green Saves Money, Jobs, and Improves Lives," and asked the Chief Administrative Officer to attend. It was a wonderful meeting, and we issued a report subsequent to it. But one of the things that we learned is that big money can be saved in some of these energy efficiency measures or energy measures.

For example, Applied Materials installed 23,000 sensors in their office towers, and was able to reduce energy consumption by nearly half. The sensors paid for themselves in 8 weeks. Applied Materials has estimated that by installing solar panels it will create 900 jobs in addition to the energy.

So we believe that this bill will help our environment, it will help our bottom line, and will set an example. I would note that the Appropriations Committee has already included such a provision in the appropriations bill with bipartisan support. Obviously, we are authorizing a substantial sum, but they appropriated only 2.5 million. And that was done, as I understand, on a voice vote with bipartisan support. So I hope that we can authorize what the appropriators are marching forward to do. And I yield back the balance of my time.

The CHAIRMAN. I thank the gentlelady. I now call up and lay before the committee H.R. 1196. Without objection, the first reading of the bill is dispensed with, and the bill is considered as read, open for amendment at any point.

Is there any——

Mr. MCCARTHY. Are we going to do a statement on the bill, Mr. Chairman?

The CHAIRMAN. Sure. I recognize Mr. McCarthy.

Mr. MCCARTHY. I know Mr. Lungren had to depart, but we have a statement here on the bill as well.

I want to thank Chairman Brady. While I strongly disagree with the measure before us, I believe it is important that the committee engage on these important matters within our jurisdiction. As the entity responsible for the Capitol Complex energy infrastructure, the Architect of the Capitol is responsible for meeting mandatory energy efficiency requirements and specific statutory mandates for the use of renewable energy. The AOC's effort has successfully reduced Capitol Complex energy consumption by more than 13 percent in the past 2 fiscal years. And the AOC has identified projects capable of meeting its 30 percent energy reduction mandate by 2015.

However, the AOC estimates that it will cost $300 million to carry out these projects. And most of these projects remain unfunded. The authority granted to the Chief Administrative Officer in H.R. 1196 conflicts with the Architect of the Capitol's clear responsibility for energy infrastructure in the Capitol Complex. The Chief Administrative Officer has neither the statutory responsibility nor the organizational capability to manage the Capitol Complex energy infrastructure.

Given the nature of the business in the House of Representatives, it is essential that the energy services are reliable and operate without unscheduled disruptions. While the Architect of the Capitol has demonstrated a capacity to properly identify, document and measure energy-saving projects based upon the best value for the taxpayer, the Chief Administrative Officer has demonstrated no such capacity.

In the CAO's lone foray into executing a project to increase energy efficiency, the House spent nearly $700,000 to study the relighting of the Dome of the Capitol. A Washington Post analysis revealed that when factoring in the costs of the construction and installation, the CAO's project is likely to have a payback period of well over a century. As such, our confidence in the CAO's ability to deliver value to the taxpayer is justifiably weak.

H.R. 1196 is deeply flawed in its structure and in its spending authorization. Its enactment would result in organizational confusion and implementation risks that would undermine the collective goal of reducing energy consumption in the House. The CAO's demonstrated record on engaging in high-profile but poor-value projects undermines the credibility of the Congress, and should not continue to be encouraged.

Thank you, and I reserve the balance of the time.

The CHAIRMAN. Thank the gentleman. I now call up and lay before the committee H.R. 1196. Without objection, the first reading

of the bill is dispensed with, and the bill is considered as read and open for amendment at any point.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 1196

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

FEBRUARY 25, 2009

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 $25,000,000
7 for fiscal year 2010 to carry out demonstration projects
8 under this Act. Amounts appropriated pursuant to the au-
9 thorization under this section shall remain available with-
10 out fiscal year limitation until expended.

○

The CHAIRMAN. Is there any debate?
Mr. MCCARTHY. We have amendments.
The CHAIRMAN. Are there any amendments?
Mr. MCCARTHY. Yes.
The CHAIRMAN. Mr. Harper.
Mr. HARPER. Mr. Chairman, I have an amendment at the desk.
[The information follows:]

AMENDMENT TO H.R. 1196
OFFERED BY MR. HARPER

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. The gentleman is recognized.

Mr. HARPER. I recognize that the Majority is intent on moving this deeply flawed bill through the committee and that the votes exist to do so. However, I want to bring forward an amendment that I hope would find some bipartisan support, as it strengthens the authority of this committee to ensure proper controls are in place to avoid abusing this $25 million authorization.

This amendment serves two primary purposes. The first is to require that any action taken under this authority be formally approved by the committee, regardless of the dollar threshold. This brings an essential accountability to the process and mitigates concerns that the committee Republicans have about a repeat of past procurement activities that circumvented the committee's rightful authority.

The second objection is to ensure that the contracts awarded under this authority result from an open and competitive process. It would be an unacceptable outcome were the CAO to award $25 million worth of sole-source contracts under this authority, selecting contracts without the benefit of any competition or determination of best value for the House, and most importantly, the taxpayer.

With that, Mr. Chairman, I urge adoption of this amendment.

The CHAIRMAN. Thank the gentleman. Ms. Lofgren.

Ms. LOFGREN. Mr. Chairman, I appreciate the spirit with which this amendment has been offered, but I would urge the committee not to agree to the amendment. The amendment is really duplicative I think of language already in the bill on page 2, line 18, which requires the CAO to enter into contracts consistent with House Administration regulations. And in fact, that does include competitive bids.

So I think the net result of the amendment would be to add a layer of delay, and really no net value to the process. This is a pilot process. And I hope that we can avoid delay. Part of the reason for having the pilot is to have an ability to move quickly and not to bog down in bureaucratic delays. So I appreciate Mr. Harper's intent, but I would hope that the committee would reject the amendment.

The CHAIRMAN. Is there any additional debate on the amendment?

Mr. MCCARTHY. If I could speak to the amendment.

The CHAIRMAN. Mr. McCarthy.

Mr. MCCARTHY. I would hope we would pass this amendment of a little accountability, because as I go through and as I analyze when I read the former CAO's report, February 2007, I find here a lot of details of what it is working on, from audiovisual cabling. I mean, it goes into 50-some pages. When I read the current CAO's annual report, I get a lot of nice big pictures about staff, and I do not get the accountability of what we are actually working upon. So this amendment does not stop the bill. This amendment just brings the accountability that if this committee has the jurisdiction, this committee should actually see what is transpiring, especially at the dollar figure we are talking about; because I think everybody on this committee believes in the ability for greater energy efficiency here and would gladly support it. I would just believe

that accountability is a greater opportunity here and ask for an aye vote.

The CHAIRMAN. Any additional debate on the amendment? If not, the question is on the amendment.

All those in favor say aye.

All those opposed, say no.

In the opinion of the Chair, the noes have it. And the noes have it, and——

Mr. MCCARTHY. Could I ask for a recorded vote?

The CHAIRMAN. The clerk will please 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. Lungren.

[No response.]

The CLERK. Mr. McCarthy.

Mr. MCCARTHY. Yes.

The CLERK. Mr. Harper.

Mr. HARPER. Yes.

The CLERK. Mr. Brady.

The CHAIRMAN. No.

The vote is two ayes, four noes. And the amendment fails.

[The information follows:]

111th Congress
Committee on House Administration
U.S. House of Representatives

DATE: Wednesday, June 10, 2009

ROLL CALL NO. 111– 1

SUBJECT: Harper Amendment to H.R. 1196

	RESPONSE TO CALL OF THE ROLL			OFFICE EXTENSION
NAME	AYE	NO	ANSWERED PRESENT	
Ms. Lofgren		X		
Mr. Capuano		X		
Mr. Gonzalez				
Mrs. Davis, of California		X		
Mr. Davis, of Alabama				
Mr. Lungren				
Mr. McCarthy	X			
Mr. Harper	X			
Mr. Brady		X		

Failed by a roll call vote of 4(noes) – 2(ayes)

The CHAIRMAN. Are there any additional amendments?

Mr. MCCARTHY. Yes, Mr. Chairman.

The CHAIRMAN. Mr. McCarthy is recognized for 5 minutes.

Mr. MCCARTHY. I apologize for being a little delayed here. I am trying to help out Mr. Lungren too. Mr. Chairman, I have an amendment at the desk. I believe it was under Mr. Lungren's name. Does everyone have it?

The CHAIRMAN. Yes.

[The information follows:]

AMENDMENT TO H.R. 1196
OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

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 following: ", including energy savings to capital cost comparisons and detailed scalability assessments.".

Ms. LOFGREN. Which one is it?

Mr. MCCARTHY. Page 2, insert after line 21 the following:

Role of Architect of the Capitol.

The CHAIRMAN. Number two.

Mr. MCCARTHY. Mr. Chairman, it is no secret that I disagree with this bill. Given its underlying flaws, this amendment seeks only to provide modest changes designed to simply prevent a bad bill from becoming an operational calamity. The Architect is clearly responsible for the infrastructure of the buildings and providing the heating, cooling, and electrical systems as part of this infrastructure.

This amendment ensures that any activities pursued under this authorization are coordinated through the AOC so that we can avoid disrupting the essential services provided by the AOC. The process outlined in this amendment will avoid the type of scenario that the members and staff experienced last fall when the CAO failed to properly coordinate with the AOC, overloaded a circuit in the House computing facility, and caused a lengthy disruption in the access to e-mail and Web services.

When dealing with our essential heating, cooling, and electrical system, such a disruption could severely impact members and committee officers to function. As I stated earlier, this is just an amendment seeking only modest changes, asking that the CAO coordinate with the AOC so we do not have disruptions as we make fundamental changes.

The CHAIRMAN. Are there any additional debate on the amendment?

Ms. LOFGREN. Mr. Chairman.

The CHAIRMAN. Ms. Lofgren.

Ms. LOFGREN. I would note that as with the prior amendment, this is actually not a necessary amendment. It would require the CAO to get permission from the AOC before modifications to buildings or grounds. That is not necessary. The CAO already works with the AOC if there are any changes made to buildings or grounds. And so I would urge that the amendment be declined.

The CHAIRMAN. Thank the lady. Any other additional debate on the amendment? If not, the question is on the amendment.

All those in favor, say aye.

All those opposed, say no.

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

Mr. MCCARTHY. May I ask for a roll call vote?

The CHAIRMAN. The clerk will please 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. Lungren.

[No response.]

The CLERK. Mr. McCarthy.
Mr. MCCARTHY. Yes.
The CLERK. Mr. Harper.
Mr. HARPER. Yes.
The CLERK. Mr. Brady.
The CHAIRMAN. No.
The ayes are two, the noes are four. And the amendment fails. Are there any additional amendments?
[The information follows:]

111th Congress
Committee on House Administration
U.S. House of Representatives

DATE: Wednesday, June 10, 2009

ROLL CALL NO. 111– 2

SUBJECT: McCarthy Amendment to H.R. 1196

	RESPONSE TO CALL OF THE ROLL			OFFICE EXTENSION
NAME	AYE	NO	ANSWERED PRESENT	
Ms. Lofgren		X		
Mr. Capuano		X		
Mr. Gonzalez				
Mrs. Davis, of California		X		
Mr. Davis, of Alabama				
Mr. Lungren				
Mr. McCarthy	X			
Mr. Harper	X			
Mr. Brady		X		

Failed by a roll call vote of 4(noes) – 2(ayes)

Mr. MCCARTHY. There are no additional amendments.

The CHAIRMAN. If there are no additional amendments, the Chair now moves to report H.R. 1196 favorably to the House.

All those in favor signify by saying aye.

Opposed, no.

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

The next item of business is H.R. 1604. H.R. 1604, the Universal Right to Vote By Mail Act of 2009, introduced by our colleague, Representative Mrs. Davis from California. H.R. 1604 would give all the voters the option to vote by mail in Federal elections for any reason.

The bill removes restrictions like notary signatures and doctors' notes requiring imposed by some States on voters requesting absentee ballots. Some States do not allow travel, work, school, illness, or jury duty to count as valid excuses to request an absentee ballot. This bill does not require anyone to vote by mail. It just gives voters an option to vote by absentee ballot free from pointless hassles.

Making voters jump through unnecessary hoops to vote absentee does nothing to increase security. It only decreases participation and convenience in voting.

I would now like to recognize Ms. Davis for an opening statement.

Mrs. DAVIS of California. Thank you very much. And thank you very much for bringing the bill forward.

My interest in improving our elections goes back to the first major political experience that I had, which was serving as president of the San Diego League of Women Voters. I was active in the League because I believed our democracy is furthered through increased participation in the voting process. Democracy flourishes, we all know, when all Americans have an equal opportunity to participate in elections.

Historically, the Federal Government has opened the doors to those shut out of the voting process, and our country has been much the better for it. So we should be proud of our Nation's history of removing obstacles for voters who have been left out of the voting process intentionally or unintentionally, whether they be women, racial minorities, members of the military, Americans living overseas, 18- to 21-year-olds fighting for their country, or voters with disabilities.

But we know that there are hardworking Americans that are still unable to vote for any number of reasons. And the next step is to give those who choose to participate and plan to vote the best chance to vote, no matter what comes up on Election Day. And we should remove unnecessary impediments to their participation by freeing them from such burdensome obstacles—and Chairman, you have noted this—to voting as notary requirements, doctors' notes, and invasive public record questions about vacation location, illnesses, pregnancies, religious obligations.

Over half the States have no-excuse absentee voting. And millions of votes have proven it to be secure, successful, and popular. As Members of Congress and of this committee, we have a constitu-

tional calling to allow States to administer elections, but to step in when there is a need, as there is here.

H.R. 1604, the Universal Right to Vote By Mail Act, will correct what I believe is a glaring inequity, and I look forward to our discussion as we markup this bill today.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank the lady.

Mrs. DAVIS of California. I have letters in support here, and I will submit those for the record. Do you want me to read them all?

The CHAIRMAN. No, no, just submit them. That would be fine.

Mrs. DAVIS of California. Okay. Thank you.

The CHAIRMAN. Thank you. Without objection.

[The information follows:]

1250 24th Street NW, Suite 300
Washington, D.C. 20037
e-mail: info@savevoting.org

June 6, 2009

Dear Members of Congress,

On behalf of the Student Association for Voter Empowerment (SAVE), I write in strong support of the Universal Right to Vote by Mail Act (H.R. 1604). SAVE would particularly like to commend the leadership of Congresswoman Susan Davis (D-CA) and her co-sponsors for their support of a measure to increase ballot access for every American. The bill represents a practical approach to increasing voter participation, especially among young voters, in a number of critical ways.

First, the legislation guarantees access to a secure mail-in ballot for every eligibility citizen. Currently, 28 states include a "no-excuse" absentee ballot option in the election process. Provisions requiring an excuse to receive an absentee ballot simply make voting needlessly more difficult and lead to inequity in ballot access across different states.

Second, the bill would help eliminate long lines, which too frequently affect young people and students, by allowing any voter to participate from their home. The decrease in long lines would ease pressure on election officials and poll workers by allowing them to focus the same resources on fewer voters. Additional help will be particularly valuable for young voters, who are often also first time voters and thus uncertain about the process.

Third, vote by mail provides voters greater time to consider the extensive choices for elected office, local referendums, and state ballot measures. While a seemingly minute detail, it is particularly important to allow first-time voters ample time to consider lower profile contests they may be less familiar with. A ballot that includes dozens of choices can easily confuse and overwhelm a new voter, and vote by mail can mitigate those concerns.

Finally, young voters prefer flexibility. We are a mobile demographic with a diverse and extensive list of responsibilities including family, class, homework, and jobs. Oregon, which conducts elections entirely through mail-in ballots, provides its citizens with flexibility and consistently boasts participation rates significantly higher than the national average. Vote by mail certainly provides voters with flexibility and is a proven means of increasing voter participation.

The Universal Right to Vote by Mail Act is an excellent step forward to engage more voters in our elections. We urge you to offer your full support for this important piece of legislation and thank you for your attention to this matter.

Sincerely,

Matthew Segal
Executive Director
Student Association for Voter Empowerment (SAVE)

The Student Association for Voter Empowerment (SAVE) is a national non-profit organization founded and run by young people. At SAVE, we work to bring young Americans into the political process by breaking down barriers to electoral participation and encouraging youth-led policy solutions. In less than two years since our inception, we have expanded from a small group of six committed college students to a network exceeding 10,000 members with over 30 college chapters in 15 different states.

RUTH Y. GOLDWAY
COMMISSIONER

June 9, 2009

The Honorable Robert A. Brady
Chairman, Committee on House Administration
1310 Longworth Building
Washington, DC 20515

Chairman Brady:

I am writing to support H.R. 1604, the Universal Right to Vote by Mail Act of 2009.

In my testimony before the House Committee on Administration on October 16, 2007, I pointed out that the U.S. Postal Service provides a reliable and trusted means of voting for many Americans. Further, the Postal Service is actively working with State and local election officials to make the Vote by Mail process simpler and more accountable.

Absentee ballots account for an increasing percentage of votes cast nationally, but there is great disparity in rates of participation between states which provide for no-excuse or universal absentee voting and those which require particular justification for each election. As I said in my testimony:

"Offering citizens the option of voting by mail provides significant advantages, including the potential to increase voter turnout for national, state and local elections. Voters would not need to take time off from work, find transportation, locate the right polling place, get baby-sitters or rush through critical yet sometimes complicated ballot initiatives. (...) Voters appreciate the opportunity to read a ballot slowly in the privacy of their homes, and to drop it in the mail, exercising their voting franchise thoughtfully and carefully."

In my home state of California which offers no-excuse or universal absentee voting, approximately half the votes in statewide elections are cast by mail, a percentage that has been steadily growing over time. In the June 2008 California primary and the November 2008 California general elections, for example, 58.71 percent and 41.64 percent of all votes respectively were Votes by Mail.

Legislation extending universal access to absentee voting in national elections beyond the 29 states where it is already in effect would increase participation, interest and greater confidence in the electoral process.

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Having served for eleven years on the Postal Regulatory Commission, I am familiar with the efficiency and reliability of the mail service provided by the Postal Service. I strongly support giving citizens the option to cast mail-in ballots as a secure and efficiency alternative to in-person voting.

Sincerely,

Ruth Y. Goldway

Ms. Goldway is writing in her individual capacity as a Postal Regulatory Commissioner.

JOSEPH E. HOLLAND
County Clerk, Recorder and Assessor
Registrar of Voters

JIM MCCLURE
Asst. County Clerk, Recorder and Assessor

105 E. Anapamu St. 2nd Floor
Santa Barbara, CA 93101

Mailing Address
PO Box 159
Santa Barbara, CA 93102-0159

COUNTY CLERK, RECORDER AND ASSESSOR

June 8, 2009

Ranking Member Daniel Lungren
House Administration Committee
1313 Longworth HOB
Washington DC 20515

Honorable Chairman Robert Brady:

I am writing to express my support for HR 1604 The Universal Right to Vote by Mail Act.

California has had no-excuse absentee voting since 1978. With the advent of no excuse absentee voting Californians have increasingly chosen to vote by absentee ballot in each election. Additionally, beginning in January 2002, new legislation took effect that allowed California voters to sign up to become permanent absentee voters. Today California has done away with the terminology of "absentee" voting and now simply provides voters the option to "Vote By Mail".

In the November 2008 Presidential General Election over 6 million California voters voted through the mail. Of the 7.3 million ballots issued through the mail over 84% of these ballots were completed and returned. This compares with a 76% turnout for voters who chose to vote at the polls. In the most recent May 19 Statewide Special Election almost two thirds of the votes cast were Vote By Mail ballots. Statistics consistently show that providing voters with the option to vote by mail leads to overall higher voter participation.

The recent historic November 2008 Presidential General Election saw unprecedented levels of interest and participation by voters across the country. To accommodate this high level of interest many states attempted to provide early in-person voting to allow people the opportunity to vote prior to Election Day. Unfortunately these well intentioned efforts often resulted in long lines and multi-hour wait times for people attempting to vote early. In California over 5 million voters conveniently cast their ballot through the mail **prior** to Election Day in November 2008. On Election Day another 1 million Vote By Mail voters conveniently dropped off their Vote By Mail Ballot at the polls.

ASSESSOR: Santa Barbara (805) 568-2550, Fax (805) 568-3247, Santa Maria (805) 346-8310, Fax (805) 346-8324, Lompoc (805) 737-7899, Fax (805) 737-7708
ELECTION: 1-800-SBC-VOTE, Santa Barbara (805) 568-2200, Fax (805) 568-2209, Santa Maria (805) 346-8374, Fax (805) 346-8342, Lompoc (805)737-7705
CLERK-RECORDER: Santa Barbara (805) 568-2250, Fax (805) 568-2266, Santa Maria (805) 346-8370, Lompoc (805) 737-7705

In Santa Barbara County over 50% of our 200,000 registered voters choose to receive a ballot through the mail 29 days before each and every election. Having a high percentage of Vote By Mail voters allows us to more accurately order ballots for the polls and helps to reduce the overall cost of providing poll based services. These cost savings help to offset the cost of providing the option of voting by mail to County voters.

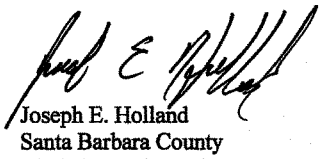
Voting by mail is more secure than voting at the polls. In California the signature on each Vote By Mail envelope is matched against the signature on the original voter registration affidavit. Only if the signature matches the original registration signature is the envelope opened and the ballot counted. This is in contrast to poll based voting where there is no checking of original registration signatures. Additionally the Vote by Mail process allows Election officials to put in place extensive security safeguards such as cameras, alarms, and ballot handling procedures that are not available in polling places.

Voting by mail has proven to be very popular in California. For those counties that have chosen to promote this voting choice it is not unusual to see as many as 60 to 75% of the registered voters signing up for permanent Vote By Mail status. In the 2008 November General Election 53 of California's 58 counties issued vote by mail ballots to more than 40% of their registered voters.

It is my opinion that providing no excuse absentee voting, is really about expanding voter choices, in choosing the method by which they exercise their right to participate in democracy. With thirty years of no excuse absentee voting history in California, evidence shows that voters are very appreciative of the option to vote from the privacy of their own home, and that the popularity of voting through the mail continues to increase.

I respectfully request that you support HR 1604 and expand the right to vote by mail, without requiring an excuse, to all citizens of this country.

Sincerely,



Joseph E. Holland
Santa Barbara County
Clerk, Recorder and assessor
Registrar of Voters

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Electoral Board

Carol Ann Coryell
Chairman

Thomas A. Reed
Vice Chairman

Margaret K. Luca
Secretary

General Registrar

Rokey W. Suleman, II

June 6, 2009

Honorable Susan Davis
U.S. House of Representatives
1526 Longworth House Office Building
Washington, DC 20515

Dear Congresswoman Davis,

This letter is to inform you of my unqualified support for HR 1604, "The Universal Right to Vote by Mail Act."

Universal access to a ballot by mail is something that should be available to every U.S. citizen. I have been an election official in a state with universal access to an absentee ballot (Ohio) and an official in a state that severely restricts absentee ballot access (Virginia). I can speak with first-hand experience that administrative difficulty that results in restricting ballot access through the mail.

Virginia places significant restrictions on access to a ballot through the mail. A person must meet one of 18 requirements in order to vote absentee, either in-person or via the mail. A voter must check a box on the form and also give supporting information for their reason. For example, a voter must check "Personal Business or Vacation" and then list the place that they are visiting. Failure to list the location results in a mandatory denial of an application.

Medical reasons for requesting an absentee ballot through the mail also require supporting information. If a person does not list the nature of their illness on the application, the application must be denied. The medical reason to vote absentee may be very personal and subject the voter to public embarrassment. Absentee applications are records available to inspection by the public. There is some thought that the Health Insurance Portability and Accountability Act of 1996 (HIPPA) may apply to these documents as well. Election officials have received no guidance in how to balance the right to privacy against the freedom to information regarding these documents. We face the prospect of serious litigation in the future if these requirements are still in place. This bill will render that issue moot.

Requiring an excuse to vote absentee also places a significant administrative burden

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on local election officials. The denial rate in my office for absentee applications is very high. A significant number of voters check a reason but do not supply the supporting information. My staff has to review each application for completeness. Failure to properly complete the form requires a notice to the voter informing them of the deficiency and supplying a new application. This is all done by hand.

During the November 2008 general election season my office denied thousands of applications because of simple failures to supply burdensome information. We have several file drawers available for inspection for applications that were denied. Some voters were denied multiple times before submitting a properly completed application. This took thousands of dollars out of our budget for the increase in man-hours, postage and supplies needed to process these applications. This is a tremendous waste of valuable tax dollars. No-excuse access to a ballot through the mail will save my office thousands of dollars in processing and overtime costs.

Some opponents of "no-excuse" absentee voting by mail claim a person should be able to fill out a form properly and failure to do so should disqualify their vote. I have had to deny applications to former US Congressmen and current US Supreme Court Justices because of failure to supply supporting information. If these educated folks make mistakes, imagine the mistakes made by a 90 year-old voter that has difficulty reading or writing.

Voter disenfranchisement also occurs to voters that do not properly complete the forms or supply the supporting information. If a voter is notified by their employer that they must be out of town on election day and submits the application near the deadline and the application is not complete or missing information the application is denied. This may not leave a voter with enough time to resubmit an application or appear in an office in person. That person is then unable to vote. I have had this scenario occur with voters in my jurisdiction.

The transition from excuse-based absentee voting to no-excuse absentee voting in Ohio caused no problems or increased fraud. It is my professional opinion that increased access to ballots through the mail does not lead to voter fraud. The numbers just do not support the assertion. What universal access through the mail does is give a voter another option in casting a ballot. Demands on our citizen's times and lives have grown as our country has grown. We owe it to our citizens to give them as much access to a ballot as they request. The increase in participation with vote-by-mail ballots in states that have relaxed or removed requirements has been tremendous. This show the public desires this transition.

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E-Mail: voting@fairfaxcounty.gov/eb WEB: www.fairfaxcounty.gov/eb

This is a good government bill. This bill will save taxpayer money and provide greater access to our government. It is a bill that's time has arrived.

If you have any questions or need further information, please do not hesitate to contact me.

Sincerely,

Rokey W. Suleman, II

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ADVANCING EQUALITY

June 9, 2009

Chairman Robert A. Brady
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Ranking Member Daniel E. Lungren
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Re: Support H.R. 1604, the Universal Right to Vote by Mail Act of 2009

Dear Chairman Brady and Ranking Lungren:

On behalf of the Asian American Justice Center (AAJC), a national nonprofit, nonpartisan organization dedicated to advancing and protecting the civil and human rights of Asian Americans as well as building and promoting a fair and equitable society for all, I write to strongly urge you to support H.R. 1604, the "Universal Right to Vote by Mail Act of 2009." H.R. 1604 would eliminate unnecessary and burdensome requirements that some states impose on voters requesting absentee ballots and thereby ensure that all voters have a choice to vote by mail for federal elections.

Recognizing that many Americans have work, family, or other commitments that might prevent them from getting to the polling place on Election Day, HR. 1604 would allow eligible voters to vote by mail in federal elections without forcing them to provide an "excuse." This would allow eligible voters in the 21 states and the District of Columbia to have the same opportunity to vote by mail in federal elections if they so choose as those in the 28 states that currently allow universal absentee voting (any voter may vote by mail without providing a reason for the request if they so choose).

Finally, it is important to note that H.R. 1604 simply provides all voters another option for casting their ballot (via mail) that compliments voting at the polls. It does not replace in-person voting but rather provides any voter the option to vote by mail in federal elections.

Congress should be in the business of encouraging full participation of our citizenry and H.R. 1604 is an important step toward expanding voting opportunities in federal elections by giving all voters the same ability to vote by mail, regardless of state residency. I encourage Members of the Committee to support it without amendment. Should you require any additional information or have any questions on this issue, please contact me at (202) 296-2300 x127 or at tao@advancingequality.org. Thank you for your attention.

Sincerely,

Terry M. Ao
Director of Census & Voting Programs

cc: Members of the House of Representatives Committee on House Administration

1140 Connecticut Ave. NW, Suite 1200, Washington, D.C. 20036 • T 202.296.2300 • F 202.296.2318 • www.advancingequality.org

AFFILIATES: Asian Pacific American Legal Center in Los Angeles • Asian Law Caucus in San Francisco • Asian American Institute in Chicago

National Association of Letter Carriers

William H. Young
President

100 Indiana Ave., NW
Washington, DC
20001-2144
202.393.4695
www.nalc.org

June 9, 2009

COMMITTEE
HOUSE ADMINISTRATION
2009 JUN -9 PM 2:44

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

Dear Chairman Brady and Ranking Member Lungren:

On behalf of 300,000 members of the National Association of Letter Carriers, I write to express our strong support of H.R. 1604, "The Universal Right to Vote by Mail Act of 2009" This legislation provides the right of any eligible voter the option to vote by mail in a federal election.

The option of casting your ballot through the mail has proved to be both popular and secure in recent elections. One in four Americans cast their ballot at home and then returned it with the assistance of the Postal Service in 2008. The reason for this popularity is convenience. Letter carriers across this country understand this issue all too well. As they work longer hours during the final days of election season to ensure that every ballot is collected, letter carriers themselves struggle to balance the competing priorities of work, time with family, and voting. This struggle is not unique to letter carriers. Too many citizens can not sacrifice the time it takes to stand in line to vote, particularly in these harsh economic times.

As letter carriers we understand the vital role we play in ensuring that voting by mail remains a secure process. Public opinion polls show that letter carriers are consistently the most trusted face of the federal government. Our members have developed a strong trust with the American people and the Postal Service is prepared to ensure that ballots are delivered to election officials in a safe and timely manner. We treat the sanctity of the secret ballot the same way we treat the sanctity of all mail.

We strongly encourage your committee to approve H.R. 1604. There are 22 states that currently do not allow voters to request a ballot through the mail without providing some explanation. Our members and all Americans should be allowed the option of casting their ballots through mail without these cumbersome and unnecessary barriers.

Fredric V. Rolando
Executive Vice President

Gary H. Mullins
Vice President

Jane E. Broendel
Secretary-Treasurer

George C. Mignosi
Asst. Secretary-Treasurer

Dale P. Hart
Director, City Delivery

Brian E. Hellman
Director, Safety & Health

Myra Warren
Director, Life Insurance

Timothy C. O'Malley
Director, Health Insurance

Ernest S. Kirkland
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We should give all voters, no matter what state they live in, the choice to cast their ballots from the privacy of their home on a schedule that works for them. Letter carriers stand ready to do their part to guarantee that every eligible voter has equal access to a fair, convenient, and secure method of participating in the democratic process.

Sincerely,

William H. Young

William H. Young

President,

WASHINGTON
LEGISLATIVE OFFICE

June 9, 2009

Chairman Robert A. Brady
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Ranking Member Daniel E. Lungren
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

AMERICAN CIVIL LIBERTIES UNION
WASHINGTON
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Caroline Fredrickson
DIRECTOR

NATIONAL OFFICE
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T/212.549.2500

OFFICERS AND DIRECTORS
NADINE STROSSEN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

RICHARD ZACKS
TREASURER

Re: Support H.R. 1604, the Universal Right to Vote by Mail Act of 2009

Dear Chairman Brady and Ranking Lungren:

On behalf of the American Civil Liberties Union (ACLU), over half a million members and activists, and fifty-three affiliates nationwide, we urge you to support H.R. 1604, the "Universal Right to Vote by Mail Act of 2009." H.R. 1604 would ensure that all Americans have an equal opportunity to vote by mail in federal elections for any reason. This bill would give all voters the choice of voting by mail by eliminating the unnecessary, burdensome, and often intrusive requirements that some states impose on voters requesting absentee ballots.

H.R. 1604 recognizes that many Americans have work, family, or other commitments that might prevent them from getting to the polling place on Election Day. Currently, 29 states allow universal absentee voting, which permits any voter to vote by mail without providing a reason for the request. However, voters in 21 states and the District of Columbia must provide a qualifying "excuse" in order to vote by mail. Requirements to justify the "excuse" vary by state, but can go so far as to require that the voter produce a notary's seal, a doctor's note, or signatures from multiple witnesses to request an absentee ballot. Still other states require a voter to list work hours, explain a religious obligation, or detail the nature of a disability in order to prove that the voter fits into one of the state's "excuse" categories.

The disclosure of personal, private information or the imposition of financial burdens should not be required for citizens to exercise their right to vote. Some voters should not be more heavily burdened than others simply because of their location, while voters in other states can conveniently, without question or cost, request a mail-in ballot. A federal law is needed to guarantee that all citizens have the same opportunity to vote by mail in federal elections if they so choose.

Importantly, H.R. 1604 provides all voters with the option of voting by mail, while fully preserving the existing alternative of voting at the polls. It

provides a valuable supplement to, not replacement for, in-person voting. Under this bill, any voter has the option to vote by mail in federal elections and can take more time to consider the candidates and ballot initiatives without waiting in lines or rushing through the ballot. Moreover, the bill does not impose any additional requirements on states – it simply removes restrictions on voting by mail. All states and the District of Columbia already have absentee voting procedures in place and could retain their present deadline requirements. Indeed, the bill removes any cumbersome "excuse" requirements that would normally need to be reviewed on a case-by-case basis by state election officials.

The federal government has a significant interest in making sure every eligible voter who wants to cast a ballot in a federal election has that opportunity. H.R. 1604 is an important step toward expanding voting opportunities in federal elections by giving all voters the same ability to vote by mail, regardless of state residency. We applaud this legislation and encourage Members of the Committee to support it without amendment.

If you have any questions please contact Deborah J. Vagins at (202) 715-0816 or dvagins@dcaclu.org.

Sincerely,

Caroline Fredrickson
Director

Deborah J. Vagins
Legislative Counsel

cc: Members of the House of Representatives Committee on House Administration

The CHAIRMAN. I would like to recognize Mr. McCarthy.

Mr. MCCARTHY. For an opening statement?

The CHAIRMAN. Yes.

Mr. MCCARTHY. Thank you, Mr. Chairman. I am figuring out this microphone.

Mr. Chairman, I am concerned that the committee has failed to hold a hearing on this legislation, H.R. 1604, that makes significant changes to voting procedures in 22 States. Each of these States likely enact their absentee voting requirements with a particular goal in mind, possibly preventing absentee voting fraud of the nature for which two individuals were arrested last week in New Jersey, or promoting civic engagement through in-person voting. Yet this committee is making a determination that any possible reasoning for justified absentee voting is inadequate and baseless, without even taking the time to consult those who would be affected.

We know that last year the National Conference of State Legislatures expressed grave concerns in a letter commenting on the legislative predecessor, H.R. 281. In addition to asking this committee to consider the many financial costs this unfunded mandate would bring to the already overburdened election official, the NCSL stressed that there has been no showing that the State system utilizing procedures other than no-excuse absentee voting are dysfunctional or broken.

In their letter they ask this committee to reconsider its decision to move this bill without consulting those who would bear the burden of implementing this legislation. At a time when so many State budgets are strained, we all know that election officers, most already operating on shoestring budgets, are one of the first agencies under the knife. It is highly doubtful that adequate resources would be allocated on the State level to accommodate the new Federal mandate created by this legislation.

It seems to me, Mr. Chairman, that before we jump in and start telling local governments how they should run their elections, we should probably let them tell us what they think about our ideas.

Currently, H.R. 1604 looks like a solution in search of a problem. And I would hope that before this committee takes any action on this legislation, we would undertake our due diligence and hold a hearing on this issue.

Thank you, and I reserve the balance of my time.

The CHAIRMAN. Thank the gentleman. I now call up and lay before the committee H.R. 1604. Without objection, the first reading of this bill is dispensed with, and the bill is considered as read and open for amendment at any point.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 1604

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Mrs. DAVIS of California (for herself, Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. FARR, Mr. WILSON of Ohio, Ms. NORTON, Mr. LOEBSACK, Mr. YARMUTH, Mr. FILNER, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Ms. WATSON, Mr. WALZ, Mr. HINCHEY, Mrs. CAPPS, Ms. PINGREE of Maine, Mr. ISRAEL, Mr. HOLT, Ms. WOOLSEY, Mr. AL GREEN of Texas, Mr. MASSA, Mr. MURPHY of Connecticut, Mr. GRIJALVA, Mr. CARNAHAN, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Mr. STARK, Ms. SCHAKOWSKY, Mr. BRALEY of Iowa, Mr. BOUCHER, Mr. BISHOP of New York, Mr. BERRY, and Mr. CARDOZA) introduced the following bill; which was referred to the Committee on House Administration

---

A BILL

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections.

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 "Universal Right to
5 Vote by Mail Act of 2009".

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) An inequity of voting rights exists in the
4 United States because voters in some States have
5 the universal right to vote by mail while voters in
6 other States do not.

7 (2) Many voters often have work, family, or
8 other commitments that make getting to polls on the
9 date of an election difficult or impossible. Under
10 current State laws, many of these voters are not per-
11 mitted to vote by mail.

12 (3) 28 States currently allow universal absentee
13 voting (also known as "no-excuse" absentee voting),
14 which permits any voter to request a mail-in ballot
15 without providing a reason for the request, and no
16 State which has implemented no-excuse absentee
17 voting has switched back.

18 (4) Voting by mail gives voters more time to
19 consider their choices, which is especially important
20 as many ballots contain greater numbers of ques-
21 tions about complex issues than in the past due to
22 the expanded use of the initiative and referendum
23 process in many States.

24 (5) Allowing all voters the option to vote by
25 mail can lead to increased voter participation.

1 (6) Allowing all voters the option to vote by
2 mail can reduce waiting times for those voters who
3 choose to vote at the polls.
4 (7) Voting by mail is preferable to many voters
5 as an alternative to going to the polls. Voting by
6 mail has become increasingly popular with voters
7 who want to be certain that they are able to vote no
8 matter what comes up on Election Day.
9 (8) No evidence exists suggesting the potential
10 for fraud in absentee balloting is greater than the
11 potential for fraud by any other method of voting.
12 (9) Many of the reasons which voters in many
13 States are required to provide in order to vote by
14 mail require the revelation of personal information
15 about health, travel plans, or religious activities,
16 which violate voters' privacy while doing nothing to
17 prevent voter fraud.
18 (10) State laws which require voters to obtain
19 a notary signature to vote by mail only add cost and
20 inconvenience to voters without increasing security.
21 **SEC. 3. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL**
22 **IN FEDERAL ELECTIONS.**
23 (a) IN GENERAL.—Subtitle A of title III of the Help
24 America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is

1 amended by inserting after section 303 the following new
2 section:

3 **"SEC. 303A. PROMOTING ABILITY OF VOTERS TO VOTE BY**
4 **MAIL.**

5 "(a) IN GENERAL.—If an individual in a State is eli-
6 gible to cast a vote in an election for Federal office, the
7 State may not impose any additional conditions or require-
8 ments on the eligibility of the individual to cast the vote
9 in such election by mail, except to the extent that the
10 State imposes a deadline for requesting the ballot and re-
11 lated voting materials from the appropriate State or local
12 election official and for returning the ballot to the appro-
13 priate State or local election official.

14 "(b) RULE OF CONSTRUCTION.—Nothing in sub-
15 section (a) shall be construed to affect the authority of
16 States to conduct elections for Federal office through the
17 use of polling places at which individuals cast ballots on
18 the date of the election.

19 "(c) EFFECTIVE DATE.—A State shall be required
20 to comply with the requirements of subsection (a) with re-
21 spect to elections for Federal office held in years beginning
22 with 2012.".

23 (b) CONFORMING AMENDMENT RELATING TO EN-
24 FORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)

1 is amended by striking "and 303" and inserting "303, and
2 303A".

3 (c) CLERICAL AMENDMENT.—The table of contents
4 for such Act is amended by inserting after the item relat-
5 ing to section 303 the following new item:

"Sec. 303A. Promoting ability of voters to vote by mail.".

○

The CHAIRMAN. Is there any debate? Are there any amendments?
Mr. HARPER. Yes, sir, I have an amendment at the desk.
[The information follows:]

AMENDMENT TO H.R. 1604

OFFERED BY M__. _____

Page 3, strike lines 9 through 11 (and redesignate the succeeding provisions accordingly).

Page 3, line 16, strike "while doing nothing to prevent voter fraud".

Page 3, line 19, strike "only add cost and inconvenience to voters without increasing security" and insert "add cost and inconvenience to voters".

The CHAIRMAN. Recognize Mr. Harper for 5 minutes.

Mr. HARPER. Thank you. In the findings section of this legislation there are a number of assertions of fact that I think are simply wrong and that suggest States are creating rules without any reason. Finding number eight states that no evidence exists suggesting the potential for fraud in absentee balloting is greater than the potential for fraud by any other method of voting. Yet much of the vote fraud that we see prosecuted in this Nation comes from fraudulently requested or returned absentee ballots.

Mr. Chairman, I would like to submit for the record an Associated Press article from Friday, June 5, 2009, just 5 days ago.

The CHAIRMAN. Without objection.

[The information follows:]

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Posted on Fri, Jun. 5, 2009

2 workers charged with absentee ballot fraud in AC

WAYNE PARRY

The Associated Press

ATLANTIC CITY, N.J. - Two workers for a candidate in this week's Atlantic City mayoral election were charged Friday with voter fraud involving absentee ballots , something long alleged but rarely proven in the nation's second-largest gambling resort.

David Callaway, 45, of Pleasantville, and Luquay Q. Zahir, 34, of Atlantic City were charged with voter fraud and tampering with public documents.

The state Attorney General's Office said they submitted absentee ballots purporting to be votes for Marty Small, a city councilman running for mayor, from voters who had never voted.

Days before the Democratic primary, incumbent Mayor Lorenzo Langford went to court alleging ballot fraud on behalf of Small's campaign, and asked a judge to impound more than 500 disputed absentee ballots. The judge declined, and Langford trounced Small and a third candidate in the primary.

"These men unlawfully tampered with messenger ballots and fraudulently submitted ballots as votes for Small from people who, in fact, never received the ballots and were never given the opportunity to exercise their right to vote," said Attorney General Anne Milgram. "Election fraud is a serious crime. We will aggressively prosecute anyone who tries to disenfranchise voters in New Jersey."

Messenger ballots are a special form of absentee ballot intended for the sick and shut-in. They enable someone else to pick up a ballot for a person unable to make it to a polling place on Election Day, and deliver it back to election officials once completed.

Zahir was being held on $50,000 bail. Callaway was being sought Friday evening. The telephone at his home was disconnected, but The Press of Atlantic City spoke with relatives who said Callaway was traveling to Washington, D.C. to try to protest an investigation by state officials into Tuesday's election.

Small, who was trounced in Tuesday's primary by incumbent Lorenzo Langford, declined comment in a brief telephone interview.

Andrew Weber, Langford's chief political strategist, welcomed the arrests.

"We certainly knew this was going on, and we're encouraged that the attorney general is taking it so seriously," he said.

Allegations of fraud and abuse involving absentee ballots have long swirled around elections in Atlantic City. Those claims increased in frequency in recent years when friends and relatives of Craig Callaway, the former City Council president now serving a federal prison term for bribery, perfected the art of collecting and delivering hundreds of absentee ballots.

Their efforts often determine the result of elections here and in neighboring Pleasantville, where candidates often go to bed on election night thinking they have won, only to be sorely disappointed by lunch the next day.

David Callaway, Craig's brother, is awaiting trial for his alleged role in another notorious Atlantic City corruption scandal that happened after Crag Callaway had pleaded guilty to bribery but was awaiting sentencing.

The Callaways and others are charged with luring a council rival to a motel, setting him up with a prostitute, secretly filming them having sex, and trying to blackmail him with the tape.

Find this article at:
http://www.philly.com/philly/wires/ap/news/state/new_jersey/20090605_ap_2workerschargedwithabsenteeballotfraudinac.html

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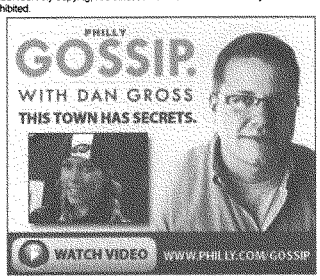


Mr. HARPER. The article states that two former campaign workers were charged with absentee voting fraud in a recent mayoral race in Atlantic City. I would like to quote to the committee a pertinent section of the article which states the claims of absentee voting fraud, quote, increased in recent years when friends and relatives of Craig Callaway, the former city council president, now serving a Federal prison term for bribery, perfected the art of collecting and delivering hundreds of absentee ballots, close quote.

I believe logic and common sense tell us that it is easier to vote fraudulently when voters do not have to show up in person. And the evidence backs that theory up.

Finding number nine states that the excuses that many States require in order to request an absentee, do nothing to prevent voter fraud, yet we have not had a single hearing on this bill. We know the Supreme Court takes congressional findings seriously, and I believe we should take them seriously enough to have hearings before we make them.

This amendment would remove these objectionable findings and other findings that make conclusory statements without offering proof to support them. I urge the committee to adopt this amendment.

Thank you, and I reserve the balance of my time.

The CHAIRMAN. Thank the gentleman. Any other—I would like to recognize Mrs. Davis.

Mrs. DAVIS of California. Thank you, Mr. Chairman. I would just like to respond for a second, because I think that if my colleagues read that statement, I mean it basically says that there is potential for fraud. We have not been able to—we have zero tolerance for it, but at the same time we have not had zero accounts of it.

However, it says there is no greater possibility than from other methods. And I think clearly, as we look at registrars, if we look at States, there is far greater fraud that we have discovered in those situations.

The case quoted here is from Atlantic City. This is not a Federal election. And the possibility of suppression of votes is so far greater than the possibility of fraud in this instance. And that is why that statement is there. You may not agree with the statement, but I think in fact there is nothing that is not factual about the statement.

Ms. LOFGREN. Would the gentlelady yield?

Mrs. DAVIS of California. Yes.

Ms. LOFGREN. I would just note that there were two hearings held on this subject in the last Congress as well. And I yield back.

Mrs. DAVIS of California. That is true. And Mr. Chairman, I know we are going to be hearing a bill today which has not had a hearing as well. And I think sometimes we have that opportunity. We also had another hearing earlier this year, and the issues of absentee voting were also brought up at that time.

The CHAIRMAN. I thank the gentlelady. Is there any additional debate on the amendment?

If not, the question is on the amendment.

All those in favor by signify by saying aye.

All those opposed, no.

In the opinion of the Chair, the noes have it. The noes have it, and the amendment is not agreed to. Any other amendments to the bill?

Mr. MCCARTHY. Yes, I have one amendment. Amendment number two.

[The information follows:]

AMENDMENT TO H.R. 1604

OFFERED BY M__. _____

Page 4, line 9, strike "except" and insert "except as required under subsection (b) and except".

Page 4, insert after line 13 the following (and redesignate the succeeding provisions accordingly):

1 "(b) REQUIRING SIGNATURE VERIFICATION.—
2 "(1) RECORD OF SIGNATURE REQUIRED FOR
3 PROVISION OF BALLOT.—A State may not provide
4 an absentee ballot to an individual for an election for
5 Federal office unless the individual's signature is in-
6 cluded on the official list of registered voters in the
7 State or some other official record of the State con-
8 nected to such list.
9 "(2) VERIFICATION REQUIRED FOR ACCEPT-
10 ANCE AND PROCESSING OF SUBMITTED BALLOT.—A
11 State may not accept and process an absentee ballot
12 submitted by any individual for an election for Fed-
13 eral office unless the State verifies the identification
14 of the individual by comparing the individual's sig-
15 nature on the absentee ballot with the individual's
16 signature on the official list or other official record

1 referred to in paragraph (1), in accordance with
2 such procedures as the State may adopt."

Page 4, line 14, strike "subsection (a)" and insert "this section".

Page 4, line 20, strike "subsection (a)" and insert "this section".

The CHAIRMAN. Mr. McCarthy.

Mr. MCCARTHY. Everybody have it? This one is pretty straightforward. In essence, it does two things. It would require the State to have the voter's signature on file before they send out the ballot. And it would require that the State verify the signature matches when they receive the returned ballot. Again, a verification process that is already common practice for most States.

I know in California, when you go to my election office, they will pull up, as the absentee ballot comes in, your actual signature of your voter registration. So it is just making sure that we have accountability as we go forward.

And just to repeat again, it does two simple things. It requires the State to have a voter's signature on file before they send out the ballot, and it requires the State verify the signature match when they receive the returned ballot.

Thank you. I would ask for support.

The CHAIRMAN. Thank the gentleman. Mrs. Davis.

Mrs. DAVIS of California. Thank you, Mr. Chairman. If I could say, I certainly appreciate the concern of my colleague, and California has that. And I think that what he is stating is that the use of a signature is a very valid way of telling whether or not the person is in fact that individual.

In California, in addition to the fact that people are hired for this purpose alone, there are cameras, it is really a very secure way of checking to see if that is an accurate signature.

And I think I said this before. My husband had a call from the registrar because his signature is not quite the same as it used to be, and so they asked him to give them a new signature. So I know that this is important. And I am happy to accept this amendment.

But I also want to share with my colleague that in fact it is a tougher mandate for some States than the process without that signature. Many States that have no-excuse voting use a signature, some do not. Some have chosen not to do that. So we are putting some additional—what you would consider a mandate I think; although I will share in my comments, if it does arise, that this is not considered a mandate, it is a voting right, and so therefore it is not considered a cost mandate by our government.

But the signature issue is one that I happen to think is important, so I would support it.

The CHAIRMAN. Thank the gentlelady. Any additional debate on the amendment? If not, the question is on the amendment.

All those in favor signify by saying aye.

Any opposed?

The ayes have it. The amendment is agreed to. And for the record, my signature is getting shorter and shorter the older I get. Any other additional amendments?

[The information follows:]

AMENDMENT TO H.R. 1604

OFFERED BY M__. _____

Page 4, insert after line 13 the following (and redesignate the succeeding provisions accordingly):

1 "(b) WAIVER IF NO FUNDING AVAILABLE TO COVER
2 COSTS OF COMPLIANCE.—A State is not required to com-
3 ply with subsection (a) with respect to elections held in
4 a year if, not later than the first day on which the State
5 makes absentee ballots available for transmission to voters
6 in the first election for Federal office held in the State
7 during the year, the State submits to the Commission a
8 written certification that—
9 "(1) compliance with subsection (a) would in-
10 crease the costs to the State of administering elec-
11 tions during the year; and
12 "(2) the amount of the requirements payment
13 made to the State under part 1 of subtitle D of title
14 II which is available during the year is not sufficient
15 to cover the costs of compliance with subsection (a)
16 and the other requirements of this subtitle.".

The CHAIRMAN. Mr. Harper is recognized for 5 minutes.

Mr. HARPER. Thank you. It is of great concern to me that at a time when our States are facing millions, sometimes billions of dollars in budget deficits, this committee is considering adding another unfunded Federal mandate for them to have to absorb. This amendment would help allay these concerns by allowing States to opt out of the new requirements of this legislation if they, A, make a showing that implementing this legislation would increase their costs of election administration, and B, they are not able to pay for those costs out of existing grant funding or other money provided by the Federal Government in support of this bill. I think this is a reasonable and responsible amendment, and I urge its adoption.

Thank you, and I reserve the balance of my time.

The CHAIRMAN. Thank the gentleman. Is there any additional debate on the amendment?

Mrs. DAVIS of California. Thank you, Mr. Chairman. The CBO has determined that this bill is not an unfunded mandate. And in fact, it wrote last year the following about H.R., at that time, 281: CBO estimates that implementing H.R. 281 would have no impact on the Federal budget. Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that H.R. 281 would fall within that exclusion because it would protect individuals' voting rights.

And I think, Mr. Chairman, when it comes to cost, the Virginia Registrar, Rokey Suleman's letter—and he spoke here just a few months ago about the fact that he has got a drawer full of applications from individuals because of the restrictions in their absentee voting. And it takes thousands of dollars, he said, out of his budget for the increase in man-hours, postage, and supplies needed to process these applications. There is a tremendous waste of valuable tax dollars. And no-excuse access to a ballot through the mail will save my office thousands of dollars in processing and overtime costs. I submit that it is not a factor in this case.

The CHAIRMAN. Thank the lady. Is there any additional debate on the amendment?

Mr. HARPER. May I be recognized, Mr. Chairman?

The CHAIRMAN. Certainly.

Mr. HARPER. If I may ask a question of the author of this bill, you argued this bill is not an unfunded mandate because it would enforce a constitutional right. And I see that you have a CBO statement which backs that up. But I am wondering where you find this right to an absentee ballot in the Constitution. And I say that because the U.S. Supreme Court has not been able to find it. In fact, in 1973 in Prigmore versus Renfro, the opinion stated the right to vote is unquestionably basic to a democracy, but the right to an absentee ballot is not. Historically, the absentee ballot has always been viewed as a privilege, not an absolute right.

Mrs. DAVIS of California. Well, thank you. I appreciate my colleague bringing that forward, because it has said there is no fundamental right to vote by absentee except to the extent that Congress has created such a right in Presidential and other Federal elections. And in fact, that is why we are here. I mean that is the obligation that we have; that when we see inconsistencies, when we

see disenfranchisement of voters, when we see that there is no longer a rational basis for allowing some people to vote and others not to, then I think it is important for the Congress to step forward. And that is what we are doing, we are trying to create that right.

The CHAIRMAN. I thank the gentlelady.

Any other additional debate on the amendment? If not, the question is on the amendment.

All those in favor, signify by saying aye.

Those opposed, no.

In the opinion of the Chair, the noes have it. The noes have it, and the amendment is not agreed to. Are there any additional amendments?

If not, I now move to report H.R. 1604, as amended, favorably to the House. The question is on the motion.

All those in favor, vote aye.

Any opposed?

In the opinion of the Chair, the ayes have it, and the bill, as amended, will be reported to the House without objection.

Mr. MCCARTHY. I would ask for a roll call vote.

The CHAIRMAN. The clerk will please call the roll.

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. Lungren.

[No response.]

The CLERK. Mr. McCarthy.

Mr. MCCARTHY. No.

The CLERK. Mr. Harper.

Mr. HARPER. No.

The CLERK. Mr. Brady.

The CHAIRMAN. Aye.

The ayes have it. Four ayes, two noes. In the opinion of the Chair, the ayes have it, and the bill, as amended, will be reported to the House.

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

[The information follows:]

111th Congress
Committee on House Administration
U.S. House of Representatives

DATE: Wednesday, June 10, 2009

ROLL CALL NO. 111– 3

SUBJECT: Final Passage of H.R. 1604

	RESPONSE TO CALL OF THE ROLL			OFFICE EXTENSION
NAME	AYE	NO	ANSWERED PRESENT	
Ms. Lofgren	X			
Mr. Capuano	X			
Mr. Gonzalez				
Mrs. Davis, of California	X			
Mr. Davis, of Alabama				
Mr. Lungren				
Mr. McCarthy		X		
Mr. Harper		X		
Mr. Brady	X			

Passed by a roll call vote of 4(ayes) – 2(noes)

The CHAIRMAN. Pursuant to request, the members have two additional days provided by the House rules to file. We are going to recess now. We have a vote on. We have no time left, so we have to scurry on down. And we will recess for hopefully about a half hour. We will be back. And the committee is now in recess.

[Recess.]

The CHAIRMAN. I would like to call the Committee on House Administration back to order. And the first order of business will be H.R. 512, the Federal Election Integrity Act introduced by Mrs. Davis.

H.R. 512 will prohibit chief State election officials from actively participating in electoral campaigns. Across the country, recent elections have exposed some State-elected officials with disturbing conflicts of interest. Certain State-elected officials have participated in partisan political activities or have held positions on campaign committees of Federal candidates even as those State officials administer elections. This has damaged America's faith and the integrity of our electoral system.

H.R. 512, the Federal Election Integrity Act, is a straight-forward good government bill that will prohibit chief State election officers from taking an active part in campaigning for or managing a Federal candidate's political campaign in any election of which the official is supervising the authority. It does not prohibit State election officials from overseeing elections in which they are candidates. It simply prevents the State election official from unfairly acting like a coach and a referee in the same game.

I understand that Representative Davis has been working with interested stakeholders and will be offering a substitute for this bill. And I would now like to recognize Representative Davis for an opening statement.

Mrs. DAVIS of California. Thank you very much, Mr. Chairman. And thank you again for bringing this forward.

Democracy flourishes, we know, when voters have confidence that the electoral process is fair and their chief election officials are above reproach. Public confidence in elections is undermined when election officials are accused of favoring their political party or playing politics with election administration.

The passage of H.R. 512, the Federal Election Integrity Act, would serve to remove the threat of such political posturing by limiting partisan activity by chief State election administrators. Since its introduction, I have made some changes to improve the bill in response to recommendations from election officials and the Federal Election Commission, and I will be introducing a substitute shortly. And I urge my colleagues to support this bill.

The CHAIRMAN. I thank the lady. Mr. McCarthy, opening statement.

Mr. MCCARTHY. Thank you, Mr. Chairman, an opening statement for Mr. Lungren. Thank you, Mr. Chairman. I am troubled by the suggestion and implication that this bill, that Congress should restrict a citizen's First Amendment right to participate in the political process where there has been no showing of malfeasance or nonfeasance to warrant such a sweeping restriction on speech. I am suspicious anytime that Congress seeks to deny a citizen the right to actively support a candidate of his or her choosing.

However, even more troubling is the underlining tenor of this bill, which seems to presuppose that the State's election officials are incapable of demonstrating impartiality and fulfilling their oath of office. If it is accepted, then we set the stage for excluding a whole host of election officials from Secretary of State down to the Registrar of voters and poll workers. If we cannot trust Secretaries of State, why should we trust anyone to show impartiality in the administration of elections when they have shown a political predisposition?

However, if we accept as fundamental the lack of impartiality that this bill suggests, why should we believe that an absence from formal participation in campaign activities would do anything to lessen election officials' propensity for misconduct. We must be vigilant protectors of both the integrity of Federal elections and the rights of our citizens to participate in the election of their Federal officials.

I am concerned that this bill endangers both those fundamental principles, while at the same time trampling on the civil liberties of our elected officials without cause. For these reasons, I hope the committee will join me in opposing the legislation. Thank you and I reserve the balance.

The CHAIRMAN. I thank the gentleman. I now call up and lay before the committee H.R. 512. Without objection, the first reading of the bill is dispensed with and the bill is considered as read and open for an amendment in a point.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 512

To amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2009

Mrs. DAVIS of California 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 prohibit certain State election administration officials from actively participating in electoral campaigns.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Election Integrity Act of 2009".

SEC. 2. FINDINGS.

Congress finds that—

(1) chief State election administration officials have served on political campaigns for Federal candidates whose elections those officials will supervise;

(2) such partisan activity by the chief State election administration official, an individual charged with certifying the validity of an election, represents a fundamental conflict of interest that may prevent the official from ensuring a fair and accurate election;

(3) this conflict impedes the legal duty of chief State election administration officials to supervise Federal elections, undermines the integrity of Federal elections, and diminishes the people's confidence in our electoral system by casting doubt on the results of Federal elections;

(4) the Supreme Court has long recognized that Congress's power to regulate Congressional elections under article I, section 4, clause 1 of the Constitution is both plenary and powerful; and

(5) the Supreme Court and numerous appellate courts have recognized that the broad power given to Congress over Congressional elections extends to Presidential elections.

1 **SEC. 3. PROHIBITION ON CAMPAIGN ACTIVITIES BY ELEC-**
2 **TION ADMINISTRATION OFFICIALS.**

3 (a) IN GENERAL.—Title III of the Federal Election
4 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
5 by inserting after section 319 the following new section:
6 "CAMPAIGN ACTIVITIES BY ELECTION OFFICIALS
7 "SEC. 319A. (a) PROHIBITION.—It shall be unlawful
8 for a chief State election administration official to take
9 an active part in political management or in a political
10 campaign with respect to any election for Federal office
11 over which such official has supervisory authority.
12 "(b) CHIEF STATE ELECTION ADMINISTRATION OF-
13 FICIAL.—The term 'chief State election administration of-
14 ficial' means the highest State official with responsibility
15 for the administration of Federal elections under State
16 law.
17 "(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
18 IN A POLITICAL CAMPAIGN.—The term 'active part in po-
19 litical management or in a political campaign' means—
20 "(1) serving as a member of an authorized com-
21 mittee of a candidate for Federal office;
22 "(2) the use of official authority or influence
23 for the purpose of interfering with or affecting the
24 result of an election for Federal office;

"(3) the solicitation, acceptance, or receipt of a political contribution from any person on behalf of a candidate for Federal office;

"(4) the solicitation or discouragement of the participation in any political activity of any person;

"(5) engaging in partisan political activity on behalf of a candidate for Federal office; and

"(6) any other act prohibited under section 7323(b)(4) of title 5, United States Code (other than any prohibition on running for public office).".

(b) ENFORCEMENT.—Section 309 of such Act (42 U.S.C. 437g) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding paragraphs (1) through (5) of subsection (a), any person who has knowledge that a violation of section 319A has occurred may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury subject to the provisions of section 1001 of title 18, United States Code. The Commission shall promptly notify any person alleged in the complaint, and shall give such person an opportunity to respond. Not later than 14 days after the date on which such a complaint

1 is filed, the Commission shall make a determination on
2 such complaint.
3 "(2) If the Commission determines by an affirmative
4 vote of a majority of the members voting that it has reason
5 to believe that a person has committed a violation of sec-
6 tion 319A, the Commission shall require the person to pay
7 a civil money penalty in an amount determined under a
8 schedule of penalties which is established and published
9 by the Commission.".

○

The CHAIRMAN. And I would now like to recognize the gentlelady from California to offer an amendment.

Mrs. DAVIS of California. Thank you, Mr. Chairman. I offer an amendment in the nature of a substitute which is in the members; packets and ask unanimous consent that the amendment be considered as read.

[The information follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 512

OFFERED BY M__. _____

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Federal Election Integ-
3 rity Act of 2009".

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) chief State election administration officials
7 have served on political campaigns for Federal can-
8 didates whose elections those officials will supervise;

9 (2) such partisan activity by the chief State
10 election administration official, an individual
11 charged with certifying the validity of an election,
12 represents a fundamental conflict of interest that
13 may prevent the official from ensuring a fair and ac-
14 curate election;

15 (3) this conflict impedes the legal duty of chief
16 State election administration officials to supervise
17 Federal elections, undermines the integrity of Fed-
18 eral elections, and diminishes the people's confidence

1 in our electoral system by casting doubt on the re-
2 sults of Federal elections;
3 (4) the Supreme Court has long recognized that
4 Congress's power to regulate Congressional elections
5 under Article I, Section 4, Clause 1 of the Constitu-
6 tion is both plenary and powerful; and
7 (5) the Supreme Court and numerous appellate
8 courts have recognized that the broad power given to
9 Congress over Congressional elections extends to
10 Presidential elections.

11 **SEC. 3. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF**
12 **STATE ELECTION ADMINISTRATION OFFI-**
13 **CIALS.**

14 (a) IN GENERAL.—Title III of the Federal Election
15 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
16 by inserting after section 319 the following new section:
17 "CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
18 ADMINISTRATION OFFICIALS
19 "SEC. 319A. (a) PROHIBITION.—It shall be unlawful
20 for a chief State election administration official to take
21 an active part in political management or in a political
22 campaign with respect to any election for Federal office
23 over which such official has supervisory authority.
24 "(b) CHIEF STATE ELECTION ADMINISTRATION OF-
25 FICIAL.—The term 'chief State election administration of-
26 ficial' means the highest State official with responsibility

1 for the administration of Federal elections under State
2 law.
3 "(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
4 IN A POLITICAL CAMPAIGN.—The term 'active part in po-
5 litical management or in a political campaign' means—
6 "(1) serving as a member of an authorized com-
7 mittee of a candidate for Federal office;
8 "(2) the use of official authority or influence
9 for the purpose of interfering with or affecting the
10 result of an election for Federal office;
11 "(3) the solicitation, acceptance, or receipt of a
12 contribution from any person on behalf of a can-
13 didate for Federal office; and
14 "(4) any other act which would be prohibited
15 under paragraph (2) or (3) of section 7323(b) of
16 title 5, United States Code, if taken by an individual
17 to whom such paragraph applies (other than any
18 prohibition on running for public office).
19 "(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR
20 IMMEDIATE FAMILY MEMBERS.—
21 "(1) IN GENERAL.—This section does not apply
22 to a chief State election administration official with
23 respect to an election for Federal office in which the
24 official or an immediate family member of the offi-
25 cial is a candidate.

1 "(2) IMMEDIATE FAMILY MEMBER DEFINED.—
2 In paragraph (1), the term 'immediate family mem-
3 ber' means, with respect to a candidate, a father,
4 mother, son, daughter, brother, sister, husband,
5 wife, father-in-law, or mother-in-law.".
6 (b) EFFECTIVE DATE.—The amendments made by
7 subsection (a) shall apply with respect to the regularly
8 scheduled general election for Federal office held in No-
9 vember 2010 and each succeeding election for Federal of-
10 fice.

The CHAIRMAN. I thank the gentlelady. Is there any additional debate on the amendment?

Mrs. DAVIS of California. Mr. Chairman, I think that the manager's amendments will really help to sway any of the concerns that my colleagues have on this bill because it is very specific about prohibiting campaign activities by chief State election and administration officials. This is not sweeping. We have worked with the FCC on this, and I think we would all agree that when it comes to Federal elections and the chief election official of that State, that there needs to be utmost integrity and perception that this is a fair process. I ask for members' support on this amendment.

The CHAIRMAN. I thank the lady. Any additional debate on the amendment? Mr. McCarthy.

Mr. MCCARTHY. If I may ask the author just a question. Knowing that it says the chief State officer, what about if your county election officer, which is elected countywide, what was the rationale for excluding them in the process as well?

Mrs. DAVIS of California. In working with the FCC on this, that is the determination that we made; that that is our authority, that is our jurisdiction. So that is why we wanted to do it in this fashion. This is the jurisdiction that we have.

Mr. MCCARTHY. Did you think, originally writing the bill, that you would include county election officers as well?

Mrs. DAVIS of California. The original bill was not as specific, and that is why when we started working with them, we felt that we wanted to stay within our jurisdiction on this bill.

Mr. MCCARTHY. And then what if the election officer is going to run for office but run for a different office? They are fine—

Mrs. DAVIS of California. This does not exclude in any way that individual from running for State office, for an office themselves. And, in fact, we have seen that. They are allowed to do that. While they are still holding that office, they can still file for a different office.

Mr. MCCARTHY. Okay. So if I am Secretary of State of my State and I have a family member running for Governor or something else, I can help with that one?

Mrs. DAVIS of California. The bill actually does have an exclusion for family members.

Mr. MCCARTHY. Even though that family member is running for Governor or running for any office, it is okay for family, but not to participate in any other.

Mrs. DAVIS of California. Right.

Mr. MCCARTHY. Okay. I just wanted clarification. Thank you.

The CHAIRMAN. Any additional debate on the amendment? No further debate. The question is on the amendment in the nature of a substitute.

All those in favor, signal by saying aye.

Any opposed, say no.

In the opinion of the Chair, the ayes have it and the amendment is agreed to.

I now move to report H.R. 512, as amended, favorably to the House.

All those in favor, say aye.

All those opposed, no.

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

We will now consider H.R. 2393, the Military Voter Protection Act.

I share in Mr. McCarthy's commitment to ensure that all ballots sent from the military and overseas voters abroad arrive on time and that their votes are counted. In fact, we met with the United States Postal Service and the Military Postal Service this week to discuss the process they have in place to expedite these ballots. We have learned that over the past few election cycles, the postal service had been offering free express mail and tracking service to all voters who send their ballots back to the U.S. Within one week of election day.

I would like to recognize now the sponsor of this bill, Mr. McCarthy.

Mr. MCCARTHY. First, I just want to thank the Chairman for working with us on this bill, and I appreciate his wisdom as we move forward. For over a year, I have been working with our colleagues here in the House, as well as those in other Chambers, to pass legislation that would help make those votes count of our heroes serving and protecting our Nation abroad.

Mr. Chairman, I am grateful you scheduled my bill, H.R. 2393, the Military Voting Protection Act, to be marked up today. Since the enactment of UOCAVA in 1986, which provides overseas voters backup Federal write-in absentee ballots, there has been report after report detailing the disenfranchisement of military personnel to inadequate ballot delivery methods. The most recent in 2007 by the EAC reported that out of 992,000 ballots sent to military and overseas voters for the 2006 election, over 660,000 were never returned to election officials to be counted.

We don't need another report, nor can we stand idly by as we watch more of our troops' votes go uncounted. We must take action.

I am pleased that this bipartisan commonsense legislation that I introduced, along with our colleague from Oklahoma, Dan Boren, will establish procedures for the collection, return transportation and tracking of marked absentee ballots of our troops serving overseas. This bill will use express mail delivery services of the postal service to help ensure those who fight for our freedoms can have their votes counted.

This will help our troops, and I am pleased that the MVP has been endorsed by the Military Coalition, a consortium of 31 military and veterans organizations. With that, I urge an "aye" vote and yield back the balance of my time.

The CHAIRMAN. I thank the gentleman.

I now call up and lay before the committee H.R. 2393. Without objection, the first reading of the concurrent resolution is dispensed with. And without objection, the concurrent resolution is considered as read and open for amendment at any point.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 2393

To amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2009

Mr. MCCARTHY of California (for himself, Mr. BOREN, Mr. CANTOR, Mr. DANIEL E. LUNGREN of California, Mr. HARPER, and Mr. TIAHRT) introduced the following bill; which was referred to the Committee on House Administration

---

A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Voting Protection Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

1 (1) In the defense of freedom, members of the
2 United States Armed Forces are routinely deployed
3 to overseas theaters of combat, assigned to overseas
4 locations, and assigned to ocean-going vessels far
5 from home.
6 (2) As the United States continues to fight the
7 Global War on Terror, the substantial need for over-
8 seas service by members of the Armed Forces will
9 continue, as we live in what senior Army leaders
10 have referred to as an "era of persistent conflict".
11 (3) The right to vote is one of the most basic
12 and fundamental rights enjoyed by Americans, and
13 one which the members of the Armed Forces bravely
14 defend both at home in the United States and over-
15 seas.
16 (4) The decisions of elected officials of the
17 United States Government directly impact the mem-
18 bers of the Armed Forces who are often called to de-
19 ploy or otherwise serve overseas as a result of deci-
20 sions made by such elected officials.
21 (5) The ability of the members of the Armed
22 Forces to vote while serving overseas has been ham-
23 pered by numerous factors, including inadequate
24 processes for ensuring their timely receipt of absen-
25 tee ballots, delivery methods that are typically slow

1 and antiquated, and a myriad of absentee voting
2 procedures that are often confusing and vary among
3 the several States.
4 (6) The Uniformed and Overseas Citizens Ab-
5 sentee Voting Act, which requires the States to allow
6 absentee voting for members of the Armed Forces
7 and other specified groups of United States citizens,
8 was intended to protect the voting rights of members
9 of the Armed Forces.
10 (7) The current system of absentee voting for
11 overseas members of the Armed Forces could be
12 greatly improved by decreasing delays in the process,
13 and certain steps by the Department of Defense, in-
14 cluding utilization of express mail services for the
15 delivery of completed absentee ballots, would address
16 the major sources of delay.

17 **SEC. 3. PROCEDURES FOR COLLECTION AND DELIVERY OF**
18 **MARKED ABSENTEE BALLOTS OF ABSENT**
19 **OVERSEAS UNIFORMED SERVICES VOTERS.**

20 (a) IN GENERAL.—The Uniformed and Overseas
21 Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)
22 is amended by inserting after section 103 the following
23 new section:

1 **"SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY**
2 **OF MARKED ABSENTEE BALLOTS OF ABSENT**
3 **OVERSEAS UNIFORMED SERVICES VOTERS.**

4 "(a) COLLECTION.—The Presidential designee shall
5 establish procedures for collecting marked absentee ballots
6 of absent overseas uniformed services voters in regularly
7 scheduled general elections for Federal office, including
8 absentee ballots prepared by States and the Federal write-
9 in absentee ballot prescribed under section 103, and for
10 delivering the ballots to the appropriate election officials.

11 "(b) ENSURING DELIVERY PRIOR TO CLOSING OF
12 POLLS.—

13 "(1) IN GENERAL.—Under the procedures es-
14 tablished under this section, the Presidential des-
15 ignee shall ensure that any marked absentee ballot
16 for a regularly scheduled general election for Federal
17 office which is collected prior to the deadline de-
18 scribed in paragraph (3) is delivered to the appro-
19 priate election official in a State prior to the time
20 established by the State for the closing of the polls
21 on the date of the election.

22 "(2) UTILIZATION OF EXPRESS MAIL DELIVERY
23 SERVICES.—The Presidential designee shall carry
24 out this section by utilizing the express mail delivery
25 services of the United States Postal Service.

26 "(3) DEADLINE DESCRIBED.—

1 "(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the deadline described in
3 this paragraph is noon (in the location in which
4 the ballot is collected) on the fourth day pre-
5 ceding the date of the election.
6 "(B) AUTHORITY TO ESTABLISH ALTER-
7 NATIVE DEADLINE FOR CERTAIN LOCATIONS.—
8 If the Presidential designee determines that the
9 deadline described in subparagraph (A) is not
10 sufficient to ensure timely delivery of the ballot
11 under paragraph (1) with respect to a par-
12 ticular location because of remoteness or other
13 factors, the Presidential designee may establish
14 as an alternative deadline for that location the
15 latest date occurring prior to the deadline de-
16 scribed in subparagraph (A) which is sufficient
17 to ensure timely delivery of the ballot under
18 paragraph (1).
19 "(c) TRACKING MECHANISM.—Under the procedures
20 established under this section, the Presidential designee,
21 working in conjunction with the United States Postal
22 Service, shall implement procedures to enable any indi-
23 vidual whose marked absentee ballot for a regularly sched-
24 uled general election for Federal office is collected by the
25 Presidential designee to determine whether the ballot has

1 been delivered to the appropriate election official, using
2 the Internet, an automated telephone system, or such
3 other methods as the Presidential designee may provide.
4 "(d) OUTREACH FOR ABSENT OVERSEAS UNI-
5 FORMED SERVICES VOTERS ON PROCEDURES.—The Pres-
6 idential designee shall take appropriate actions to inform
7 individuals who are anticipated to be absent overseas uni-
8 formed services voters in a regularly scheduled general
9 election for Federal office to which this section applies of
10 the procedures for the collection and delivery of marked
11 absentee ballots established pursuant to this section, in-
12 cluding the manner in which such voters may utilize such
13 procedures for the submittal of marked absentee ballots
14 in the election.
15 "(e) REPORTS ON UTILIZATION OF PROCEDURES.—
16 "(1) REPORTS REQUIRED.—Not later than 180
17 days after each regularly scheduled general election
18 for Federal office to which this section applies, the
19 Presidential designee shall submit to the relevant
20 committees of Congress a report on the utilization of
21 the procedures for the collection and delivery of
22 marked absentee ballots established pursuant to this
23 section during such general election.
24 "(2) ELEMENTS.—Each report under para-
25 graph (1) shall include, for the general election cov-

1 ered by such report, a description of the utilization
2 of the procedures described in that paragraph during
3 such general election, including the number of
4 marked absentee ballots collected and delivered
5 under such procedures and the number of such bal-
6 lots which were not delivered by the time of the clos-
7 ing of the polls on the date of the election (and the
8 reasons therefor).
9 "(3) RELEVANT COMMITTEES OF CONGRESS
10 DEFINED.—In this subsection, the term 'relevant
11 committees of Congress' means—
12 "(A) the Committees on Appropriations,
13 Armed Services, and Rules and Administration
14 of the Senate; and
15 "(B) the Committees on Appropriations,
16 Armed Services, and House Administration of
17 the House of Representatives.
18 "(f) ABSENT OVERSEAS UNIFORMED SERVICES
19 VOTER DEFINED.—In this section, the term 'absent over-
20 seas uniformed services voter' means an overseas voter de-
21 scribed in section 107(5)(A).
22 "(g) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Presidential des-
24 ignee such sums as may be necessary to carry out this
25 section.

1 "(h) EFFECTIVE DATE.—This section shall apply
2 with respect to the regularly scheduled general election for
3 Federal office held in November 2010 and each succeeding
4 election for Federal office.".
5 (b) CONFORMING AMENDMENTS.—
6 (1) FEDERAL RESPONSIBILITIES.—Section
7 101(b) of such Act (42 U.S.C. 1973ff(b)) is amend-
8 ed—
9 (A) by striking "and" at the end of para-
10 graph (6);
11 (B) by striking the period at the end of
12 paragraph (7) and inserting "; and"; and
13 (C) by adding at the end the following new
14 paragraph:
15 "(8) carry out section 103A with respect to the
16 collection and delivery of marked absentee ballots of
17 absent overseas uniformed services voters in elec-
18 tions for Federal office.".
19 (2) STATE RESPONSIBILITIES.—Section 102(a)
20 of such Act (42 U.S.C. 1973ff–1(a)) is amended—
21 (A) by striking "and" at the end of para-
22 graph (4);
23 (B) by striking the period at the end of
24 paragraph (5) and inserting "; and"; and

1 (C) by adding at the end the following new
2 paragraph:
3 "(6) carry out section 103A(b)(2) with respect
4 to the processing and acceptance of marked absentee
5 ballots of absent overseas uniformed services vot-
6 ers.".
7 (c) REPORT ON STATUS OF IMPLEMENTATION.—
8 (1) REPORT REQUIRED.—Not later than 180
9 days after the date of the enactment of this Act, the
10 Presidential designee under section 101(a) of the
11 Uniformed and Overseas Citizens Absentee Voting
12 Act shall submit to the relevant committees of Con-
13 gress a report on the status of the implementation
14 of the program for the collection and delivery of
15 marked absentee ballots established pursuant to sec-
16 tion 103A of such Act, as added by subsection (a).
17 (2) ELEMENTS.—The report under paragraph
18 (1) shall include a status of the implementation of
19 the program and a detailed description of the spe-
20 cific steps taken towards its implementation for No-
21 vember 2010.
22 (3) RELEVANT COMMITTEES OF CONGRESS DE-
23 FINED.—In this subsection, the term "relevant com-
24 mittees of Congress" has the meaning given such
25 term in section 103A(e)(3) of the Uniformed and

1 Overseas Citizens Absentee Voting Act, as added by
2 subsection (a).

3 **SEC. 4. PROTECTING VOTER PRIVACY AND SECRECY OF AB-**
4 **SENTEE BALLOTS.**

5 Section 101(b) of the Uniformed and Overseas Citi-
6 zens Absentee Voting Act (42 U.S.C. 1973ff(b)), as
7 amended by section 3(b), is amended—

8 (1) by striking "and" at the end of paragraph
9 (7);

10 (2) by striking the period at the end of para-
11 graph (8) and inserting "; and"; and

12 (3) by adding at the end the following new
13 paragraph:

14 "(9) to the greatest extent practicable, take
15 such actions as may be required to ensure that ab-
16 sent uniformed services voters who cast absentee
17 ballots at locations or facilities under the Presi-
18 dential designee's jurisdiction are able to do so in a
19 private and independent manner, and take such ac-
20 tions as may be required to protect the privacy of
21 the contents of absentee ballots cast by absent uni-
22 formed services voters and overseas voters while
23 such ballots are in the Presidential designee's pos-
24 session or control.".

○

The CHAIRMAN. Is there any debate? Mrs. Davis from California.

Mrs. DAVIS of California. Mr. Chairman, just for the record, did we have a hearing on this bill?

Mr. MCCARTHY. Well, I appreciate the question. If I can answer for the Chairman. In March, we had a hearing on the 2008 elections where the military votes were prominent. Last month we did have a hearing specifically devoted to military and overseas voting where H.R. 2393 was discussed. The committee explored the issue, and I am pleased we are acting today. And in the last Congress we did have a hearing before the committee as well on the bill itself. And the only changes from the past bill to present were the ideas that it was going to be the postal service with the help of the Chairman advice on that.

The CHAIRMAN. Any other debate? Are there any amendments to the bill?

Mrs. DAVIS of California. Mr. Chairman, if I will, I just wanted to ask that question really for the record, but also to represent to the author that I am in support of this bill. I think it makes it easier and quicker for us to process those absentee ballots and that having more standardized absentee ballots throughout the country also would be an assist to our military. So I hope that we can continue to work on this issue in the future. Thank you, Mr. Chairman.

The CHAIRMAN. I thank the lady. I now move to report H.R. 2393 favorably to the House.

All those in favor, say aye.

Any opposed?

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

I don't want to bring this bill up, especially when the sponsor is on her way, right down the hall. So if we could just hold off for a moment or two, hopefully for like about a 1-minute recess, and Ms. Lofgren will be here. And I appreciate your indulgence. Thank you.

[Recess.]

The CHAIRMAN. I would like to call our committee back to order again. The next item on the agenda is H.R. 2728, the William Orton Law Library Improvement and Modernization Act, sponsored by Vice Chair Lofgren and Ranking Member Lungren.

[The information follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 2728

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

JUNE 4, 2009

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

---

A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "William Orton Law Library Improvement and Modernization Act".

SEC. 2. FINANCIAL SUPPORT FOR LAW LIBRARY OF LIBRARY OF CONGRESS.

(a) FINANCIAL SUPPORT.—In addition to any other amounts made available for the salaries and expenses of the Library of Congress, there are authorized to be appro-

1 priated to the Librarian of Congress $3,500,000 for main-
2 taining and administering the operations of the law library
3 of the Library of Congress, including the cataloguing of
4 the collections of the law library. Any amounts appro-
5 priated pursuant to the authority of this subsection shall
6 remain available without fiscal year limitation until ex-
7 pended.

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

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

23 (a) SEPARATE BUDGET TREATMENT OF LAW LI-
24 BRARY.—In preparing the annual budget for the Library
25 of Congress which will be submitted by the President

1 under chapter 11 of title 31, United States Code, and in
2 preparing the annual budget and related materials for the
3 Library of Congress for the use of the Committees on Ap-
4 propriations of the Senate and House of Representatives,
5 the Librarian of Congress shall ensure that all amounts
6 attributable to salaries and expenses of the law library of
7 the Library of Congress are set forth separately as a sepa-
8 rate line item from other salaries and expenses of the Li-
9 brary of Congress.
10 (b) EFFECTIVE DATE.—This section shall apply with
11 respect to fiscal year 2011 and each succeeding fiscal year.

12 **SEC. 4. WILLIAM ORTON PROGRAM TO SUPPORT THE MIS-**
13 **SION OF THE LAW LIBRARY OF THE LIBRARY**
14 **OF CONGRESS.**

15 (a) ESTABLISHMENT.—
16 (1) IN GENERAL.—The Librarian of Congress,
17 acting through the Law Librarian of Congress, shall
18 establish and operate a program to be known as the
19 "William Orton Law Library Support Program"
20 (hereafter in this section referred to as the "Pro-
21 gram"), which will—
22 (A) provide enhanced or special services
23 and programs for the Law Library; and
24 (B) otherwise support the mission of the
25 Law Library.

1 (2) RELATION TO OTHER PROGRAMS.—The Li-
2 brarian shall operate the Program in a manner
3 which ensures that the resources of the Program are
4 not commingled with the resources used to carry out
5 the program operated under section 2.
6 (b) ROLE OF OTHER ENTITIES.—The Librarian may
7 carry out the Program through agreements and partner-
8 ships entered into with other government and private enti-
9 ties, including the American Association of Law Libraries
10 and the American Bar Association.
11 (c) PRIVATE SUPPORT.—
12 (1) ACCEPTANCE OF DONATIONS.—Donations
13 of funds and in-kind contributions in support of the
14 Program may be accepted—
15 (A) by the Library of Congress Trust
16 Fund Board, as provided under the Act entitled
17 "An Act to create a Library of Congress Trust
18 Fund Board, and for other purposes", approved
19 March 3, 1925 (2 U.S.C. 154 et seq.); and
20 (B) by the Librarian of Congress, as pro-
21 vided under section 4 of such Act (2 U.S.C.
22 160).
23 (2) USE OF AMOUNTS.—Notwithstanding the
24 second paragraph of section 2 of the Act entitled
25 "An Act to create a Library of Congress Trust Fund

1 Board, and for other purposes", approved March 3,
2 1925 (2 U.S.C. 157), or the third sentence of sec-
3 tion 4 of such Act (2 U.S.C. 160), any amounts ac-
4 cepted by the Library of Congress Trust Fund
5 Board or the Librarian of Congress in support of
6 the Program shall be subject to disbursement by the
7 Librarian only upon the recommendation of the Law
8 Librarian (except to the extent otherwise provided
9 under any terms and conditions on the use of the
10 amounts which are imposed by the person making
11 the donation).
12 (3) ACCEPTANCE OF OTHER VOLUNTARY SERV-
13 ICES.—Notwithstanding section 1342 of title 31,
14 United States Code, the Librarian of Congress may
15 accept voluntary and uncompensated services in sup-
16 port of the Program.
17 (d) ESTABLISHMENT OF SEPARATE ACCOUNT.—
18 (1) IN GENERAL.—There is established in the
19 Treasury (among the accounts of the Library of
20 Congress) a separate account for the Program,
21 which shall consist of—
22 (A) amounts accepted by the Library of
23 Congress Trust Fund Board in support of the
24 Program as described in subsection (c)(1)(A),

1 together with any income earned on such
2 amounts;
3 (B) amounts accepted by the Librarian of
4 Congress in support of the Program as de-
5 scribed in subsection (c)(1)(B), together with
6 any income earned on such amounts;
7 (C) amounts appropriated pursuant to the
8 authorization under subsection (f); and
9 (D) interest on the balance of the account.
10 (2) USE OF AMOUNTS.—The funds contained in
11 the account established under this subsection shall
12 be used solely by the Law Librarian of Congress to
13 carry out the Program.
14 (e) ANNUAL REPORT.—Not later than April 30 of
15 each year (beginning with 2010), the Librarian of Con-
16 gress shall submit a report on Program funding and ac-
17 tivities to the Committee on House Administration of the
18 House of Representatives, the Committee on Rules and
19 Administration of the Senate, the American Bar Associa-
20 tion, and the American Association of Law Libraries. The
21 report shall include—
22 (1) a listing of all donations received in support
23 of the Program during the previous year;
24 (2) the total obligations during the previous
25 year for each Program activity;

1 (3) the amount appropriated pursuant to the
2 authorization under subsection (f) for the fiscal year
3 beginning on the previous October 1;
4 (4) a list of Program activities, with budget in-
5 formation for each such activity, planned for the cal-
6 endar year in which the report is submitted; and
7 (5) any findings in the most recently completed
8 audit conducted with respect to the Law Library or
9 Program funds or investments.
10 (f) AUTHORIZATION OF APPROPRIATIONS.—In addi-
11 tion to any other amounts authorized to be appropriated
12 to the Librarian of Congress for the Law Library of Con-
13 gress for a fiscal year, there are authorized to be appro-
14 priated for deposit into the account established under sub-
15 section (d) an amount equal to 40 percent of the amount
16 of the donations accepted by the Library of Congress
17 Trust Fund Board in support of the Program under sub-
18 section (c)(1) during the previous fiscal year.

19 **SEC. 5. SENSE OF CONGRESS REGARDING ROLE AND STA-**
20 **TUS OF LAW LIBRARY OF LIBRARY OF CON-**
21 **GRESS.**

22 It is the sense of Congress that the Librarian of Con-
23 gress should make decisions regarding the financing and
24 operation of the law library of the Library of Congress,
25 the maintenance of its collections, and the access of the

1 public to its collections in a manner that preserves the
2 role and status of the law library as the Nation's law li-
3 brary.

○

The CHAIRMAN. The law library of the Library of Congress, established in 1832 with a collection of over 30 million volumes, is the largest law library in the world. The books housed in the Library cover almost every adjudication in the world. I ask unanimous consent to put my statement in the record for brevity because I know we have a lot of other things to be doing.

[The information follows:]

Statement of Chairman Robert A. Brady

H.R. 2728, the "William Orton Law Library Improvement and Modernization Act"

Wednesday, June 10, 2009

The Law Library of the Library of Congress was established in 1832. With a collection of over 3 million volumes, it is the largest law library in the world. The books housed in the law library cover almost every jurisdiction in the world.

While the Law Library has made remarkable strides, its lack of independence has hindered even greater progress. H.R. 2728 provides the Law Library with an initial authorization of $3.5 million for modernization and renovations, and a separate line item appropriation. The bill also creates the William Orton Program, to provide special services to the Law Library.

This bill provides the tools necessary to bring the Law Library into a new age while maintaining its exceptional status.

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

The CHAIRMAN. And I will now recognize Mr. McCarthy for an opening statement.

Mr. MCCARTHY. Thank you, Mr. Chairman. And in light of your last statement, I would like to just submit for the record Mr. Lungren's comments on this bill which he is very supportive and a co-author of.

[The information follows:]

CHA Business Meeting & Markup
H.R. 2728, Law Library Budget Line Item
Wednesday, June 10, 2009

Opening Statement [After Brady's Remarks]

Thank you. I am pleased to see this bill come before the Committee today. The value of the Law Library at the Library of Congress cannot be overstated. It is the most voluminous collection of legal documents in the world, yet much of this valued collection is currently inaccessible for the average member of the public.

As of one year ago, roughly one-third of the collection remained uncatalogued. Particularly in an age where resources can be utilized so effectively through electronic media, it is a disservice to the Congress, the legal community, academia, and the public that this collection remains in the dark.

As testament to the critical stature of the Law Library, establishing a separate line item will meet a longstanding call from the legal community to facilitate a mechanism to receive and employ an influx of private donations.

Lastly, this bill stands as a tribute to the tireless effort of the late Congressman Bill Orton, who made the care of the Law Library and its resources a top priority. Merely 13 months back Bill Orton sat before the Subcommittee on the Legislative Branch with the Committee on Appropriations and delivered impassioned testimony as to the essential nature of preserving and utilizing the great legal treasures we have within reach at the Law Library.

I hope today's markup proves a significant step toward realizing Bill Orton's goal.

Thank you, and I reserve the balance of my time.

The CHAIRMAN. I thank the gentleman. Ms. Lofgren, would you like to make an opening statement?

Ms. LOFGREN. Thank you, Mr. Chairman. I appreciate the committee's pausing so I could get over here from chairing the California delegation meeting. And I am pleased to have authored this bill with our colleague, Mr. Lungren.

The bill is named after William Orton, a Member of the U.S. House of Representatives in Utah's Third District from 1991 to 1997, who passed away in April of this year. Bill was a tireless advocate for the law library and we think this legislation is a fitting way to honor his memory.

The law Library of Congress maintains a unique and world-renowned collection. This bill will help ensure that the law library will have the resources needed to maintain and expand its collections while at the same time modernizing its system.

The act includes authorizing 3.5 million for maintaining and administering the operations of the law library, including the cataloging of the collections—without the catalogs, the collections are not accessible; a line item for the law library to ensure the autonomy and ability to improve the law library and creation of the William Orton program.

The donations are provided for in-kind contributions in support of the program, and the bill also requires an annual report. It authorizes to be appropriated for the program an amount—this is the Orton program—of 40 percent of the amount of the donations accepted by the Library of Congress Trust Fund Board. In support of this legislation is the American Bar Association, the American Association of Law Libraries and the Northern California Association of Law Libraries.

And the American Association of Law Libraries and the Northern California Association of Law Libraries have letters that I would ask unanimous consent be——

The CHAIRMAN. Without objection.

Ms. LOFGREN [continuing]. Submitted to the record.

[The information follows:]

June 8, 2009

The Honorable Zoe Lofgren
United States House of Representatives
102 Cannon House Office Building
Washington, D.C. 20515-0516

Dear Representative Lofgren:

On behalf of the American Association of Law Libraries (AALL) and the Northern California Association of Law Libraries (NOCALL), thank you for your strong commitment to improve funding for the Law Library of Congress through the introduction of H.R. 2728 last week. AALL and NOCALL strongly support the *William Orton Law Library Improvement and Modernization Act*, and we look forward to working with you to move this important legislation through Congress this year.

We were very saddened by the recent death of Rep. William (Bill) Orton, a staunch champion of the Law Library during his years in Congress and, later, as a member of the ABA Standing Committee on the Law Library of Congress. We applaud you for renaming the bill you introduced last year to honor his memory.

AALL is a nonprofit educational organization with over 5000 members nationwide who respond to the legal information needs of legislators, judges, and other public officials at all levels of government, corporations and small businesses, law professors and students, attorneys and members of the general public. NOCALL is a chapter of AALL, and its 350 members are committed to easy access to legal information and serving the needs of the legal community throughout northern California. Our mission is to promote and enhance the value of law libraries, to foster law librarianship and to provide leadership and advocacy in the field of legal information and information policy.

AALL and NOCALL are strong champions of the Law Library. We have been working closely for many years with the American Bar Association's Standing Committee on the Law Library of Congress to seek ways to improve its funding. We are very grateful for your initial support that led to the October 2007 oversight hearing before the Committee on House Administration during which our Immediate Past President, Ann T. Fessenden, Rep. Bill Orton and Tedson Meyers raised serious concerns about the Law Library's funding.

We are very grateful to you for responding to us and our ABA colleagues by reintroducing this new bill to address these long-standing problems. We believe the authorization of an additional $3.5 million for the Law Library (Section 2) is crucial so that Law Library's cancelled subscriptions can be renewed, needed treatises can be purchased, and the K reclassification project can be completed at a much faster pace.

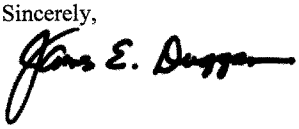
The authorization of the separate line item (Section 3) will bring new transparency and accountability to the annual funding levels requested by the Librarian of Congress for the Law Library. We believe it will allow the Law Librarian to have better control over the library's own budget, decide how the annual appropriations are best spent and, very importantly, be directly accountable to the Congress. We believe an additional benefit will be a higher level of visibility for the Law Library.

The establishment of the "William Orton Law Library Support Program" (Section 4) will allow outside funding to be raised and provided to the Law Library for new enhanced services that are very important to legal researchers and the public. We are very grateful that AALL and the ABA are named as major stakeholders in the new Program. We are equally grateful that the new bill includes language (Section 5) expressing the sense of Congress that the Law Library is, indeed, the Nation's law library. When enacted, H.R. 2728 will put the Law Library in a position to become the first-class library that Congress, legal researchers and members of the public deserve.

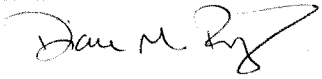
AALL and NOCALL commend you for reintroducing this important and much-needed legislation, and for honoring the memory of Rep. Bill Orton who cared deeply about the Law Library and worked tireless to improve its funding.

Last but not least, we are excited that AALL's 2009 Annual Meeting will be held in Washington, D.C., from July 25-28. More than AALL 80 members have registered to attend our July 24 "Day on the Hill," including twelve law librarians from California. The Director of AALL's Government Relations Office, Mary Alice Baish, will be working with your staff to set up a brief meeting with you so that we can thank you in person for all your efforts on behalf of the Law Library of Congress.

Sincerely,



James E. Duggan
President
American Association of Law Libraries



Diane M. Rodriguez
President
Northern California Association of Law Libraries

Ms. LOFGREN. I do have one amendment that I believe Mr. Lungren concurs in. It is a minor matter of when that is appropriate.

And with that, I would yield back.

The CHAIRMAN. I thank the gentlelady.

I now call up and lay before the committee H.R. 2728. Without objection, the first reading of the bill is dispensed with and the bill is considered as read and open for amendment at any point.

[The information follows:]

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

I

111TH CONGRESS
1ST SESSION

H. R. 2728

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

JUNE 4, 2009

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

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A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "William Orton Law Library Improvement and Modernization Act".

SEC. 2. FINANCIAL SUPPORT FOR LAW LIBRARY OF LIBRARY OF CONGRESS.

(a) FINANCIAL SUPPORT.—In addition to any other amounts made available for the salaries and expenses of the Library of Congress, there are authorized to be appro-

1 priated to the Librarian of Congress $3,500,000 for main-
2 taining and administering the operations of the law library
3 of the Library of Congress, including the cataloguing of
4 the collections of the law library. Any amounts appro-
5 priated pursuant to the authority of this subsection shall
6 remain available without fiscal year limitation until ex-
7 pended.

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

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

23 (a) SEPARATE BUDGET TREATMENT OF LAW LI-
24 BRARY.—In preparing the annual budget for the Library
25 of Congress which will be submitted by the President

1 under chapter 11 of title 31, United States Code, and in
2 preparing the annual budget and related materials for the
3 Library of Congress for the use of the Committees on Ap-
4 propriations of the Senate and House of Representatives,
5 the Librarian of Congress shall ensure that all amounts
6 attributable to salaries and expenses of the law library of
7 the Library of Congress are set forth separately as a sepa-
8 rate line item from other salaries and expenses of the Li-
9 brary of Congress.
10 (b) EFFECTIVE DATE.—This section shall apply with
11 respect to fiscal year 2011 and each succeeding fiscal year.

12 **SEC. 4. WILLIAM ORTON PROGRAM TO SUPPORT THE MIS-**
13 **SION OF THE LAW LIBRARY OF THE LIBRARY**
14 **OF CONGRESS.**

15 (a) ESTABLISHMENT.—
16 (1) IN GENERAL.—The Librarian of Congress,
17 acting through the Law Librarian of Congress, shall
18 establish and operate a program to be known as the
19 "William Orton Law Library Support Program"
20 (hereafter in this section referred to as the "Pro-
21 gram"), which will—
22 (A) provide enhanced or special services
23 and programs for the Law Library; and
24 (B) otherwise support the mission of the
25 Law Library.

1 (2) RELATION TO OTHER PROGRAMS.—The Li-
2 brarian shall operate the Program in a manner
3 which ensures that the resources of the Program are
4 not commingled with the resources used to carry out
5 the program operated under section 2.
6 (b) ROLE OF OTHER ENTITIES.—The Librarian may
7 carry out the Program through agreements and partner-
8 ships entered into with other government and private enti-
9 ties, including the American Association of Law Libraries
10 and the American Bar Association.
11 (c) PRIVATE SUPPORT.—
12 (1) ACCEPTANCE OF DONATIONS.—Donations
13 of funds and in-kind contributions in support of the
14 Program may be accepted—
15 (A) by the Library of Congress Trust
16 Fund Board, as provided under the Act entitled
17 "An Act to create a Library of Congress Trust
18 Fund Board, and for other purposes", approved
19 March 3, 1925 (2 U.S.C. 154 et seq.); and
20 (B) by the Librarian of Congress, as pro-
21 vided under section 4 of such Act (2 U.S.C.
22 160).
23 (2) USE OF AMOUNTS.—Notwithstanding the
24 second paragraph of section 2 of the Act entitled
25 "An Act to create a Library of Congress Trust Fund

1 Board, and for other purposes", approved March 3,
2 1925 (2 U.S.C. 157), or the third sentence of sec-
3 tion 4 of such Act (2 U.S.C. 160), any amounts ac-
4 cepted by the Library of Congress Trust Fund
5 Board or the Librarian of Congress in support of
6 the Program shall be subject to disbursement by the
7 Librarian only upon the recommendation of the Law
8 Librarian (except to the extent otherwise provided
9 under any terms and conditions on the use of the
10 amounts which are imposed by the person making
11 the donation).
12 (3) ACCEPTANCE OF OTHER VOLUNTARY SERV-
13 ICES.—Notwithstanding section 1342 of title 31,
14 United States Code, the Librarian of Congress may
15 accept voluntary and uncompensated services in sup-
16 port of the Program.
17 (d) ESTABLISHMENT OF SEPARATE ACCOUNT.—
18 (1) IN GENERAL.—There is established in the
19 Treasury (among the accounts of the Library of
20 Congress) a separate account for the Program,
21 which shall consist of—
22 (A) amounts accepted by the Library of
23 Congress Trust Fund Board in support of the
24 Program as described in subsection (c)(1)(A),

1 together with any income earned on such
2 amounts;
3 (B) amounts accepted by the Librarian of
4 Congress in support of the Program as de-
5 scribed in subsection (c)(1)(B), together with
6 any income earned on such amounts;
7 (C) amounts appropriated pursuant to the
8 authorization under subsection (f); and
9 (D) interest on the balance of the account.
10 (2) USE OF AMOUNTS.—The funds contained in
11 the account established under this subsection shall
12 be used solely by the Law Librarian of Congress to
13 carry out the Program.
14 (e) ANNUAL REPORT.—Not later than April 30 of
15 each year (beginning with 2010), the Librarian of Con-
16 gress shall submit a report on Program funding and ac-
17 tivities to the Committee on House Administration of the
18 House of Representatives, the Committee on Rules and
19 Administration of the Senate, the American Bar Associa-
20 tion, and the American Association of Law Libraries. The
21 report shall include—
22 (1) a listing of all donations received in support
23 of the Program during the previous year;
24 (2) the total obligations during the previous
25 year for each Program activity;

1 (3) the amount appropriated pursuant to the
2 authorization under subsection (f) for the fiscal year
3 beginning on the previous October 1;
4 (4) a list of Program activities, with budget in-
5 formation for each such activity, planned for the cal-
6 endar year in which the report is submitted; and
7 (5) any findings in the most recently completed
8 audit conducted with respect to the Law Library or
9 Program funds or investments.
10 (f) AUTHORIZATION OF APPROPRIATIONS.—In addi-
11 tion to any other amounts authorized to be appropriated
12 to the Librarian of Congress for the Law Library of Con-
13 gress for a fiscal year, there are authorized to be appro-
14 priated for deposit into the account established under sub-
15 section (d) an amount equal to 40 percent of the amount
16 of the donations accepted by the Library of Congress
17 Trust Fund Board in support of the Program under sub-
18 section (c)(1) during the previous fiscal year.

19 **SEC. 5. SENSE OF CONGRESS REGARDING ROLE AND STA-**
20 **TUS OF LAW LIBRARY OF LIBRARY OF CON-**
21 **GRESS.**

22 It is the sense of Congress that the Librarian of Con-
23 gress should make decisions regarding the financing and
24 operation of the law library of the Library of Congress,
25 the maintenance of its collections, and the access of the

1 public to its collections in a manner that preserves the
2 role and status of the law library as the Nation's law li-
3 brary.

○

The CHAIRMAN. The Chair now recognizes the Vice Chair, Ms. Lofgren, to offer an amendment.

Ms. LOFGREN. Thank you, Mr. Chairman. I offer an amendment. I think it is before the House.

[The information follows:]

AMENDMENT TO H.R. 2728

OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

Amend section 5 to read as follows:

1 **SEC. 5. DESIGNATION OF LAW LIBRARY OF LIBRARY OF**
2 **CONGRESS AS NATIONAL LAW LIBRARY.**

3 The law library of the Library of Congress shall be
4 known and designated as the "National Law Library",
5 and any reference to the law library of the Library of Con-
6 gress in any law, rule, regulation, or document shall be
7 deemed to be a reference to the National Law Library.

Ms. LOFGREN. Basically the amendment changes the name of the law Library of Congress to the National Law Library. It is a simple change, but, coupled with a full bill, would do much to increase the role and status of the law library. I believe that the library has no objection to this name change and that Mr. Lungren concurs.

The bill and this amendment are a great step forward in making the National Law Library a first-class library that Congress, legal researchers, and members of the public deserve. And I would just like to note this is an issue that I think is enormously important for the country, but it is not one that everybody pays attention to. Certainly the Bar Association and the advocates, the law librarians, and the late Bill Orton spent a lot of time in promoting this. And I really am grateful to them for putting in the volunteer time to get us to this point today. And I would yield back.

The CHAIRMAN. I thank the gentlelady. Is there any additional debate on the amendment?

If not, the question is on the amendment.

All those in favor say, aye.

Those opposed, no.

In the opinion of the Chair, the ayes have it and the amendment is agreed to.

Are there any additional amendments? If not, I now move to report H.R. 2728 favorably to the House, as amended.

All those in favor, say aye.

Those opposed, no.

In the opinion of the Chair, the ayes have it and the bill, as amended, is ordered reported to the House without objection. The motion to reconsider is laid upon the table.

I now ask unanimous consent to include in the record various correspondence relating to the legislation we considered today.

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

We had also anticipated a committee resolution to implement recommendations from the House Inspector General, but staff is still working to clear the language with all the interested parties. We will take that up at our next meeting.

The Committee on House Administration stands adjourned. Thank you all.

[Whereupon, at 12:47 p.m., the committee was adjourned.]