

ORGANIZATIONAL MEETING TO APPROVE COMMITTEE RULES
AND OVERSIGHT PLAN, APPROVE THE HOUSE PERIMETER SE-
CURITY PLAN, AND MAKE ANNOUNCEMENTS OF ACTIONS
TAKEN UNDER INTERIM AUTHORITY

ORGANIZATIONAL MEETING
BEFORE THE
COMMITTEE ON HOUSE
ADMINISTRATION
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTH CONGRESS
FIRST SESSION

Hearing Held in Washington, DC, February 5, 2003



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**ORGANIZATIONAL MEETING TO APPROVE
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WEDNESDAY, FEBRUARY 5, 2003

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

The committee met, pursuant to call, at 7:05 p.m., in room 1310, Longworth House Office Building, Hon. Robert W. Ney (chairman of the committee) presiding.

Present: Representatives Ney, Ehlers, Linder, Doolittle, Larson, Millender-McDonald and Brady.

Staff Present: Paul Vinovich, Staff Director; Jeff Janas, Professional Staff Member; Fred Hay, Counsel, Channing Nuss, Deputy Staff Director; Bill Cable, Minority Staff Director; George Shevlin, Administrative Assistant to Mr. Larson; and Matt Pinkus, Minority Professional Staff Member.

The CHAIRMAN. Today the Committee on House Administration will be holding its first meeting of the 108th Congress, and today we will be adopting our committee rules and oversight plan for the 108th Congress as well as considering a motion for approval of the House perimeter security plan, on which I understand now that all Members have been briefed and had the opportunity to be briefed. In addition, we will be voting to report a resolution favorably to the House dismissing an election contest arising from the 6th Congressional District of Tennessee.

Before I proceed, though, any further, I would like to take a moment to welcome all of our Members to the committee for this session of Congress, particularly our new Democratic Members, including our new Ranking Member, the gentleman from Connecticut Mr. Larson, who has had great reviews by Senator Dodd, I will tell you that, who we worked with, of course, last year. He and I have already had the opportunity to discuss our expectations for, I think, a productive Congress. We both look forward to working together on many important issues.

In addition, I want to also welcome the gentlewoman from California, Juanita Millender-McDonald, and also the gentleman for Pennsylvania that borders Ohio, Robert Brady. We are excited to

have you on this committee and really look forward to a very productive Congress.

And, of course, returning are Members Vice Chairman Vern Ehlers. And Mr. Mica of Florida is here. And also reappointed is John Linder of Georgia, John Doolittle from California, and Tom Reynolds from New York.

So I am glad to be back, and I am sure you are glad to be back also, and I look forward to working with all of you in the next few years.

In addition to the campaign and election jurisdiction, which I am sure we will be doing some work in the upcoming months, the primary responsibility of the committee on House Administration is to make sure that the House runs smoothly so that Members can better represent their constituents, and that allows for full constituent service, which is what we all strive for. I also plan to continue the work of the committee improving the tools and technology Members have at their disposal, and we will look for ways the committee can assist Members in the committees of the House to better serve the people who elect us to this institution.

And in addition, as evidenced by the consideration of our perimeter security plan we will be undertaking shortly, let me emphasize that the safety and security of all who serve, work, or visit this institution will remain the highest priority of the committee as we continue to build upon many improvements we have made since September 11th. This community had a large volume of work when Steny Hoyer was here as a Ranking Member, and all the Members of the committee worked together. It was a very difficult time, but we always made sure that we were cautious but calm, and made sure that we had security, we kept the people's House open.

Again, I look forward to working with all the Members, and welcome our new Members and our new Ranking Member. And at this point I will yield to the gentleman Mr. Larson.

Mr. LARSON. Thank you very much, Mr. Chairman. And may I say from the outset what an honor it is to serve on this committee and to succeed Steny Hoyer and the outstanding job that he did on this committee. He is also an individual who has enormous respect for the institution.

I am also pleased—it is a position that was also held by Sam Gejdenson from my State of Connecticut as well as Senator Dodd on the Senate side, who you mentioned before. So to say that I come to the committee humbly and with a grounded sense for the institution would be an understatement. And everything that I have heard from my predecessor and anyone that has been associated with this committee only has laudatory remarks for your role here as Chairman and what is a unique bipartisan opportunity to assist the Members here and to help this institution grow.

I would also add that the professional staff that services this committee on both sides of the aisle again receives enormous accolades for the kind of diligent work that they perform on behalf of this institution and its Members and staff.

I am honored to be joined by two distinguished Members who have served the United States Congress well, Juanita Millender-McDonald, the gentlelady from California, and Bob Brady, the gentleman from Pennsylvania. And I think all of us are excited about

the prospect of working with you, Mr. Chairman, and with all of our colleagues here on House Administration.

Leader Pelosi embraces the very themes that you have addressed, with the added emphasis on technological innovation, membership-orientation, and a keen concern about diversity on our committees. I know these are issues that everyone shares, and we on this side of the aisle come to the committee with our sleeves rolled up and prepared to work with you. Thank you.

The CHAIRMAN. Thank you.

Other Members. Mr. Ehlers.

Mr. EHLERS. Let me just comment. Mr. Chairman, I haven't had the opportunity to work with Mr. Brady yet, but I serve on committees with both Mr. Larson and Ms. Millender-McDonald. They are both outstanding Members of both committees and also wonderful people to work with. They are genuinely interested in doing what is good for the House and for the people of this country, and it is a pleasure to have them on this committee.

Ms. MILLENDER-MCDONALD. Now that Mr. Ehlers has spoken, I suppose I will speak just briefly just to say I do look forward to working with all of you. It is a great excitement to be a part of such a committee and to work with my dear friend John Larson. And so I thank you. I thank my dear friend Vern Ehlers, whom I have had the opportunity of working with on many committees, and I look forward to working with you, Mr. Chairman, as I hear that you are an outstanding chairman. And so I look forward to working with you on that.

The CHAIRMAN. Thank you.

Mr. Mica.

Mr. Doolittle.

Mr. DOOLITTLE. Welcome, everyone. Thank you, Mr. Chairman.

The CHAIRMAN. I am receiving my signal from my right here, my immediate right. Before we proceed with the adoption of the committee rules and oversight, I want to, as a matter of old business, notify the committee no action was taken under interim authority requiring full committee approval. We will certainly bring all Members, and particularly our new Members, up to speed on all matters currently before the committee.

The Chair lays now before the committee resolutions adopting the committee rules, the oversight plan for the 108th Congress. I want to thank the Ranking Member and staff for working with the Majority on these issues. Both of these items have been discussed by the Minority and Majority, and with bipartisan cooperation, I believe we have an agreement.

The committee rules as presented only contain one change from the rules which governed the committee for the 107th Congress, and that is to reflect a change made to the House rules and include the rule which grants the chairman the authority to postpone ordered recorded votes on the approval of measures or matters before the committee. It does not authorize the Chair to postpone any procedural votes, although it is unlikely this committee will need this flexibility, frankly, but it is our determination that it would be included if it would be necessary.

The committee oversight plan as presented contains revisions proposed by both the Minority and Majority to reflect changes to

our oversight priorities, primarily to reflect the continued need to focus on the security of the Capitol complex as a result of September the 11th of 2001, as well as changes to the section related to our jurisdiction in the Federal election law which was necessitated by our accomplishments last Congress with the passage of the Bipartisan Campaign Reform Act and the Help America Vote Act, which Congressman Hoyer was the main sponsor with me.

Is there any discussion on the resolution or the rules?

Mr. MICA. Move both the rules, Mr. Chairman.

The CHAIRMAN. Recognize Mr. Mica, who has made a motion to move the rules. The question is on the motion. Those in favor of the motion will say aye.

Those opposed will say nay.

And with that, hearing no objection, the rules will be adopted.

Mr. LARSON. Mr. Chairman, I would just add that as you have suggested, that the Democratic staff is in complete concurrence with the rules as they were reviewed and the interim report that you referred to as well, And again, I thank you for the stellar work that you have done and thank the staff as well.

the CHAIRMAN. Thank you.

The Chair now lays before the committee a committee resolution approving the House perimeter security plan. I do want to publicly thank the Sergeant at Arms Bill Livingood, the Architect of the Capitol Alan Hantman, and the Chief of the Capitol Police Terry Gainer and all of their staff who have worked so hard to brief this committee on the plan before us and, more importantly, for all the ongoing work they are continuing to do to help ensure the security of this House. And I know I am speaking for the entire committee when I express our sincere appreciation.

By voting to approve this plan, the committee is taking comprehensive action to provide a more secure perimeter for the House campus, providing enhanced security for all who serve, work, or visit here. While we will always live in a world of risk, this plan represents concrete steps that will mitigate certain threats and provide us with a level of protection not present today.

Make no mistake, however. Adoption of this plan only represents only one of a series of steps which began at this committee months ago towards greater physical security and ensuring the continuity of operations for the institution. Now, because we are in a public forum, in order to protect the security-sensitive nature of this matter, I will refrain from any further comments on the specifics of the plan at this time.

I would note also aesthetically it is going to be easier to move around the Capitol complex, and the great big round flower pots, whenever you want to call them, will be a thing of the past soon.

Is there any discussion?

Mr. LARSON. Mr. Chairman, if I could just remark briefly that again I appreciate and echo your sentiments with respect to the amount of detail and work and effort that has gone into this proposal, and thank you as well for assisting us in arranging a briefing for myself and new Members of the committee this afternoon, and are in complete agreement with the resolution.

The CHAIRMAN. Thank you, I appreciate the support.

Mr. Ehlers.

Mr. EHLERS. Mr. Chairman, I would like to raise an issue I raised in the discussion when we were presented with the plan, and I want to reinforce that. I have not heard back from the Architect's office, and maybe it wasn't clear that I would like to have heard more from them, but it bothers me greatly that the proposed plan, instead of including the Botanic Gardens, deliberately goes around the Botanic Gardens. The response at the presentation when I asked about it, I was told this would cost \$1 million more. On reflection, that simply can't be, because it is not much greater distance.

The importance of this is that the Botanic Gardens have no protection at this point. There are many events there at which Members participate, and there are several events each year at which there is a majority of the Members participating. There is no police protection now.

I have been working on a bill and have been working with the Senate on that because this issue came up. It is under the jurisdiction of the Library Committee, which I chaired the last 2 years, and we have a bill prepared to require the Capitol Police to provide police protection during events there. But it is a very vulnerable spot, and I really think that the Botanic Gardens should be included within the House perimeter security plan.

I have a motion here to approve it, but I would like to propose an amendment first that we approve the House perimeter security plan, but ask that the Botanic Gardens be enclosed within the perimeter rather than excluded, and particularly at that—unless the committee meets again and negates that suggestion.

The CHAIRMAN. I actually have had the same discussion, by the way, about the Botanical Gardens.

The EHLERS. And I just don't believe the answer I got.

The CHAIRMAN. I just would like to ask if we could approve the perimeter security, and then come back within a short period of time to see if we could modify the contract. I don't know how that all runs. Would that be acceptable?

Mr. EHLERS. Well, I don't want them to sign the contract first, because then an add-on, as you know, is always more expensive than including it in the original bid. Have they gone out for bids at this point? I don't even see them here. Obviously they are not that concerned about our action on this.

The CHAIRMAN. The only thing I can assure you, I guess is that if the committee would support this at another time, they would have to amend the plan, I am sure; they would have to come back and amend if the committee would approve it.

The only hesitation I have is I want the perimeter security plan to proceed. I just don't know how this, in fact, affects possibly having to rebid. I mean, there might be—I am not saying I disagree. This might be a legal problem.

Mr. EHLERS. Have they gone out for bid?

The CHAIRMAN. Well, they also tell me technically it has to be in writing because it is an amendment to the resolution. But beyond that, I don't want to get real technical. I am just saying I don't know if, in fact, this would alter the contract. Does anyone know about if it has gone to bid? I am informed possibly there would have to be a new R F P issued because it wasn't in the origi-

nal. And again, the only hesitation I have is to stop the whole perimeter security at this point in time.

Mr. LARSON. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. LARSON. While—and I certainly appreciate the spirit of the amendment and the spirit in which the Chairman is trying to work with the Member. And obviously, upon the staff's intervention that this would be a violation of the rules, but perhaps, as you indicated—and clearly I speak for the Democratic side, this is something that we would be open to even if it means an added R F P. While I concur with Mr. Ehlers that it probably will cost more, and that is unfortunate, but the protection of the Botanical Gardens and a possible security problem that that poses, I think, is equally warranted, and clearly would like to work with the Members to try to bring that about, understanding the problem with making sure that we have a resolution adopted this evening that deals with the immediate security so that the process can get under way.

The CHAIRMAN. Let me just restate. I again had raised this issue myself at one point in time. The only hesitation I have is this is ready to go, and if we would have to do a new R F P and it took, you know, 30, 60, 90—some days. I think if the committee comes back and takes a look at this, and the R F P goes as planned, and we can come back and amend this and include it, then I believe they could do it, and it wouldn't hold up the process.

Mr. EHLERS. Mr. Chairman, if, in fact, this has gone out for bids, and bids have been received, I would consider that. I am not convinced that has happened yet. There is no dollar amount given here. It also says: Hereby approves the House perimeter security plan attached hereto and incorporated herein. And that is also not—it is not attached hereto and not incorporated herein.

I don't want to be a big pain about this, but, frankly, the Architect's office has not given us great cooperation on suggestions we have made, and I am concerned about this going ahead and then them coming back with a totally inflated figure of what it would cost. And I just can't believe their off-the-cuff estimate to me was correct. I could certainly write an amendment to the resolution in one line, but I don't want to create a roadblock here—

Mr. LINDER. Will the gentleman yield?

Mr. EHLERS [continuing]. But I want to make sure there is some leverage here that we can listen to.

I will be pleased to yield to the gentleman from Georgia.

Mr. LINDER. I am curious to know how they would have moved ahead with the R F P if they didn't have the approved resolution.

Mr. EHLERS. That is my question, too. And I am not sure that they have actually gone out.

Mr. LINDER. Until we approve this resolution, they don't have the authority to go out, do they?

Mr. EHLERS. They may have put out an R F P, but that is a different situation than going out for bids.

The CHAIRMAN. The only thing I really hesitate on this very clearly is that if, in fact—and I didn't know this is coming. So if, in fact—

Mr. EHLERS. I am sorry.

The CHAIRMAN. That is okay. But if, in fact, we would do this, and something would happen, and you know how the law is, and they have to go through an entire process, it worries me that we have stopped the perimeter security plan, which has been in the works for quite a while and everybody has had the opportunity to be briefed on. But I am not saying I am against what Mr. Ehlers is trying to do; I just think that we move ahead with the perimeter security, and we can come back and then amend it and get the estimates. And I mean, frankly, I don't think it is a bad idea. It is just the fact that I don't want to stop the perimeter security plan.

Mr. LARSON. Will the gentleman yield?

Typically, wouldn't—and again, I don't profess great knowledge in this area, but particularly even if the R F P had been submitted already, and if the committee instructed the Architect immediately to seek a change order prior to them breaking ground, it seems that they ought to be able to come back with an estimate in a relatively short period of time that would incorporate not the inflated costs—and I agree with you there, Vern, but something that is more in line with some of the balustrades that they showed us in the schematics there. So it would seem that they might be able to incorporate that.

The CHAIRMAN. Just let me reiterate. I think it is a good idea, and I have questioned all along why we haven't had it, but I still don't want to stop the perimeter security plan at this point in time.

Mr. LINDER. Mr. Chairman, I move the committee resolution approving the House perimeter security plan be adopted.

The CHAIRMAN. It has been moved. Questions on the—yes.

Ms. MILLENDER-MCDONALD. Mr. Chairman, can we not approve this with a proviso that we return to look at the Botanical Gardens security, and it can ride on that premise?

The CHAIRMAN. Absolutely. And I make a commitment that we will come back and look at it.

We have a motion.

Mr. EHLERS. Soon, I hope.

The CHAIRMAN. Soon.

And the question is on the motion. Those in favor of the motion will say aye.

Those opposed will say nay.

With one objection, and the motion is agreed to, and the committee resolution approving the House perimeter security plan is adopted.

The next item on the agenda is the resolution dismissing an election contest arising from the 6th Congressional District of Tennessee. And the clerk will read the motion.

The CLERK. Resolved, that the election contest relating to the office of the Representative from the 6th Congressional District of Tennessee is dismissed.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut Mr. Larson for the purpose of offering the motion.

Mr. LARSON. Thank you, Mr. Chairman.

Mr. Chairman, there has been a bipartisan agreement that the election contest relating to the 6th Congressional District of Tennessee is completely frivolous. It should be dismissed without consuming any additional time of the committee. And, therefore, Mr.

Chairman, I move that the committee report favorably to the House an original resolution, the text of which is before the Members, to dismiss the election contest in the 6th Congressional District of Tennessee.

The CHAIRMAN. The Chair agrees with the gentleman from Connecticut. Is there any questions or discussions on it? If not, the question is on the motion. Those in favor of the motion will say aye.

Those opposed, no.

Mr. Ehlers.

Mr. EHLERS. Mr. Chairman, first of all, I would just like to make a comment.

The CHAIRMAN. You don't have an amendment to this, do you?

Mr. EHLERS. No. But I have another motion in a minute. But I just want to commend you for this. You certainly dealt with this one far more expeditiously than we dealt with the last contested case—election, which I chaired.

The CHAIRMAN. I was there with you.

Mr. EHLERS. and as some of you may remember, it took almost 2 years.

Mr. Chairman, I just wanted to point out, when we considered the rules and the oversight plan earlier, the motion was made by a Member who mentioned only the rules. Therefore, I move that the oversight plan for the 108th Congress also be approved. We did not officially approve that.

The CHAIRMAN. The motion is on—do you want to read your motion one more time?

Mr. EHLERS. Mr. Chairman, I move that the resolution on the oversight plan for the 108th Congress be approved.

The CHAIRMAN. The question is on the motion. Those in favor of the motion will say aye.

Those opposed, say nay.

And with that, the motion is agreed to.

I want to thank all the Members again for being here today and helping us with the planning and preparation of this meeting. I now ask unanimous consent that Members—

Mr. DOOLITTLE. Mr. Chairman.

The CHAIRMAN. Yes, Mr. Doolittle.

Mr. DOOLITTLE. Did you actually announce the results of that vote?

The CHAIRMAN. I'm sorry?

Mr. DOOLITTLE. Did you actually announce the result of the vote dismissing the election? Maybe you did. I didn't hear it.

The CHAIRMAN. It was unanimous on the dismissal. The motion is agreed to, and the resolution dismissing the election contest will be reported favorably to the House. And I ask unanimous consent that members have 7 legislative days to submit material into the Record for those statements, material be entered in the appropriate place in the Record. Without objection. Hearing none, the material will be so entered.

I ask unanimous consent that the staff be authorized to make technical and conforming changes on all the matters considered by the committee at today's meeting. Without objection? Noting no objection, so ordered.

Having completed our business for today, the committee is hereby adjourned. I appreciate the time of the members.
[Whereupon, at 7:32 p.m., the committee was adjourned.]