

Union Calendar No. 87

112TH CONGRESS
1st Session

" HOUSE OF REPRESENTATIVES

! REPORT
112-137

FIRST SEMIANNUAL REPORT ON THE
ACTIVITIES
OF THE
COMMITTEE ON HOUSE ADMINISTRATION
OF THE
HOUSE OF REPRESENTATIVES
DURING THE
ONE HUNDRED TWELFTH CONGRESS
together with
MINORITY VIEWS



JULY 7, 2011.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, July 6, 2011.

Hon. KAREN HAAS,
Clerk of the House, The Capitol,
Washington, DC.

DEAR MS. HAAS: Pursuant to rule XI, clause 1, paragraph (d) of the Rules of the U.S. House of Representatives, I am hereby transmitting the first Semiannual Report on the Activities of the Committee on House Administration. This report summarizes the activities of the Committee with respect to its legislative and oversight responsibilities in the 112th Congress to date.

Sincerely,

DANIEL E. LUNGREN,
Chairman.

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112TH CONGRESS " HOUSE OF REPRESENTATIVES ! REPORT
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FIRST SEMIANNUAL REPORT ON THE ACTIVITIES OF THE COMMITTEE ON HOUSE ADMINISTRATION DURING THE 112TH CONGRESS

JULY 7, 2011.—Committed to the Committee of the Whole House on the State of
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Mr. DANIEL E. LUNGREN of California, from the Committee on
House Administration, submitted the following

R E P O R T

together with

MINORITY VIEWS

INTRODUCTION

The Committee on House Administration (Committee) oversees appropriations for the salaries and expenses of all House committees (except for the Committee on Appropriations); allowance and expenses of House Members, officers, and administrative offices; and the auditing and settling of these accounts. The Committee further oversees the employment of staff for House Members, committees, and stenographers. The Committee has jurisdiction over the House Library; the statuary and art in the Capitol; the Franking Commission; the Congressional Record; accounts of the House; and the assignment of office space for House Members and committees. The Committee also has the important duty of overseeing the Capitol Police and security of the House office buildings and grounds.

Additionally, the Committee's jurisdiction covers the election of the President and Vice President, House Members, Delegates, the Resident Commissioner, and Senators as well as House contested elections, credentials and qualifications of candidates, and corrupt practices. Regarding Member services, the Committee oversees the House restaurant, parking facilities, and administration of the House office buildings and of the House wing of the Capitol. The

Committee also deals with the travel of Members; campaign finance matters in federal elections; and the compensation, retirement and other benefits of Members, officers and employees of Congress. Lastly, the Committee has jurisdiction over the Library of Congress, the purchase of books and manuscripts, the Botanic Garden, and the Smithsonian Institution.

The Committee has two subcommittees established by the Committee in 2011: the Subcommittee on Elections and the Subcommittee on Oversight.

The Subcommittee on Elections has jurisdiction over matters pertaining to the Federal Election Campaign Act, the Federal Contested Elections Act, the Help America Vote Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act, the Federal Voting Assistance Program, the Bipartisan Campaign Reform Act, the Americans with Disabilities Act (accessibility for voters with disabilities), the Federal Election Commission, the Election Assistance Commission, and other election-related issues.

The Subcommittee on Oversight has jurisdiction over matters pertaining to operations of the Library of Congress, the Botanic Garden, the Smithsonian Institution, the Architect of the Capitol, the Capitol Visitors Center, the Chief Administrative Officer, House Information Resources, the Clerk of the House, the House Inspector General, the Congressional Research Service, and the Office of Compliance.

COMMITTEE AND SUBCOMMITTEE MEMBERSHIP

On January 5, 2011, the House elected Rep. Daniel E. Lungren of California as Chairman of the Committee on House Administration. Also elected to the Committee were Rep. Gregg Harper of Mississippi, Rep. Phil Gingrey of Georgia, Rep. Aaron Schock of Illinois, Rep. Todd Rokita of Indiana, and Rep. Rich Nugent of Florida. The three minority Members elected were Rep. Robert A. Brady of Pennsylvania, the Ranking Minority Member, Rep. Zoe Lofgren of California, and Rep. Charles A. Gonzalez of Texas.

On January, 25, 2011, the Committee met to organize for the 112th Congress. During this organizational meeting, the Committee adopted its rules and oversight plan, and appointed the members of its subcommittees. Rep. Harper was appointed Chairman of the Subcommittee on Elections. Reps. Schock, Nugent, and Rokita were elected to the subcommittee. Reps. Brady and Gonzalez were elected to represent the minority. Rep. Gingrey was appointed Chairman of the Subcommittee on Oversight. Additionally, Reps. Schock, Nugent, and Rokita were elected to the subcommittee. Reps. Lofgren and Gonzalez were elected to represent the minority.

COMMITTEE FUNDING

The Committee on House Administration reports a biennial primary expense resolution by which standing and select committees of the House (except the Committee on Appropriations) are authorized operating funds for each Congress. During the first three months of each new Congress, House Rule X, clause 7, authorizes House committees to continue operations based on their funding authorizations from the preceding session. This continuing author-

ization allows committees to organize, adopt legislative and oversight agendas, and seek spending authority through the adoption of a primary expense resolution by the House.

The funding process begins after a House standing or select committee determines its biennial funding needs, and introduces a House resolution seeking those funds. Under House Rule X, clause 6, all funding resolutions, which are referred to as primary expense resolutions, are referred to the Committee on House Administration. After all committee expense resolutions have been introduced, the Committee combines the resolutions into a single, omnibus primary expense resolution. Working with whatever funds are or will be made available through appropriations acts, and after requesting and reviewing committee budget submissions, the Committee has historically recommended an appropriate allocation of the available funds.

112th Congress proceedings

To gather the information necessary to create the omnibus primary expense resolution, the Committee required the standing and select committees to submit estimates for their expected expenses for both sessions of the 112th Congress. The Committee asked that committees provide line item estimates for the following expenses: personnel compensation (including salaries and lump sum payments), overtime, transit benefits, travel, communications, and printing and reproduction costs. The Committee also requested that the standing and select committees estimate their expenses for other services, including consultant contracts, detailees from executive and other agencies, training, representational expenses, specialized training, and miscellaneous expenses. Finally, the Committee requested budget estimates for the costs of supplies, materials, and equipment.

In addition to requiring the above information, the Committee asked that the standing and select committee budget requests conform to H. Res. 22, a previously passed resolution that, *inter alia*, mandated the aggregate amount of funding for committees not exceed 95% of the funding for the 111th Congress. In submitting their budget requests, every standing and select committee met this goal.

To further gather the information necessary to create the omnibus primary expense resolution, the Committee convened a hearing to provide the Chairs and Ranking Members of the standing and select committees an opportunity to present and share their views on their respective budget requests for the 112th Congress.

During the hearing, Members of the Committee asked the Chairs and Ranking Members if these smaller budget requests would impact their ability to conduct effective oversight or pursue their legislative goals. Chairs and Ranking Members uniformly assured the Committee that they will be able to meet their legislative and oversight responsibilities with the requested level of funding. However, some Chairs and Ranking Members did state that their ability to provide oversight over the Executive Branch agencies in their jurisdiction would be impaired if further cuts were undertaken.

Members of the Committee also asked the Chairs and Ranking Members how they were managing and will manage their resources with equity and prudence. Since the 104th Congress, House major-

ity leadership and the Chair and Ranking Member of the Committee have encouraged the Chairs of the standing and select committees to provide the minority with one-third of committee staff and/or resources authorized in the primary expense resolutions. During the hearings, the Committee sought to ensure that the minority in each committee was treated equitably in the funding process. Each Ranking Member was asked if he or she was allocated the traditional one-third share of committee staff positions and/or committee resources, as determined by each committee. These exchanges indicated that all of the committees appear to be in compliance with the traditional “two-thirds/one-third” distribution of funds among the majority and minority.

After the hearing, the Committee used the budget submissions and Member testimony to create an omnibus expense resolution, introduced by Chairman Lungren, to authorize funding for all of the committees. The resolution includes a provision to require the Chairs and Ranking Members to return to the Committee after one year for an additional oversight hearing to review the use of funds from the first session. These proceedings will be open to the public, and will provide an opportunity to discover how effectively and efficiently funding allocations are being used. The provision is intended to promote accountability, transparency, and oversight of each committee’s resources.

The Committee conducted the hearing on March 1, 2011, and continued it on March 2. On March 9, 2011, by voice vote, the Committee met and agreed to a motion to report H. Res. 147, the omnibus expense resolution, favorably to the House without amendment. This resolution utilized the standing and select committees’ initial requests after consideration of available funds and budget constraints. H. Res. 147 was ordered favorably reported by the Committee to the House with a total authorization of \$284,828,657.

The House agreed to H. Res. 147 on March 17, 2011 by voice vote.

MEMBERS’ REPRESENTATIONAL ALLOWANCE

The Committee has jurisdiction over the use of appropriations from the accounts of the U.S. House of Representatives for the Members’ Representational Allowance (MRA) as well as official travel by Members and staff, and compensation, retirement and other benefits of Member office employees. The MRA is the annual authorization made to each Member of the House to obligate U.S. Treasury funds not to exceed a certain amount. These funds may be used by the Member to pay ordinary and necessary business expenses incurred by the Member and his or her congressional office employees in support of the conduct of the Member’s official and representational duties on behalf of the district from which the Member is elected. The annual MRA is available for one legislative year (i.e., January 3 of one year through January 2 of the following year).

The MRA is made up of three primary expense components: personnel compensation, official expenses, and official (franked) mail expenses. The amount of the MRA varies from Member to Member based on the distance of a Member’s district from Washington, D.C., the cost of federal office space serving a Member’s district, and the number of U.S. Postal Service private delivery stops in a

Member's district. The use of funds in any expense category is not limited by the amount factored into a corresponding expense component, e.g., a Member may spend more or less than the amount of the personnel component to compensate his or her staff. Each Member has complete discretion in budgeting the total amount of his or her MRA as he or she determines to support the operation of his or her Washington, D.C., and district congressional offices, consistent with applicable Federal law and House Rules and regulations.

Federal law authorizes the Committee, by order of the Committee, to fix and adjust the amounts, terms, and conditions of, and other matters relating to the MRA (including all aspects of official mail) by reason of:

1. A change in the price of materials, services, or office space;
2. A technological change or other improvement in office equipment; or
3. An increase in rates of pay under the General Schedule, e.g., a comparability and/or locality wage adjustment.

This Congress, the House passed H. Res. 22, a resolution that mandated the aggregate amount of funding for Member Allowances not exceed 95% of the funding for 2010. The total amount authorized for all Members' Representational Allowances for 2011 was \$638,155,686. The average MRA for 2011 was \$1,447,065.

COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The Commission on Congressional Mailing Standards of the U.S. House of Representatives (Franking Commission), established by Public Law 93-191, is composed of six Members appointed by the Speaker of the House, three from the majority and three from the minority. The Speaker designates as Chairman of the Franking Commission, from among the Members of the Committee on House Administration, one of the Members appointed to the Commission.

In the 112th Congress, Rep. Aaron Schock was appointed Chairman of the Franking Commission. Additionally, Rep. Tom Price of Georgia and Rep. Bob Latta of Ohio were appointed as majority Members to the Commission. Rep. Susan Davis of California was appointed as the Ranking Democratic Member, and Rep. Brad Sherman of California and Rep. Cedric Richmond of Louisiana were appointed as Democratic Members to the Commission.

By law, House Rule and regulation the jurisdiction and related functions of the Franking Commission are:

1. To prescribe regulations governing the proper use of the franking privilege by those entitled to use the privilege in connection with the mailing or contemplated mailing of franked mail under Title 39 U.S.C. §§ 3210, 3211, 3212, 3213(2), 3218, 3219 or in connection with the operation of section 3215; in connection with any other Federal law (other than any law which imposes any criminal penalty), or in connection with any rule of the U.S. House of Representatives relating to franked mail (2 U.S.C. 501(d)).
2. Upon the request of any person entitled to use the franking privilege, to provide guidance, assistance, advice, and counsel, through Advisory Opinions or consultations, in connection with the mailing or contemplated mailing of franked mail re-

garding the application and/or compliance with applicable Federal statutes and House rules and/or regulations. The staff assigned to the Commission is delegated authority by the Commission to perform advisory and counseling functions, subject to review by the Commission. (2 U.S.C. 501(d)).

3. To investigate, decide, and dispose of complaints regarding the misuse of the franking privilege. (2 U.S.C. 501(e)).

4. Upon request of a Member of the U.S. House of Representatives, to provide guidance, assistance, advice, and counsel, through Advisory Opinions or consultations, in connection with the distribution or contemplated distribution of a communication, regardless of media, regarding the application and/or compliance with applicable Federal statutes and House rules and/or regulations.

5. To provide written reminders to offices of the House regarding restrictions on the distribution of mass mailings and communications prior to primary, general, special or runoff elections.

Effective January 3, 1996, all communications required to receive an Advisory Opinion from the Franking Commission are subject to full public disclosure. These Advisory Opinions are made available for review (and duplication) to the public through the Legislative Resource Center, B-106 Cannon House Office Building. Communications that require an Advisory Opinion include mass mailings, mass communications (regardless of media), and communications for which a third party production and/or printing expense exceeding \$350 will be incurred. A mass mailing or communication is considered to be any unsolicited communication of substantially identical content initiated by a Member that will potentially be distributed to, i.e., read by, heard by, or seen by, 500 or more individuals. So far, during the 112th Congress, the Franking Commission has reviewed, considered, and approved 2,822 requests for Advisory Opinions.

The Franking Commission is also responsible for monitoring requests to review Advisory Opinions filed at the Legislative Resource Center to ensure that the applicable public disclosure requirements are fully complied with. In addition, it is the practice of the Franking Commission to provide notice to a Member whenever his or her public disclosure file has been reviewed in whole or in part. So far, during the 112th Congress, the Commission has issued 79 Notifications of Review.

OVERSIGHT AND LEGISLATIVE ACTIVITIES OF THE COMMITTEE

Officers of the House

One of the key responsibilities of the Committee is to provide oversight of the Officers of the House, whose organizations serve primary roles in the operation of the legislative process and in providing the day to day administrative and operational infrastructure necessary to support the Members and staff of the House.

Clerk of the House

The Honorable Karen Haas was elected as the 34th Clerk of the House on January 5, 2011. Ms. Haas served as the Clerk previously from 2005–2007. The Office of the Clerk is charged with

overseeing nine departments including the Office of Art and Archives, the Legislative Resource Center, and the Page Program, but its primary responsibilities involve the legislative activities of the House. This includes managing the legislative bills originating in the House as well as overseeing the voting system.

During the first six months of the 112th Congress, a bipartisan group of House Administration Committee staff met weekly with the Clerk and her staff and received regular updates on issues requiring Committee approval or guidance.

Recently, two departments within the Clerk's operation underwent re-organizations with the concurrence of the Committee. On March 29, 2011, the Committee approved the renaming of the Office of Publication Services (OPS) to the Office of Communications. The Clerk reviewed the responsibilities of OPS and recognized a need for a strategic communications team. The Clerk adjusted the duties and titles of several communications positions within OPS, and moved the printing, publications and records management positions to the Legislative Resource Center.

On May 31, 2011, the Committee approved the creation of a new division within the Office of the Clerk titled Office of the Historian Staff (OHS). This new division, which became effective June 1, 2011, includes the historical research staff from both the Office of Art and Archives (OAA) and the Office of the Historian, thus eliminating duplicative positions. The OAA will continue to provide archival and curatorial services, while the OHS will be responsible for historical research, publications, records management and web based historical information. Although OHS's budget falls within the Clerk's budget, the Historian's salary will remain separate.

The Committee has also received updates on the Clerk's Houselive.gov website, the Page Program, and Member Office vacancies. On Houselive.gov, new player buttons, video clipping, archiving and streaming capabilities were added to make it user-friendly. With respect to the Page Program, the Committee approved a total of sixty-four pages for the spring semester and seventy-one pages for the summer program. Additionally, the Clerk has managed four Member offices vacated during the 112th Congress. The Committee has received updates about steps taken to ensure the continuity of operations in both the Washington, DC and district offices.

SERGEANT AT ARMS

The Honorable Wilson Livingood was re-elected as the 36th House Sergeant at Arms on January 5, 2011. Mr. Livingood has served as the Sergeant at Arms since 1995. The Committee continues to exercise its oversight responsibility of the House Sergeant at Arms (HSAA) and the United States Capitol Police (USCP), the two offices responsible for the security of the U.S. House of Representatives. These matters are handled by the full Committee under the guidance of the Chairman. This represents a change from the practice of forming a Subcommittee on Capitol Security in previous congresses. There are multiple challenges associated with providing an appropriate level of security to the Capitol grounds while still maintaining the public's access to the "People's House." The Committee staff has focused extensively on meeting all necessary security requirements. A bipartisan group of Committee

staff meets with the HSAA and the USCP staffs on a weekly basis to discuss items of interest.

At 10:10 am on Saturday, January 8, 2011, a lone gunman killed six people and severely wounded Rep. Gabrielle Giffords. This horrific event drew an immediate reaction by the security apparatus for the Congress. In concert with the bipartisan leadership and the federal law enforcement community, the Committee commenced initiatives to improve security for Members in their District offices. The Committee directed the HSAA to look at security enhancements for District offices, starting with vulnerability and physical security assessments conducted by the private security company ADT with the option to have security systems installed. To date, 231 Member offices have requested physical security surveys, of which 221 have been completed. Additionally, the HSAA designed a new program, the Law Enforcement Coordinator program, for Member District offices in January. The program has initiated and improved the communication between Member District offices and local law enforcement agencies. Law Enforcement Coordinators are responsible for coordinating with local law enforcement agencies to establish security arrangements for their Member's events, identify the various security elements that may be needed due to the subject matter and climate of the event, and identify various other site considerations to be addressed when requesting security for upcoming events. These two immediate steps have strengthened both security and awareness. This work is ongoing.

During the last two weeks of April 2011, the HSAA Office of Emergency Management (OEM) conducted multiple Emergency Response exercises validating the comprehensive emergency response plans for the House Daycare Facility and in the Ford, Cannon, Longworth, and Rayburn House Office Buildings. The exercises tested the ability of the HSAA and USCP to manage a potential crisis and were highly successful. The exercises tested responses to fire or aircraft threat evacuation. By the end of August 2011, the HSAA will implement a desktop pop-up notification to all House computers for emergency purposes. Additionally, the HSAA OEM is in the process of examining new evacuation modeling software that would be able to streamline evacuation drills and refine emergency response course of action development for the U.S. Capitol Complex.

With regards to the U.S. Capitol Police, the USCP Office of Inspector General identified and recommended eight financial management process improvements. The USCP Chief Administrative Officer has completed and implemented all eight recommendations. In addition, the USCP Chief Administrative Officer produced a Force Development Standard Operating Procedure to resolve the FY 2010 budget projection shortfalls.

The USCP continues to work toward completion of the Radio Modernization Project, which will substantially upgrade the communications capabilities of the USCP. The project is tentatively scheduled to be completed in 2013. On June 1, 2011, the largest of the Requests for Proposals (RFPs) for the project was released and posted to the NAVAIR website. This transformative project is in phase three of its four phases.

Chief Administrative Officer

The Honorable Dan Strodel was elected as the 5th Chief Administrative Officer of the House on January 5, 2011. The Office of the Chief Administrative Officer (CAO) supports the budget, finance, procurement, facilities, and information technology needs of the House and all of its components. The Committee is charged with oversight of the CAO. During the 112th Congress, Committee staff has met with the CAO weekly to provide feedback, guidance and approval on procurement actions, personnel, and other House-wide programs and projects.

One of the earliest Committee actions taken this Congress was the termination of the House's composting program. In early 2010, the House Inspector General produced a report on the CAO-managed program that revealed the program was not achieving energy savings and cost the House an extra \$650,000 in 2008. Since 2008, program costs decreased, but they still amounted to more than \$475,000 in 2010 due to compostable supplies, labor and hauling. As a result, on January 24, 2011, the composting program was suspended.

The Committee worked with the CAO to examine other service options that would provide functionality with the least cost to the House. Thus on February 22, the Committee approved a CAO proposal to conduct a reusable dishware pilot program alongside a change to plastic and polystyrene products. Since the pilot program's inception in late March, the Committee has received weekly dishware usage statistics in order to evaluate its effectiveness. Simultaneously, the Committee worked with the CAO to offer customer discounts on coffee in the cafeterias when purchased in reusable travel mugs.

The Committee has worked with the CAO's Office of Finance to finalize a revised pilot program for its Member and Committee purchase card program. Once internal controls and card procedures are completed, the Committee intends to authorize the expansion of the program from fourteen Member and Committee offices to seventy-four offices. The benefits of the program are numerous as it streamlines processes that consolidate and expedite vendor payments, improves accountability, and reduces House staff costs for voucher processing. The program also includes a 1% credit card rebate to the House. Safeguards for the program include restricting purchases to specific approved budget items and in amounts under \$500. If the expanded pilot program is successful, the program will be made available to all interested Member and Committee offices.

The Office of Procurement is in the process of updating its standard terms and conditions for contracts and purchase orders. Some of the standard language has not been updated since 1996. With these revisions, competition will expand resulting in reduced costs to the House, and the terms and conditions will meet best practices and procedures. At the suggestion of the Committee, the Office of Procurement is also revising its notification template for procurement actions. With the new template, the Committee will be able to more easily review and approve Advance Procurement Plans, make sure they flow as part of an overall program strategy, and allow for the timely execution of contract renewals.

The CAO provided the Committee with a two year roadmap on May 18, 2011, for its enterprise applications which include

PeopleSoft (Accounting, Procurement, and Assets), FinMart (Reporting, Data Warehouse and Budget Submission System), CAPS (Congressional Accounting and Personnel System), and Procurement Desktop (being phased out). The enterprise applications encompass an integrated solution for House fiscal, personnel, asset management, and procurement applications. The Committee will monitor the timely and fiscally responsible, staged roll-out of the enterprise applications as they occur.

House Information Resources

The Committee also provided bipartisan oversight of one of CAO's largest subunits, House Information Resources (HIR), through weekly meetings held with Committee staff and CAO management. In these meetings, staff reviewed new initiatives and discussed issues and opportunities related to existing House services provided to the Members and committees, Leadership, and other support offices.

In the beginning of the year, the Committee oversaw HIR's support for the 112th Congress transition. HIR completed the set up of Members' Washington, D.C. and district offices which included website development, telecommunications, and general systems support. New Members' servers are now hosted in a virtual environment at HIR and backed up at a second location. HIR enabled smooth transitions for Committees and Leadership offices as well.

HIR conducted, and continues to conduct, several technology education sessions for system administrators aimed at providing ongoing technical instruction for House technical services. In addition, forums have been provided for vendors in order to educate Members and staff on new products and how they would work in the House environment. Finally, HIR's Information Security Office briefed freshman Member offices on House IT Security policies and best practices. Due to the important nature of the topic, HIR began publishing a monthly IT security newsletter in May 2011.

The Committee's oversight of HIR has included other initiatives: HIR's support for additional mobile devices, internet-based communications services and wireless access. Apple iPhones, iPads, and Android phones and tablets are now available. They receive House email via a higher security application named "Good" which supports encryption at rest for data and requires a password. HIR has completed technical work to securely provide support for Skype and ooVoo. Vendors modified the legal agreements contained in the End User License Agreement (EULA) to conform to House Rules and statutes. Finally, HIR has completed the installation of public and internal wireless access points in Members' DC offices and selected public spaces and continues to install them for committees.

In response to recommendations in the House's FY09 Financial Statements Audits, HIR is in the process of completing Certification and Accreditation (C&A) on core financial systems. This is required by auditing standards to verify the accuracy of the annual financial statements. The Committee will continue to monitor their work in this area.

In addition, under the oversight of the Committee, HIR released a new House.Gov web site using Drupal technology to increase functionality and reduce long-term support costs. Outside vendors are being qualified to support Member web sites using Drupal. Use

of this standard is expected to increase competition and reduce costs to Members.

Inspector General

Theresa Grafenstine was selected as the House Inspector General on July 30, 2010. Ms. Grafenstine previously served as Inspector General in the 111th Congress. House Rule II creates the Office of the Inspector General (OIG) and charges the Committee with policy direction and oversight of the office. On a bipartisan basis, Committee staff meets with the OIG weekly to provide feedback on and ensure the successful implementation of the IG's annual work plan. The work plan includes a host of management advisory reviews as well as audits that identify inefficiencies, cost-savings, and areas of improvement throughout House operations. The OIG most frequently conducts reviews on matters within the jurisdiction of the Chief Administrative Officer, but also engages in projects pertaining to the Office of the Clerk, the Sergeant at Arms and those which are considered House-wide.

To date in the 112th Congress, the OIG, with the approval and support of the Committee, produced two management advisory reports and six audit reports. Several evaluate whether appropriate controls are in place over the use of peer-to-peer software, software licensing, personally identifiable information, and contract monitoring. Others evaluate the deployment of the House's new financial system, ATLAS, and provide insight into whether Active Directory email accounts are being appropriately maintained.

The report that is most notable, however, is the audit of the House's Fiscal Year 2009 Financial Statements, which was released May 26, 2011. The House received an unqualified opinion on its financial statements for the twelfth year in a row; however, it also received an adverse opinion on its internal controls over financial reporting. The lack of a management control program along with weaknesses in controls over information security contributed to this opinion. It is significant because this is the first time in twelve years the House has received an adverse opinion. The deficiencies were noted in previous audits, but CAO management at that time took no corrective action. Their disinterest and lack of cooperation is responsible for the delayed release of the report as well. The current CAO, appointed in July 2010, has been working tirelessly to implement the Inspector General's recommendations and ensure the FY11 audit will receive an unqualified opinion in all respects. The Committee's Subcommittee on Oversight held a hearing on the matter, on May 26, 2011, to highlight the importance of the issue and to receive assurance that corrective measures are being implemented in a timely manner. Throughout the remainder of the Congress, the Committee will continue to provide guidance and policy direction to the Office of the Inspector General and support its mission. The office serves a critical role in both ensuring the House's compliance with generally accepted accounting principles and applicable governmental policies, and detecting waste, fraud and abuse.

The Architect of the Capitol

The Architect of the Capitol (AOC) is responsible for the maintenance, operation, development and preservation of the entire Cap-

itol Complex which includes 17.4 million square feet of buildings and more than 460 acres of land. Although some decisions regarding the management of the House buildings and grounds are the responsibility of the House Office Building Commission, the Committee is charged with overseeing the AOC per House Rules.

Over the past six months, a bipartisan group of Committee staff met regularly with the Architect and his Superintendent of House Office Buildings to discuss the status of a variety of ongoing construction, renovation, and maintenance projects aimed at improving the safety and accessibility of the Capitol Complex while also maintaining the aesthetics. The Committee helps ensure these projects are both on time and within budget while causing the least disruption to the work of the Congress. These projects include the renovation of the East House Underground Garage, the replacement of the Rayburn House Office Building's roof, the restoration of the Bartholdi Fountain, and extensive repairs to the campus' utility tunnel system. Work is also nearing completion on the Longworth House Office Building's Prescriptive Egress, an important fire and life safety project. Although major renovation of the Cannon House Office Building is not set to commence until at least FY 2016, bipartisan Committee staff and representatives from the House leadership offices have been participating in regular planning meetings.

In addition to overseeing the AOC's construction projects, the Committee was apprised of the energy conservation measures instituted by the AOC to ensure that they are achieving the goals set forth by the Energy Independence and Security Act of 2007 (EISA), and that they are cost-effective. Recent focus has been placed on the AOC's next waste hauling contract, which is due to expire in August. The Committee has encouraged the AOC to examine waste-to-energy as a potential option and include it in the Request for Proposal on the next contract.

H. Con. Res. 135, which passed the House and then the Senate on July 10, 2009, directed the AOC to design and install a marker in Emancipation Hall commemorating the role that slave labor played in the construction of the Capitol. Since that time, the AOC developed a proposal for the marker which was extensively reviewed by both House and Senate stakeholders including the Committee. The design features a bronze plaque mounted above a block of sandstone that was quarried by slaves and originally part of the Capitol's East Front. On February 28, 2011, Chairman Lungren approved the design and placement of the marker for the western end of the northern wall of Emancipation Hall and the Senate concurred. Upon securing funding, the AOC will continue with the fabrication and placement of the marker.

Capitol Visitor Center

The U.S. Capitol Visitor Center's (CVC) mission is to provide a welcoming and educational environment for visitors to learn about the House, the Senate, and the legislative process, as well as the history of the architecture and art of the U.S. Capitol. By law, overall responsibility for the CVC's operations and maintenance resides with the Architect of the Capitol, while the Committee on House Administration and the Senate Committee on Rules and Adminis-

tration provide policy review and oversight of the U.S. Capitol Visitor Center.

The Committee on House Administration provided significant guidance for the hiring of four senior level positions in the first quarter of the 112th Congress. The Chief Executive Officer for Visitor Services, the Deputy Chief Executive Officer for Visitor Services, the Director of Visitor Services, and the Assistant Director for Visitor Operations were all filled with highly qualified individuals. The new CEO for Visitor Services is the former Director of Visitor Services for the CVC and former Associate Director for Guest Services at Mount Vernon Estate and Gardens, with over 20 years of experience in the visitor services industry. The new Deputy CEO for Visitor Services comes from the U.S. Capitol Police as the Deputy Chief of Police, with 20 years of experience around the Capitol Complex. The new Director of Visitor Services is the former Assistant Director for Training with the U.S. Capitol Guide Service and the former Deputy Director of Visitor Services for the CVC. And, the new Assistant Director for Visitor Operations comes from the U.S. Coast Guard after 28 years, serving as the Superintendent of the Coast Guard Academy.

The Committee worked with the Visitor Services Division to include a Civil War tour and a special viewing of the Rotunda each day after the time when public tours end. These new opportunities for guests are expected to provide greater engagement with constituents visiting the Capitol, while further utilizing the expertise of the Visitor Guides.

Finally, the Committee was instrumental in providing oversight of the new CVC Online Orientation Video. The video is seven minutes long and gives a snapshot of what guests should expect when they visit the CVC. Additionally, it will be a valuable resource for both classroom activities and individuals seeking greater knowledge about the Capitol Complex.

Library of Congress

During the first six months of the 1st session of the 112th Congress, Committee oversight staff held fifteen oversight meetings with various Library of Congress (LOC) staff, including representatives from, and regarding issues related to, the Copyright Office (Acting Register of Copyrights Maria Pallante was appointed Register of Copyrights and Director of the Copyright Office on June 2, 2011), the Office of the Inspector General, the Budget Office (specifically regarding the FY11 Continuing Resolution and the Library of Congress's nominal and "effective" budget cuts), the Congressional Research Service (Director Dan Mulhollan stepped down April 2, 2011), the Library's Surplus Books Program (the program is seeking to update its online capacities), how the potential government shutdown would have affected the Library, the Law Library, the Office of Congressional Information and Publishing, the Legislative Information Systems Office, and Human Resources. The oversight staff toured the Library's Packard Campus for Audio-Visual Conservation in Culpeper, Virginia, led by Dr. Patrick Loughney, Chief of the Packard Campus. Finally, H.R. 1934, a bill regarding surplus and obsolete Library property, was considered at the Committee's May 25, 2011 markup and ordered reported favor-

ably by the Committee. The House passed H.R. 1934 on June 16, 2011.

Earlier in the Congress, at the direction and oversight of the Committee, the Library's Congressional Research Service organized an Issues Seminar for New Members of Congress. The seminar covered issues ranging from federal spending to our policy in Afghanistan. Speakers included experts from CRS, leading academics and members of the Administration, including Defense Secretary Robert Gates.

Joint Committee on the Library

The Joint Committee on the Library (JCL) is a joint committee of the Congress devoted to the affairs and administration of the Library of Congress. There are five Members of each house on the Committee. Membership consists of the Chairman and four Members of the Senate Committee on Rules and Administration, the Chairman and three Members of the Committee on House Administration, and the Chairman of the Subcommittee on the Legislative Branch of the House Committee on Appropriations. The Joint Committee has oversight of the operations of the Library of Congress, as well as management of the congressional art collection (including the contributions of two statues from each state to the National Statuary Hall Collection) and the United States Botanic Garden.

On June 22, 2011, the Joint Committee on the Library held its organizational meeting. As specified in H. Res. 197 and S. Res. 103, the Members of the Joint Committee on the Library for the 112th Congress are Rep. Harper, Rep. Lungren, Rep. Brady, Rep. Lofgren, Rep. Crenshaw, Sen. Schumer, Sen. Durbin, Sen. Leahy, Sen. Alexander, and Sen. Cochran. At the meeting, the Joint Committee elected Sen. Schumer as the Chairman and Rep. Harper as the Vice-Chairman for the 112th Congress. In addition, the Joint Committee adopted rules of procedure and took an official photograph during the organizational meeting.

Typically, most of the Joint Committee's duties involve the approval of statue placement, statue replacement, and statue removals and approvals. On May 3, 2011, the unveiling of President Ford's bronze statue took place in the Rotunda, which the Joint Committee on the Library and the Committee had previously been instrumental in planning and finalizing. In addition, during the 112th Congress, as directed by law, the Joint Committee on the Library has begun consultations regarding a new Congressional Research Service Director.

House Fine Arts Board

The House Fine Arts Board (FAB) was established in 1988 under the original statute 40 U.S.C. 188 (c). The current statutes are 2 U.S.C. 2121–2122. The Fine Arts Board is comprised of the five House Members of the Joint Committee on the Library. The Fine Arts Board, in consultation with the House Office Building Commission (comprised of the Speaker, the Majority Leader and the Minority Leader), has authority over works of fine art and historical objects that are the property of Congress and are for display in the House wing of the Capitol or in the House Office Buildings.

The Board also accepts gifts of fine art and historical objects on behalf of the House, and the Clerk's office maintains the collection.

The Board approves all Committee Chairmen portraits in the House. In the first six months of the 112th Congress, the following two Committee Chairmen portraits were completed and added to the House collection: Rep. Collin Peterson (Agriculture, 110th and 111th Congresses), unveiled April 2011; and, Rep. Edolphus Towns (Oversight and Government Reform, 111th Congress), unveiled May 2011. There are currently three Committee Chairmen portraits in process: Rep. Tom Lantos (Foreign Affairs, 110th Congress), approved April 2011 with the unveiling scheduled for July 2011; Rep. Ike Skelton (Armed Services, 110th and 111th Congresses), initial approval April 2011; and Rep. Spencer Bachus (Financial Services, 112th Congress), initial approval May 2011. Finally, there are three Committee Chairmen portraits in process with the FAB, but no additional formal action has been taken: Rep. Chris Cox (Homeland Security, 109th Congress); Rep. Charles Rangel (Ways and Means, 110th and 111th Congresses); and Rep. Chris Smith (Veterans' Affairs, 107th and 108th Congresses).

Smithsonian Institution

Founded in 1846 "for the increase and diffusion of knowledge," the Smithsonian is composed of 19 museums, numerous research centers, and the National Zoo. Over 137 million objects reside in the collections and the Institution received over 30 million visitors in 2010. Approximately two-thirds of the Institution's funding is from direct federal appropriations. Trust funds, which include private donations and revenues from museum shops, restaurants and theaters, provide the remaining funding.

Governance of the Smithsonian is vested in a 17-member Board of Regents, consisting of the Chief Justice, the Vice President, six Members of Congress, and nine citizen regents nominated by the Board and approved by joint resolution of Congress. Legislation nominating citizen regents is referred to the Committee. In March and April, Committee Members met with nominees for three citizen regent appointments to the Smithsonian Board of Regents and discussed Smithsonian governance, challenges and programmatic objectives. Following the meetings, the Committee supported S.J. Res. 8, a joint resolution providing for the appointment of Steve Case as a citizen regent of the Board of Regents. On April 12, 2011, the House adopted S.J. Res. 8 by unanimous consent. The Committee also met with citizen regent nominees Shirley Ann Jackson and Robert Kogod and discussed similar issues. On June 16, 2011, the House adopted S.J. Res. 7, a joint resolution providing for the reappointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution, by unanimous consent. On the same day, the House adopted S.J. Res. 9, a joint resolution providing for the reappointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution, by unanimous consent.

On May 5, 2011, the National Museum of the American Latino Commission submitted its final report to the President and Congress. The 23 member Commission, comprised of members appointed by Congress and the President, completed their report pur-

suant to the direction of P.L. 110–229. The Committee has been reviewing the Commission’s findings.

The Committee has been involved in oversight of the Smithsonian Institution. The Committee exercised appropriate oversight of the National Zoo, including a staff on-site visit and discussions regarding security, renovations, capital projects and animal care. Committee staff met with Smithsonian staff to discuss the possible impact of reduced federal appropriations on Smithsonian activities and the status of the Institution’s facilities management program. Committee staff also met with the Inspector General to discuss inventory management issues, the FY 2010 financial audit and ongoing work of the office.

Joint Committee on Printing and U.S. Government Printing Office

By law, the Government Printing Office (GPO) produces, protects, preserves, and distributes the official publications and information products of the Congress and Federal Government. By House rule, the Committee on House Administration has oversight of and legislative jurisdiction over the Government Printing Office.

The Subcommittee on Oversight held an oversight hearing of the GPO on May 11, 2011, titled “GPO—Issues and Challenges: How will GPO Transition to the Future?” The hearing focused on GPO’s business model and printing infrastructure and whether both entities are in a position to meet the future needs of Congress in the 2015–2020 timeframe. There were two panels with a total of four witnesses, one of whom was The Honorable William J. Boarman, the 26th Public Printer of the United States.

The Committee worked closely with GPO and the Senate Rules and Administration Committee on the production of the Congressional Pictorial Directory for the 112th Congress. The Committee assisted with the compilation of pictures and background information as well as the formatting and styling. Rep. Lungren selected the front cover of the Directory which was specifically chosen to highlight the United States Capitol and the Ulysses S. Grant Memorial in recognition of the 150th anniversary of the start of the Civil War. The directories were printed and distributed in late May 2011.

The Committee worked with the GPO to create a survey for Member offices to opt out of printed daily and permanent Congressional publications that are available online through GPO’s Federal Digital System (FDsys). Member offices had the option to decline to receive the following publications: the *Congressional Record*, *Congressional Record Index*, *Federal Register*, *Federal Register Index*, and the *Code of Federal Regulations*. The total potential savings for the legislative branch, as a result of this survey, could be up to \$1.3 million.

On June 16, 2011, the Subcommittee on Oversight held a hearing entitled “Modernizing Information Delivery in the House.” The Subcommittee heard testimony from Rep. Greg Walden of Oregon, Rep. Michael Honda of California, Mr. Thomas Bruce, Research Associate and Director at Legal Information Institute at Cornell Law School, Mr. Kent Cunningham, Chief Technology Advisor for the U.S. Public Sector at the Microsoft Corporation, and Mr. Morgan Reed, Executive Director of the Association for Competitive Technology.

By law, the Chairman of the Committee on House Administration and the Chairman of the Senate Committee on Rules and Administration serve with four other Members of each committee on the Joint Committee on Printing (JCP). The seat of the chair for the Joint Committee on Printing rotates between the House and Senate at the start of each new Congress; for the 112th Congress, the chairmanship resides in the House. The Chairman of the Committee on House Administration traditionally is seated as the Chairman or Vice-Chairman of the JCP, depending on which legislative body is in control of the Joint Committee. However, for this Congress, Rep. Harper serves as the Chairman of the Joint Committee on Printing.

On June 22, 2011, the Joint Committee on Printing held its organizational meeting. As specified in H. Res. 197, the JCP membership for the House in the 112th Congress is comprised of Rep. Lungren, Rep. Harper, Rep. Schock, Rep. Brady, and Rep. Gonzalez. As specified in S. Res. 103, the JCP membership for the Senate is comprised of Sen. Schumer, Sen. Murray, Sen. Udall, Sen. Alexander, and Sen. Chambliss. At the meeting, the Joint Committee designated Rep. Harper as Chairman and Sen. Schumer as Vice-Chairman. Additionally, the Joint Committee adopted its rules of procedure and took an official photograph.

Office of Compliance

The Committee exercised its responsibility for matters requiring congressional action involving the Office of Compliance (OOC), the independent entity established by the Congressional Accountability Act (CAA) to administer and regulate the implementation of the Act. The Committee's oversight activities included review of proposed statutory changes approved by the OOC's Board of Directors and regular meetings with OOC's staff to discuss ongoing activities and initiatives and the implementation of regulations concerning statutes applied to the Legislative Branch by the CAA.

Elections

During the first six months of the 112th Congress, the Committee on House Administration conducted vigorous oversight of Federal election policy. The Committee's oversight focused on matters including obstacles to military and overseas voters and streamlining election-related agencies to achieve more efficiency.

A bill to reduce federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, H.R. 359, was referred to the Committee and passed by the House. The bill would realize significant savings for taxpayers by eliminating the Presidential Election Campaign Fund. The Presidential Election Campaign Fund has seen progressively declining support in the general population, demonstrated by fewer and fewer citizens agreeing to have a portion of their taxes used for the fund. Participation declined from a high of 28.7% in 1980 to only 7.3% in 2010. Candidates, too, have rejected the fund. Major party candidates have begun declining primary election funding from the Presidential Election Campaign Fund in increasing numbers since 2000. In 2008, for the first time, a candidate declined general election funding from the fund. The Committee's majority Members supported H.R. 359.

The Committee analyzed the impact of the Military and Overseas Voter Empowerment (MOVE) Act in its hearing on "Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election." The Committee heard from Assistant Attorney General Thomas Perez on the Department of Justice (DOJ) Civil Rights Division's mixed results in ensuring compliance. The Committee also heard from West Virginia Secretary of State Natalie Tennant, Co-Director of Indiana Election Division J. Bradley King, and Escambia County, Florida, Director of Elections David Stafford for state and local election officials' perspectives on compliance with the MOVE Act. The Committee heard from Mr. Rick Jones and Mr. Eric Eversole on the impact of the DOJ's mixed record of MOVE Act enforcement on service members. The Committee explored the methods that the Department of Justice and state election officials used to determine MOVE Act compliance.

The Subcommittee on Elections held a hearing on "Election Assistance Commission Operations and 2012 Budget Request." The witnesses were the Commissioners of the Election Assistance Commission (EAC), Ms. Donetta Davidson and Ms. Gineen Bresso, the EAC's Executive Director, Mr. Thomas Wilkey, the EAC's Chief Operating Officer, Ms. Alice Miller and the EAC's Chief Financial Officer, Ms. Annette Lafferty. During the hearing, the Subcommittee explored the EAC's history of poor management practices, excess administrative overhead costs and lack of any clear direction for the agency in the future. The Subcommittee learned that over half of the EAC's budget was devoted solely to overhead. As a result, the EAC's proposed budget would have it spend approximately \$5 million to operate approximately \$3 million worth of programs. The Subcommittee also learned of potential employment discrimination against a military member by the Election Assistance Commission in its most recent hiring process for a general counsel. Subsequently, Committee Members and staff corresponded with the Election Assistance Commission concerning its employment practices.

The Subcommittee on Elections analyzed the results of the last election in its hearing on "The 2010 Election: A Look Back at What Went Right and Wrong." During this hearing, the Subcommittee heard testimony from Colorado Secretary of State Scott Gessler concerning his research indicating that over 5,000 non-citizens may have voted in 2010. Minnesota Secretary of State Mark Ritchie testified on how Minnesota has changed its laws to comply with the MOVE Act and how investment in digital technologies can improve the accuracy of voting lists through the use of the Social Security death registry and the National Change of Address database. Ms. Susan Gill, the Supervisor of Elections for Citrus County, Florida, cautioned about the looming costs facing local election officials in light of redistricting. She discussed the success of photo identification and its use in Florida elections. Mr. Ken Carbullido of Elections Systems and Software discussed his company's voting machine, the ES&S 200, and changes to its software to correct problems seen in the last election. A public interest advocate, Mr. Larry Norden, discussed possible changes to voter registration systems.

The Subcommittee on Elections held a hearing on H.R. 672, a bill to terminate the Election Assistance Commission. H.R. 672, introduced by Rep. Harper, was designed to terminate the Election As-

sistance Commission while preserving a small number of its functions by transferring them to appropriate agencies. The bill would realize significant savings of taxpayer money while preserving the functions necessary to state and local election officials. At this hearing, the Subcommittee heard from Rep. Hoyer who traced the history of federal involvement in elections and the history of the Help America Vote Act. The Subcommittee also heard from New Hampshire Secretary of State Bill Gardner who discussed how little value many of the EAC's activities provide to state and local election officials. Mississippi Secretary of State Delbert Hosemann discussed how the National Association of Secretaries of State twice voted to recommend abolishing the EAC. Secretary Hosemann also expressed frustration with how the EAC has shifted data formats for election surveys, resulting in difficulties complying with requested elections data. Florida Secretary of State Kurt Browning also expressed support for H.R. 672. He stated that the EAC had outlived its usefulness and detailed his frustrating inability to get answers from the EAC to relatively simple queries. Ms. Jill LaVine, the Registrar of Voters for Sacramento County, California, explained the useful clearinghouse function of the EAC. Mr. John Fortier advocated for the collection of election data that the EAC currently provides.

At a meeting of the Committee, H.R. 672 was ordered reported favorably with an amendment. The amendment, based on feedback from state and local election officials, retained in consolidated form two of the boards that had previously advised the EAC on development of voluntary voting system guidelines, thereby retaining a role for state and local officials in the testing and certification of voting systems. The amendment also provided for testing and certification functions to be performed at the Federal Election Commission, rather than at the National Institute of Standards and Technology as was written in the original bill. As reported, H.R. 672 would terminate the EAC and transfer its testing and certification and clearinghouse functions to the Federal Election Commission. Taxpayers would see significant savings from the elimination of a federal agency that has outlived its usefulness.

H.R. 672 was considered by the House under suspension of the Rules on July 22, 2011, and was not adopted by a vote of 235 yeas to 187 nays.

Lapse in Appropriations

The Committee, in its role as custodian of the accounts of the House, prepared and distributed guidance on House operations during a lapse in appropriations. The guidance informed Members of the relevant legal constraints, including appropriations law and the Constitution. The guidance also informed Members of the appropriate steps to take to ensure they could continue to receive the support necessary to perform their constitutional responsibilities. The guidance further explained the impact of a lapse in appropriations on employees' health benefits, student loan repayment programs, and transit benefits. The Committee advised Members on the appropriate decision-making processes for determining which of their employees are necessary to perform their constitutional responsibilities. The Committee advised Members of the appropriate

rules, regulations and laws concerning employment practices and decisions made in the event of a lapse in appropriations.

The Committee also worked with the Officers of the House to ensure that their operations took appropriate actions during a lapse in appropriations. The Committee designed plans with the Officers to maintain a secure Capitol Complex during a lapse in appropriations. The Committee further worked with the Officers to ensure that necessary legislative operations would continue during a lapse in appropriations.

In addition, the Committee sent out Dear Colleague letters setting forth the appropriate steps to be taken in the event of a lapse in appropriations. The Committee further sent out letters describing the levels of service that would be provided to Members, staff and the public. The Committee also advised Members of methods to return their salary to the Treasury should they wish to do so in the event of a lapse in appropriations.

Activities of the Office of General Counsel

The Committee, in its role as custodian of the accounts of the House, approved a contract on behalf of the Office of General Counsel. The contract was the result of a vote by the Bipartisan Legal Advisory Group recommending the Speaker to have the office of General Counsel engage outside counsel, if necessary, to defend the constitutionality of section 3 of the Defense of Marriage Act.

Continuing Resolution

The Committee prepared analysis of the impacts of proposed amendments in H.R. 1 on legislative branch operations, including one amendment for a 10% across the board reduction in legislative branch spending. The Committee's analysis noted the number of Capitol Police officers who would have been laid off if the amendment were adopted.

Cutting Spending

The Committee's Members supported H. Res. 22. H. Res. 22 cut the authorization for Member's Representational Allowances, Leadership Offices and Committees by 5%. H. Res. 22 was passed by the House.

Reducing Printing Costs

On January 18, 2011, the House passed H.R. 292, the Stop Over-Printing (STOP) Act by a vote of 399-0. The bill would require the Public Printer to stop printing unnecessary copies of bills and instead make them available online, and was referred to the Committee upon introduction.

Additional Oversight Activities of the Committee

Congressional Internship Program for Individuals with Intellectual Disabilities

This program was established by Rep. Harper in the spring of 2010, and it is administered by the Committee on House Administration. The internship program provides students with varying intellectual disabilities an opportunity to gain congressional work experience. The program, which includes spring, summer and fall ses-

sions, pairs congressional offices with students from George Mason University's Mason LIFE Program—a postsecondary education program for young adults with intellectual disabilities. In 2010, the program started as a pilot with six House offices participating. By the third session (spring 2011), the program included nearly twenty congressional offices from both chambers.

House Technology Operations Team

The House Technology Operations Team was established in March 2011 as part of the Speaker's initiative to identify and implement technological solutions to the House's communications and transparency roadblocks. Members of the Committee and its staff have participated in the House Technology Operations Team since its inception. The group's first accomplishment was to work with the office of the Chief Administrative Officer to complete the redesign of House.gov. Completed in May 2011, the redesigned site includes new user-friendly features designed to increase transparency and constituent access to Member sites and legislative information.

Parking Policy

At its organizational meeting on January 25, 2011, the Committee adopted a parking policy for the 112th Congress appropriate to meet the needs of the House. Committee staff conducted regular oversight of House Parking Security to ensure compliance with the parking policy and to review the status of renovations of the East Underground Garage.

HEARINGS AND MEETINGS OF THE COMMITTEE

On January, 25, 2011, the full Committee met to organize for the 112th Congress. During the hearing, the Committee adopted four Committee resolutions: Committee Resolution 112-1: Rules of the Committee on House Administration, Committee Resolution 112-2, Election of Chairs and Members of Subcommittees, Committee Resolution 112-3, the Committee Oversight Plan, and Committee Resolution 112-4, the House Parking Policy for the 112th Congress.

On February 15, 2011, the full Committee held a hearing, "Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election." The Committee heard testimony from The Honorable Thomas E. Perez, Assistant Attorney General for Civil Rights, U.S. Department of Justice, Mr. Eric Eversole, Executive Director, Military Voter Protection Project, Mr. J. Bradley King, Co-Director, Election Division, Indiana Secretary of State, Mr. David Stafford, Supervisor of Elections, Escambia County, Florida, The Honorable Natalie Tennant, Secretary of State, West Virginia, and Mr. Rick Jones, Legislative Director, National Association for Uniformed Services

On March 1, 2011, the full Committee held a hearing, "Committee Funding for the 112th Congress." The Committee heard testimony from each of the Chairs and Ranking Members of the standing and select committees regarding their committee budget requests for the 112th Congress.

On March 2, 2011, the full Committee continued its hearing, "Committee Funding for the 112th Congress". The Committee heard testimony from each of the Chairs and Ranking Members of

the standing and select committees regarding their committee budget requests for the 112th Congress.

On March 9, 2011, the full Committee met to mark up H. Res. 147, the Committee funding resolution, and three Committee Resolutions: Committee Resolution 112-5, to approve franked mail allowances for Committees for the 112th Congress, Committee Resolution 112-6, to approve Committee views and estimates for fiscal year 2012, and Committee Resolution 112-7, to approve a Committee consulting contract.

On March 17, 2011, the Subcommittee on Elections held a hearing, "Election Assistance Commission Operations and 2012 Budget Request." The Subcommittee heard testimony from The Honorable Donetta Davidson, Commissioner, U.S. Election Assistance Commission, The Honorable Gineen Bresso, Commissioner, U.S. Election Assistance Commission, Mr. Thomas Wilkey, Executive Director, U.S. Election Assistance Commission, Ms. Alice Miller, Chief Operating Officer, U.S. Election Assistance Commission, and Ms. Annette Lafferty, Chief Financial Officer, U.S. Election Assistance Commission.

On March 31, 2011, the Subcommittee on Elections held a hearing, "The 2010 Election: A Look Back at What Went Right and Wrong." The Subcommittee heard testimony from The Honorable Scott Gessler, Colorado Secretary of State, The Honorable Mark Ritchie, Minnesota Secretary of State, Ms. Susan Gill, Supervisor of Elections, Citrus County, Florida, Mr. Ken Carbullido, Senior Vice-President of Voting Systems, Election Systems & Software, Inc., and Mr. Lawrence Norden, Deputy Director, Democracy Program, Brennan Center for Justice at New York University School of Law.

On April 14, 2011, the Subcommittee on Elections held a hearing, "H.R. 672—To Terminate the Election Assistance Commission." The Subcommittee heard testimony from Rep. Steny Hoyer, The Honorable Bill Gardner, New Hampshire Secretary of State, The Honorable Delbert Hosemann, Mississippi Secretary of State, The Honorable Kurt Browning, Florida Secretary of State, Ms. Jill LaVine, Registrar of Voters, Sacramento County, California, and Mr. John Fortier, American Enterprise Institute.

On May 11, 2011, the Subcommittee on Oversight held a hearing, "GPO—Issues and Challenges: How will GPO Transition to the Future?" The Subcommittee heard testimony from The Honorable William Boorman, Public Printer of the United States, Government Printing Office, Mr. James Hamilton, Group Director, InfoTrends, Mr. Eric D. Belcher, President and Chief Executive Officer, InnerWorkings, Inc., and Mr. Eric Petersen, Specialist in American National Government, Congressional Research Service.

On May 25, 2011, the full Committee met to mark up H.R. 672, to terminate the Election Assistance Commission, and H.R. 1934, to improve certain administrative operations of the Library of Congress. The Committee also approved Committee Resolution 112-8, changing the rank order of Democratic Members of the Subcommittee on Elections.

On May 26, 2011, the Subcommittee on Oversight held a hearing, "Inspector General Audit of the House's FY 2009 Financial Statements." The Subcommittee heard testimony from the Honorable Theresa Grafenstine, Inspector General of the U.S. House of

Representatives, and The Honorable Dan Strodel, Chief Administrative Officer of the U.S. House of Representatives.

On June 16, 2011, the Subcommittee on Oversight held a hearing entitled "Modernizing Information Delivery in the House." The Subcommittee heard testimony from Rep. Greg Walden of Oregon, Rep. Michael Honda of California, Mr. Thomas Bruce, Research Associate and Director at Legal Information Institute at Cornell Law School, Mr. Kent Cunningham, Chief Technology Advisor for the U.S. Public Sector at the Microsoft Corporation, and Mr. Morgan Reed, Executive Director of the Association for Competitive Technology.

On June 22, 2011, the Joint Committee on the Library held its organizational meeting. As specified in H. Res. 197 and S. Res. 103, the Members of the Joint Committee on the Library for the 112th Congress are Rep. Harper, Rep. Lungren, Rep. Brady, Rep. Lofgren, Rep. Ander Crenshaw, Sen. Schumer, Sen. Durbin, Sen. Leahy, Sen. Alexander, and Sen. Cochran. At the meeting, the Joint Committee designated Sen. Schumer as the Chairman and Rep. Harper as the Vice-Chairman for the 112th Congress. In addition, the Joint Committee adopted rules of procedure and took an official photograph during the organizational meeting.

On June 22, 2011, the Joint Committee on Printing held its organizational meeting. As specified in H. Res. 197, the JCP membership for the House in the 112th Congress is comprised of Rep. Lungren, Rep. Harper, Rep. Schock, Rep. Brady, and Rep. Gonzalez. As specified in S. Res. 103, the JCP membership for the Senate is comprised of Sen. Schumer, Sen. Murray, Sen. Udall, Sen. Alexander, and Sen. Chambliss. At the meeting, the Joint Committee designated Rep. Harper as Chairman and Sen. Schumer as Vice-Chairman. Additionally, the Joint Committee adopted its rules of procedure and took an official photograph.

APPENDIX A

Rules of the Committee on House Administration

One Hundred Twelfth Congress

(Adopted January 25, 2011)

RULE NO. 1

General provisions

(a) The Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a privileged motion in the Committee. Each subcommittee of the committee is a part of the committee and is subject to the authority and direction of the chair and to its rules as far as applicable.

(b) The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and, subject to the adoption of expense resolutions as required by House Rule X, clause 6, to incur expenses (including travel expenses) in connection therewith.

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

(d) The Committee shall submit to the House, not later than the 30th day after June 1 and December 1 of each year, a semiannual report on the activities of the committee under House Rules X and XI.

(e) The Committee's rules shall be made publicly available in electronic form and published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE NO. 2

Regular and special meetings

(a) The regular meeting date of the Committee on House Administration shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the Chair of the Committee as she or he may deem necessary or at the request of a majority of the members of the Committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the Chair subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting may be dispensed with if, in the judgment of the Chair, there is no need for the meeting.

(b) If the Chair is not present at any meeting of the Committee, or at the discretion of the Chair, the Vice Chair of the Committee shall preside at the meeting. If the Chair and Vice Chair of the Committee are not present at any meeting of the Committee, the

ranking member of the majority party who is present shall preside at the meeting.

(c) The Chair, in the case of meetings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of meetings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any meeting to be conducted on any measure or matter. Such meeting shall not commence earlier than the third day on which members have notice thereof. If the Chair, with the concurrence of the ranking minority member, determines that there is good cause to begin the meeting sooner, or if the Committee so determines by majority vote, a quorum being present, the Chair shall make the announcement at the earliest possible date. The announcement shall promptly be made publicly available in electronic form and published in the Daily Digest.

(d) The Chair, in the case of meetings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of meetings to be conducted by a subcommittee, shall make available on the Committee's web site the text of any legislation to be marked up at a meeting at least 24 hours before such meeting (or at the time of an announcement made within 24 hours of such meeting). This requirement shall also apply to any resolution or regulation to be considered at a meeting.

RULE NO. 3

Open meetings

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation of the Committee shall be open to the public except when the Committee in open session and with a quorum present determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: Provided, however, that no person other than members of the Committee, and such congressional staff and such other persons as the Committee may authorize, shall be present in any business or markup session which has been closed to the public. To the maximum extent practicable, the Chair shall cause to be provided audio and video coverage of each hearing or meeting that allows the public to easily listen to and view the proceedings and maintain the recordings of such coverage in a manner that is easily accessible to the public.

RULE NO. 4

Records and rollcalls

(a)(1) A record vote shall be held if requested by any member of the Committee.

(2) The result of each record vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices, including a description of the amendment, motion, order or other proposition; the name of

each member voting for and against; and the members present but not voting.

(3) The Chairman shall make the record of the votes on any question on which a record vote is demanded available on the Committee's website not later than 48 hours after such vote is taken (excluding Saturdays, Sundays, and legal holidays). Such record shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(4) The Chairman shall make available on the Committee's website not later than 24 hours (excluding Saturdays, Sundays, and legal holidays) after the adoption of any amendment to a measure or matter the text of such amendment.

(b)(1) Subject to subparagraph (2), the Chair may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chair shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(c) All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chair; and such records shall be the property of the House and all members of the House shall have access thereto.

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

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

RULE NO. 5

Proxies

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

RULE NO. 6

Power to sit and act; subpoena power

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

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

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents and other materials as it deems necessary, including materials in electronic form. The Chair, or any member designated by the Chair, may administer oaths to any witness.

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

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

RULE NO. 7

Quorums

No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the rules of the Committee, one-third of the members of the Committee shall constitute a quorum. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8

Amendments

Any amendment offered to any pending legislation before the Committee or a subcommittee must be made available in written form when requested by any member of the Committee. If such amendment is not available in written form when requested, the Chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9

Hearing procedures

(a) The Chair, in the case of hearings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one (1) week before the commencement of that hearing. If the Chair, with the concurrence of the ranking minority member, determines that there is

good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present, the Chair shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

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

(c) When any hearing is conducted by the Committee upon any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chair by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Any member of the Committee may, if a subcommittee grants unanimous consent for a specific hearing, be permitted to sit during that hearing with a subcommittee on which he or she does not serve, but no member who has not been elected to a subcommittee shall count for a quorum, offer any measure, motion, or amendment, or vote on any matter before that subcommittee.

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

(f) The following additional rules shall apply to hearings of the Committee or a subcommittee, as applicable:

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

(2) A copy of the Committee rules and this clause shall be made available to each witness as provided by clause 2(k)(2) of rule XI.

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

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

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

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

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

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

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

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

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

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

RULE NO. 10

Procedures for reporting measures or matters

(a)(1) It shall be the duty of the Chair to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the Committee on a measure which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chair notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) The report of the Committee on a measure or matter which has been approved by the Committee shall include the matters required by Clause 3(c) of rule XIII of the Rules of the House.

(d) If, at the time any measure or matter is ordered reported by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice, commencing on the day on which the

measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views, in the form submitted, by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c); or

(B) the filing of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(3) shall, when appropriate, contain the documents required by Clause 3(e) of rule XIII of the Rules of the House.

(e) The Chair, following consultation with the ranking minority member, is directed to offer a motion under clause 1 of rule XXII of the Rules of the House, relating to going to conference with the Senate, whenever the Chair considers it appropriate.

(f) If hearings have been held on any such measure or matter so reported, the Committee shall make every reasonable effort to have such hearings published and available to the members of the House prior to the consideration of such measure or matter in the House.

(g) The Chair may designate any majority member of the Committee to act as “floor manager” of a bill or resolution during its consideration in the House.

RULE NO. 11

Committee oversight

The Committee shall conduct oversight of matters within the jurisdiction of the Committee in accordance with House Rule X, clause 2 and clause 4. Not later than February 15 of the first session of a Congress, the Committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress in accordance with House Rule X, clause 2(d).

RULE NO. 12

Review of continuing programs; Budget Act provisions

(a) The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriation for continuing programs and activities of the Federal Government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the

programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in Clause 4(e) of Rule X of House Rules.

(b) The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting there from, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13

Broadcasting of committee hearings and meetings

Whenever any hearing or meeting conducted by the Committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause 4 of House Rule XI, subject to the limitations therein. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with Clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

RULE NO. 14

Committee and subcommittee staff

The staff of the Committee on House Administration shall be appointed as follows:

(a) The staff shall be appointed by the Chair except as provided in paragraph (b), and may be removed by the Chair, and shall work under the general supervision and direction of the Chair;

(b) All staff provided to the minority party members of the Committee shall be appointed by the ranking minority member, and may be removed by the ranking minority member of the Com-

mittee, and shall work under the general supervision and direction of such member;

(c) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the Rules of the House;

(d) The Chair shall fix the compensation of all staff of the Committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the Committee.

RULE NO. 15

Travel of members and staff

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the Chair or her or his designee. Travel may be authorized by the Chair for any member and any staff member in connection with the attendance at hearings conducted by the Committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chair in writing the following:

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

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

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

(2) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the Chair

covering the activities and other pertinent observations or information gained as a result of such travel.

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

RULE NO. 16

Number and jurisdiction of subcommittees

(a) There shall be two standing subcommittees, with party ratios of members as indicated. Subcommittees shall have jurisdictions as stated by these rules, may conduct oversight over such subject matter, and may consider such legislation as may be referred to them by the Chair. The names and jurisdiction of the subcommittees shall be:

(1) Subcommittee on Elections—(4/2). Matters pertaining to the Federal Election Campaign Act, the Federal Contested Elections Act, the Help America Vote Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act, the Federal Voting Assistance Program, the Bipartisan Campaign Reform Act, the Americans with Disabilities Act (accessibility for voters with disabilities), the Federal Election Commission (FEC), the Election Assistance Commission (EAC), and other election related issues. Oversight of the Federal Election Commission (FEC) and the Election Assistance Commission (EAC).

(2) Subcommittee on Oversight—(4/2). Matters pertaining to operations of the Library of Congress, the Botanic Garden, the Smithsonian Institution, the Architect of the Capitol, the Capitol Visitors Center; the Chief Administrative Officer, House Information Resources, the Clerk of the House, the House Inspector General, the Congressional Research Service and the Office of Compliance.

(b) No subcommittee shall meet during any full Committee meeting or hearing.

(c) The Chair may establish and appoint members to serve on task forces of the Committee, to perform specific functions for limited periods of time, as she or he deems appropriate.

RULE NO. 17

Referral of legislation to subcommittees

The Chair may refer legislation or other matters to a subcommittee, or subcommittees, as she or he considers appropriate. The Chair may discharge any subcommittee of any matter referred to it.

RULE NO. 18

Other procedures and regulations

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

RULE NO. 19

Designation of clerk of the committee

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the Committee shall act as the clerk of the Committee.

APPENDIX B

Committee on House Administration

112th Congress Oversight Plan

(Adopted January 25, 2011)

MEMBER SERVICES

- Oversee Members' allowance amounts, including structure and regulations.
 - Provide guidance and outreach to congressional offices to ensure compliance with Committee regulations.
 - Review, update and revise the *Members' Congressional Handbook*, a set of regulations governing the expenditure of Members' Representational Allowances.
 - Review and revise the *Guide to Outfitting and Maintaining an Office of the U.S. House of Representatives*, a set of regulations governing the acquisition, transfer, and disposal of furnishings, equipment, software, and related services.
 - Evaluate the formulas used to calculate the Members' Representational Allowances and ensure that all Members have adequate resources for representing their constituents.
 - Oversee the processing of vouchers and direct payments, including those for payroll.

New member orientation

- Plan, implement, and oversee the New Member Orientation Program for newly-elected Members of Congress.
 - Oversee the planning and implementation of the Congressional Research Service New Member Issues Seminar in Williamsburg.

Intern program

- In coordination with the Senate Committee on Rules and Administration, organize, administer, and oversee the Intern Lecture Series.
 - Review and consider revising the Intern Handbook and other publications and communication materials used in support of the Intern Program.

COMMITTEE FUNDING AND OVERSIGHT

- Review Monthly Reports on committee activities and expenditures.
 - Review the *Committees' Congressional Handbook* regulations governing expenditure of committee funds and update regulations as needed.
 - Review Primary and any Secondary Expense Resolutions and approve authorization of committee-funding levels in committee and by House Resolution.
 - Review Committees' Franking expenditures.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

- Monitor application of the Congressional Accountability Act of 1995 (CAA) (PL 104-1).

- Review regulations adopted by the Office of Compliance.
- Evaluate resources available to the Office of Compliance and House employing offices to facilitate implementation of the Act.
- Conduct general oversight of the Office of Compliance.
- Monitor ongoing judicial proceedings to determine the impact on the CAA.

FRANKING COMMISSION

- Oversee the Members' use of the congressional frank by providing guidance, advice, and counsel through consultation or advisory opinion on the frankability of congressional mail
 - Review proposals to reform mass mailing practices of Members, and regulations governing such mailings, and monitor current prohibition on mass mailings 90 days before a primary or general election.
 - Review previously implemented rules to increase disclosure and improve the accounting of franked mail costs.
 - Revise the *Regulations on the Use of the Congressional Frank and Rules on Practice in Proceedings Before the House Commission on Congressional Mailing Standards*.

HOUSE OFFICERS AND HOUSE OPERATIONS

- Work with House officers to identify and reduce spending and create more cost effective and efficient operations within the House.
 - Analyze management improvement proposals and other initiatives submitted by the House Officers, the Inspector General, the Capitol Police Board, the Architect of the Capitol, the Library of Congress, the Smithsonian Institute, and other legislative branch agencies.
 - Coordinate with the Subcommittee on Legislative Appropriations on matters impacting operations of the House and joint entities.
 - Provide policy guidance to the House Officers, Inspector General and the joint entities as appropriate.
 - Oversee compliance with the House Employee Classification Act (2 U.S.C. 291 et seq.).
 - Assure coordination among officers and joint entities on administrative and technology matters.
 - Continue review of congressional continuity issues, including organizing sessions of Congress at alternate locations, technological support for Member communications and chamber operations and filling vacancies in the House.
 - Provide policy guidance and conduct oversight of security and safety issues and congressional entities charged with such roles.

Chief Administrative Officer

- Review procedures for processing contracts with the House that exceed the threshold of \$350,000.
- Continue to review the current financial management system and implementation of the Financial System Replacement project.
- Review the structure of House Information Resources and determine organizational direction of technology services in the House.

- Review and oversee information technology services provided, maintained or hosted by House Information Resources. Continue oversight of failsafe procedures to guarantee continuity of operations.
- Review new technology initiatives to better serve Members, committees, and the public.
- Continue the review of functions and administrative operations assigned to the Chief Administrative Officer.
- Review semi-annual financial and operational status reports; oversee implementation of changes in operations to improve services and increase efficiencies.
- Review the operations of the House gift shop and its management.
- Continue review of House restaurant operations; furniture policy, inventory and selection; and alternatives to the current mail delivery process in order to strengthen the services and tools available to Members and staff.
- Continue review of Greening the Capitol operations by both the Chief Administrative Officer and the Architect of the Capitol and consider proposals to improve efficiency and cost savings.
- Review the printing needs of the Chief Administrative Officer's operation to identify the potential for eliminating duplication.
- Examine Chief Administrative Officer's role in assuring accessibility to the House wing of the Capitol, the House Office Buildings and other House facilities consistent with the Americans with Disabilities Act.
- Review staff benefits offered by the House and proposals to modify benefits.

Clerk of the House

- Review the administration of audio transmission on the House floor.
- Review and approve contracts and requests for proposals by the Clerk that exceed the \$350,000 spending threshold.
- Oversee the Document Management System.
- Review standard for the electronic exchange of legislative information among the Houses of Congress and legislative-branch agencies.
- Coordinate on matters under the jurisdiction of the House Fine Arts Board.
- Continue review of functions and administrative operations assigned to the Clerk.
- Review of semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.
- Review the printing needs of the Clerk to evaluate the potential for eliminating duplication.
- Oversee preparation of congressionally-authorized publications.

Sergeant at Arms

- Review and oversee security operations in the House, including the House chamber, the galleries, the Capitol, House Office Buildings, Capitol Grounds, and District offices.

- Review and oversee initiatives designed to increase security and security awareness for Members and staff in district offices.
- Review semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.
- Review impact of electronic access to controlled spaces.
- Continue review of functions and administrative operations assigned to the Sergeant at Arms.
- Review the security operation of House parking facilities, regulations, and allocation of parking spaces.
- Consult with the Sergeant at Arms on policies adopted by the Capitol Police Board.
- Review the policies and procedures for visitor access to the Capitol.
- Review the printing needs of the Sergeant at Arms and the Capitol Police Board to identify the potential for eliminating duplication.
- Examine Sergeant at Arms' role in assuring accessibility to the House wing of the Capitol, the House Office Buildings, and other House facilities consistent with the Americans with Disabilities Act.
- Review the use of technology generally in the protection of the House of Representatives.
- Oversee the Office of Emergency Management, including the implementation of coordinated plans for emergency evacuation and response.

House Inspector General

- Review proposed audit plan and audit reports.
- Review comprehensive financial and operational audits of the House, investigate any irregularities uncovered, and monitor necessary improvements.
- Monitor progress of House audits.
- Continue review of functions and administrative operations assigned to the Inspector General.
- Direct Inspector General to conduct management advisories to improve implementation and operation of key House functions.

OVERSIGHT OF LEGISLATIVE BRANCH AND OTHER ENTITIES

Information and Technology Coordination

- Oversee, in conjunction with the Senate, forums for the sharing of technology plans and capabilities among the legislative branch agencies.
- Oversee, in conjunction with the Senate, the Legislative Branch Telecommunications group.
- Oversee continuing improvements to the Legislative Information System.
- Oversee work of the Legislative Branch Financial Managers' Council.

Library of Congress

- Conduct a review of the progress that the Library has made in providing public access to government information, especially in electronic form.
- Continue oversight of Library of Congress operations, including inventory and cataloguing systems.
- Continue oversight of Law Library operations.
- Continue oversight of Congressional Research Service operations, and consider any need to modify management of the Service.
- Review implementation of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481), the Veterans’ Oral History Project Act (Public Law 106–380), the National Recording Preservation Act of 2000 (Public Law 106–474), and the History of the House Awareness and Preservation Act (Public Law 106–99).
- Consider human-resources legislation proposed by the Library.
- Review the use of technology generally in Library of Congress operations.
- Review printing policies of the Library of Congress to assure compliance with Title 44 of the U.S. Code.
- Review reports by Library of Congress Inspector General and implementation of audit recommendations. Examine options to improve operation and structure of the Library of Congress Inspector General’s office.

United States Capitol Police

- Monitor administrative operations of the agency, including budgetary management, civilian component, attrition rates, recruitment efforts and incentive programs for officers and civilian employees.
- Review proposals for additional USCP facilities and equipment.
- Review analysis of uniformed officer post/duty assignments to determine and authorize force levels to meet the agency’s security requirements within the Capitol complex to include the Capitol Visitor Center, the Library of Congress and U.S. Botanic Garden.
- Review and consider proposals to improve USCP training program for new recruits, and in-service training.
- Authorize and oversee the installation and maintenance of new security systems and devices proposed by the Police Board.
- Review and authorize regulations prescribed by the Police Board for use of law enforcement authority by the Capitol Police.
- Examine Capitol Police role in assuring accessibility to the House wing of the Capitol, House Office Buildings and other facilities consistent with the Americans with Disabilities Act.
- Monitor the ongoing implementation of the Radio Modernization Project.
- Review reports by USCP Inspector General and implementation of audit recommendations. Examine options to improve operation and structure of the USCP Inspector General’s office.
- Evaluate costs and benefits of merging GPO police force with USCP.

Government Printing Office

- Oversee operations of the Government Printing Office, including the Superintendent of Documents.
- Review and adopt legislative proposals to reform government printing by eliminating redundancies and unnecessary printing, increasing efficiency, and enhancing public access to government publications.
- Examine options to improve operation and structure of the GPO Inspector General's office. Monitor implementation of remedial actions taken to address audit issues identified by the GPO Inspector General.
- Review the printing needs of the House of Representatives to identify the potential for eliminating duplication.
- Examine current GPO printing and binding regulations to determine advisability of change.
- Oversee Superintendent of Documents' Sales and Depository Library Programs.
- Review GPO labor practices and labor agreements.
- Review use of GPO facilities and other assets to identify possible alternatives enhancing value to the Congress and the public.
- Evaluate costs and benefits of merging GPO police force with Capitol Police.

Architect of the Capitol

- Review the operations of the office of the Architect.
- Review the electronic and procured services provided by the Architect.
- Oversee Architect of the Capitol's maintenance of House buildings and the House side of the Capitol, and review any plans for rehabilitation of House buildings.
- Continue oversight of life safety measures, accessibility measures, and improved evacuation mechanisms in House buildings.
- Continue oversight of implementation of utility tunnel rehabilitation settlement.
- Oversee operations of the Capitol Visitors Center, in conjunction with the Senate Committee on Rules and Administration.
- Review reports by Architect of the Capitol Inspector General and implementation of audit recommendations. Examine options to improve operation and structure of the Architect of the Capitol Inspector General's office.

Office of Congressional Accessibility Services

- Oversee management and operations of Office of Congressional Accessibility Services, such as the implementation of the Americans with Disabilities Act (ADA), in conjunction with Senate Committee on Rules and Administration.

Smithsonian Institution

- Review the Smithsonian Inspector General's reports on the status of the Smithsonian.
- Oversee general museum and research facility operations of the Smithsonian Institution.
- Review and evaluate the Smithsonian Institution's use of authorized public funds.

- Review proposed appointments of Citizen Regents to the Smithsonian Institution's Board of Regents.
- Review proposals for authorization of new Smithsonian facilities. Review Smithsonian policies regarding initiation of planning, design and construction of projects.
 - Review operations of the National Zoo.
 - Conduct additional oversight of Smithsonian Networks.
 - Review the use of technology generally in Smithsonian operations.
 - Review Smithsonian policies regarding compliance with the Freedom of Information Act.
 - Review any proposals to charge fees for admission to any Smithsonian exhibits.

TECHNOLOGY USE BY THE HOUSE

- Continue oversight of House Information Resources and other technology functions of the House to improve electronic information dissemination.
 - Oversee implementation of House Rule XI 2(e)(4) requiring committee documentation to be made available electronically, to the maximum extent feasible.
 - Review computer security measures.
 - Oversee implementation of Committee hearing room upgrade program.
 - Oversee and continue to implement an enterprise House Disaster Recovery Program for house offices, committees and member offices.
 - Oversee and coordinate the House strategic technology plan.
 - Oversee continuation of House technology assessment in new media.

OVERSIGHT OF FEDERAL ELECTION LAW AND PROCEDURES

- Recommend disposition of House election contests pending before the Committee; monitor any disputed election counts.
- Review operations of the Federal Election Commission (FEC) and evaluate possible changes to improve efficiency, improve enforcement of the Federal Election Campaign Act, and improve procedures for the disclosure of contributions and expenditures. Consider authorization issues and make recommendations on the FEC's budget.
 - Review federal campaign-finance laws and regulations, including Presidential public financing, and consider potential reforms.
 - Examine the role and impact of political organizations on federal elections.
 - Review operations of the Election Assistance Commission (EAC) and evaluate possible changes to improve efficiency and improve implementation of the Help America Vote Act (HAVA). Consider authorization issues and make recommendations on the EAC's budget.
 - Examine the impact of amendments made by HAVA and the Military and Overseas Voter Empowerment Act (MOVE Act) to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and consider proposals to improve voting methods for those serving and living abroad.

- Review state and federal activities under the National Voter Registration Act to identify potential for improvement to voter registration and education programs and reducing costs of compliance for state and local government.
- Review all aspects of registration and voting practices in federal elections. Monitor allegations of fraud and misconduct during all phases of federal elections and evaluate measures to improve the integrity of the electoral process.

APPENDIX C

COMMITTEE RESOLUTIONS FOR THE 112TH CONGRESS
ADOPTION OF COMMITTEE RULES FOR 112TH CONGRESS

(Committee Resolution 112-1)

Adopted January 25, 2011

ELECTION OF SUBCOMMITTEE CHAIRS AND MEMBERS

(Committee Resolution 112-2)

Adopted January 25, 2011

ADOPTION OF OVERSIGHT PLAN FOR THE 112TH CONGRESS

(Committee Resolution 112-3)

Adopted January 25, 2011

ADOPTION OF HOUSE PARKING POLICY

(Committee Resolution 112-4)

Adopted January 25, 2011

PROVIDING OFFICIAL MAIL ALLOWANCE TO COMMITTEES OF THE
HOUSE FOR THE 112TH CONGRESS

(Committee Resolution 112-5)

Adopted March 9, 2011

ADOPTION OF COMMITTEE VIEWS AND ESTIMATES

(Committee Resolution 112-6)

Adopted March 9, 2011

APPROVING A CONSULTING CONTRACT

(Committee Resolution 112-7)

Adopted March 9, 2011

RESOLUTION ON SUBCOMMITTEE MEMBERSHIP

(Committee Resolution 112-8)

Adopted May 25, 2011

APPENDIX D

UNITED STATES
GOVERNMENT ACCOUNTABILITY OFFICE,
Washington, DC, July 6, 2011.

Subject: Contract for legal services.

Hon. ANDER CRENSHAW,
*Chairman, Subcommittee on the Legislative Branch,
Committee on Appropriations, House of Representatives.*

This responds to your letter dated June 21, 2011, requesting our views with respect to a contract entered into by the House Office of General Counsel for the services of outside counsel to represent the House Bipartisan Legal Advisory Group¹ in certain matters. Letter from Chairman, House Appropriations Subcommittee on the Legislative Branch to General Counsel, GAO (June 21, 2011) (Request Letter). Specifically, your letter asked that we address two questions: (1) What obligation did the House Office of General Counsel incur when the General Counsel entered into the contract, and did the House General Counsel violate the Antideficiency Act when he signed the contract? (2) To the extent that the obligation for the contract may implicate the availability of funds for other activities and expenses of the House Office of General Counsel, may the House exercise its transfer authorities under title 2 of the U.S. Code to transfer to the Office of General Counsel appropriations adequate to cover its expenses to avoid any potential Antideficiency Act violation?

For the reasons stated below, based on the information provided, we conclude that when the House General Counsel entered into the contract on April 25, 2011, the House Office of General Counsel incurred an obligation of \$500,000 against its appropriation for salaries and expenses. The House Chief Administrative Officer has advised us that there was an adequate unobligated balance to satisfy the obligation. We conclude, therefore, that the House General Counsel did not violate the Antideficiency Act, 31 U.S.C. § 1341(a). In addition, because of the statutory authorities to transfer appropriations of the House of Representatives, the House may transfer amounts to the Office of General Counsel's appropriation, as needed, in order to avoid Antideficiency Act violations.²

BACKGROUND

On February 23, 2011, the Attorney General advised the Speaker of the House of Representatives that the President had determined that section 3 of the Defense of Marriage Act (DOMA), codified at 1 U.S.C. § 7, violates the Equal Protection Clause of the Fifth Amendment to the U.S. Constitution. Letter from the Attorney General to the Speaker, *Re: Defense of Marriage Act* (Feb. 23,

¹The Bipartisan Legal Advisory Group is a five-member panel of House Leadership consisting of the Speaker of the House, Majority Leader, Majority Whip, Minority Leader, and Minority Whip. See Rule II, cl. 8, Rules of the House of Representatives at 3, 112th Cong. (2011).

²Our practice when issuing decisions and opinions is to develop a factual record on the subject matter of the request. GAO, *Procedures and Practices For Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), available at www.gao.gov/legalresources.html. The record in this case consists of the Request Letter and the contract at issue. Because of your need for an expedited opinion, we obtained additional information via teleconferences with the House General Counsel and Chief Administrative Officer on June 24 and June 28, 2011.

2011). The Attorney General stated that, as a result, the Department of Justice (DOJ) would no longer defend the constitutionality of section 3 of DOMA. *Id.* at 6. However, the Attorney General noted that DOJ would notify the relevant courts of DOJ's interest in providing Congress a full and fair opportunity to participate in the litigation of pending cases. *Id.*

In response, and with the authorization of the Bipartisan Legal Advisory Group, the Speaker directed the House General Counsel to take appropriate steps to defend the constitutionality of DOMA, including retaining outside counsel to represent the Bipartisan Legal Advisory Group in ongoing litigation. Request Letter at 1. Accordingly, on April 25, 2011, the House General Counsel signed a contract with the law firm of Bancroft PLLC to represent the Bipartisan Legal Advisory Group as a party or an amicus in civil actions litigating the constitutionality of section 3 of DOMA.³ See Contract for Legal Services between General Counsel, U.S. House of Representatives, and Bancroft PLLC, April 25, 2011 (Contract).

Under the Contract, the House General Counsel agreed to pay Bancroft PLLC “a sum not to exceed \$500,000.”⁴ Contract, ¶ 2. The Contract will terminate the earlier of the completion of the litigation of civil actions involving the constitutionality of section 3 of DOMA or on January 3, 2013, unless sooner terminated by the House General Counsel.⁵ Contract ¶¶ 1, 8.

For fiscal year 2011, Congress appropriated a lump sum for “Salaries and Expenses” of the House of Representatives. See Full-Year Continuing Appropriations Act, 2011, Pub. L. No. 112–10, div. B, § 1101(a)(5), 125 Stat. 38, 102–103 (Apr. 15, 2011); Legislative Branch Appropriations Act, 2010, Pub. L. No. 111–68, 123 Stat. 2023, 2027 (Oct. 1, 2009). Under the heading “Salaries, Officers and Employees,” the appropriations act specifies particular amounts from the lump sum to the various offices and activities of the House of Representatives, including an amount “for salaries and expenses of the Office of General Counsel.” Pub. L. No. 111–68, 123 Stat. at 2028.

DISCUSSION

Obligational Event and Antideficiency Act

The first question has two parts: (a) what obligation did the Office of General Counsel incur when the House General Counsel signed the contract, and (b) did the House General Counsel violate the Antideficiency Act at that time?

A general definition of an obligation is a definite commitment that creates a legal liability of the government for the payment of goods and services ordered or received, or a legal duty on the part of the United States that could mature into a legal liability by virtue of actions on the part of the other party beyond the control of the United States. See *McDonnell Douglas Corp. v. United States*,

³We note that the acquisition procedures prescribed for executive agencies by the Federal Acquisition Regulation do not apply to the House of Representatives. See 41 U.S.C. § 133 and § 1121.

⁴The contract also includes a provision allowing the cap to be raised by written agreement of the parties. Contract, ¶ 2.

⁵The House of Representatives has authority to enter into multiyear contracts. 41 U.S.C. § 3904(c).

37 Fed. Cl. 295, 301 (1997); B-300480, Apr. 9, 2003; 42 Comp. Gen. 733, 734 (1963); B-116795, June 18, 1954; *see also* GAO, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP (Washington, D.C.: September 2005), at 70. When it signs a contract, the government incurs a legal liability—that is, a claim that may be legally enforced against the government. B-308969, May 31, 2007; B-300480.2, June 6, 2003; *see also* *Glossary*; at 63. The amount of the government's obligation is ascertained from an analysis of the terms and conditions agreed to by the government and the party with whom it has contracted. *See* 42 Comp. Gen. at 734.

Here, the House General Counsel signed a contract with Bancroft PLLC on April 25, 2011, acquiring specified legal services from Bancroft PLLC for the Bipartisan Legal Advisory Group up to an amount of \$500,000: "The General Counsel agrees to pay the Contractor for all contractual services rendered a sum not to exceed \$500,000.00." Contract, ¶ 2. The Contract does not envision task orders from the General Counsel to the contractor. The quantum of contractual services to be rendered is limited by the \$500,000 cap on payment to the contractor and by the Contract's definition of the legal services to be provided, and is not contingent upon the issuance of task orders.

We addressed a situation similar to this in a 2003 opinion analyzing the obligational consequences of grant agreements of the Corporation for National and Community Service (Corporation). B-300480, Apr. 9, 2003; *see also* B-300480.2, June 6, 2003. In that case, the Corporation entered into binding agreements with its grantees authorizing the grantee to enroll up to a specified number of new participants in the AmeriCorps program. At the time of agreement, the Corporation was legally committed to fund education benefits for all participants up to the number of participants specified in the agreement. We found that the Corporation had incurred a legal duty when it authorized the grantee to enroll a specified number of participants, thereby ceding control to the grantee with respect to the government's fiscal exposure.

Similarly, in this case, the Contract stated that the government would pay up to a particular amount "for all contractual services rendered." Here, as in the case of the Corporation, the contractor, not the government, controls the government's fiscal exposure, up to \$500,000. Therefore, we conclude that at the time the contract was signed, the House General Counsel incurred an obligation for \$500,000, which was its maximum potential liability under the contract.⁶

The Antideficiency Act prohibits an officer or employee of the United States Government from making an obligation in excess of available appropriations. 31 U.S.C. § 1341(a)(1). In our view, the contract is an obligation of the appropriations for the Office of General Counsel found under the heading "Salaries, Officers and Employees." That amount is made available "for salaries and expenses" of the Office of General Counsel. *Id.* The House General

⁶ We note that the Contract provides for the possibility of raising the \$500,000 cap by written agreement of the parties and approval of the Committee on House Administration of the House of Representatives. Contract ¶ 2. The amount of the obligation will not increase beyond \$500,000, unless and until the General Counsel and Bancroft PLLC enter into an agreement to increase the cap.

Counsel signed the Contract to obtain legal services from Bancroft PLLC. The Rules of the House of Representatives establish the Office of General Counsel “for the purpose of providing legal assistance and representation to the House.” *Rules of the House of Representatives*, 112th Cong., rule II, cl. 8 (2011). The rule specifies that the Office of General Counsel “shall function pursuant to the direction of the Speaker.” *Id* Consequently, the \$500,000 obligation for the Contract is chargeable against the appropriation for the salaries and expenses of the Office of General Counsel.

The House Chief Administrative Officer has certified to us that there was an adequate unobligated balance in that account to satisfy this obligation. Thus, the House General Counsel did not violate the Antideficiency Act when he signed the Contract.

TRANSFERS

The second question addresses the possibility that the \$500,000 obligation might implicate the availability of funds for other activities and expenses of the Office of General Counsel. You ask if the House, as necessary, may exercise its title 2 authorities to provide the Office of General Counsel with adequate funds to cover other salaries and expenses to avoid any Antideficiency Act problems.

Title 2 of the U.S. Code authorizes the House of Representatives to transfer amounts among the various appropriations under the heading, “Salaries, Officers and Employees,” as follows:

“Amounts appropriated for any fiscal year for the House of Representatives under the heading ‘SALARIES, OFFICERS AND EMPLOYEES’ may be transferred among and merged with the various offices and activities under such heading. . . .”

2 U.S.C. § 95b(b). The House Office of General Counsel is one of the offices funded under this heading.

In addition, amounts appropriated for any fiscal year for the House of Representatives under the following headings may be transferred among and merged with each other: “House Leadership Offices,” “Members’ Representational Allowances,” “Committee Employees,” “*Salaries, Officers and Employees*,” and “Allowances and Expenses.” 2 U.S.C. § 95b(c) (emphasis added). These headings are found in the appropriations act under the caption, “Salaries and Expenses.” In each case, the House Committee on Appropriations must receive advance notice of transfer. 2 U.S.C. §§ 95b(b), (c).

Accordingly, should the Office of General Counsel require additional funds to carry out its responsibilities during the remainder of fiscal year 2011, the House, under 2 U.S.C. § 95b, may provide the Office of General Counsel with additional amounts from other headings to avoid Antideficiency Act violations.

CONCLUSION

Because there was an adequate amount in the appropriation for the Office of General Counsel to cover the \$500,000 obligation for the Contract, the House General Counsel did not violate the Antideficiency Act, 31 U.S.C. § 1341(a), when he signed the contract. In addition, the House has statutory transfer authority that the House may utilize to increase the Office General Counsel’s fiscal

year 2011 appropriation for salaries and expenses in order to avoid Antideficiency Act violations.

If you have any questions, please contact Thomas H. Armstrong, Acting Managing Associate General Counsel, at (202) 512-8257.

Sincerely yours,

LYNN R GIBSON,
General Counsel.

MINORITY VIEWS

ELECTIONS

H.R. 672

The Majority has noted that they “conducted vigorous oversight of Federal election policy”. What oversight we have seen has been singularly focused on dismantling the key election administration and campaign finance reforms of the past several decades.

The history of voting in the United States is not one of free and fair elections. Poll taxes, literacy tests, voter intimidation, and outright, de jure denial of the franchise to U.S. citizens of this most fundamental of American rights has been commonplace throughout our history. While the most egregious and obvious methods of denying the basic principle of “one man, one vote” have been eradicated, problems still persist in ensuring that every eligible voter has access to our voting system.

The Election Assistance Commission (EAC) is an imperfect but important agency created with bipartisan support in the shadow of the 2000 presidential election and tasked with helping states to avoid a repeat of that catastrophic failure. Since its inception, the EAC has provided state and local election officials with resources to support efforts by the states to improve their voting systems. Through its national database for voters, poll workers, and states to create a more perfect voting system, it has provided guidance on best practices, technical certifications, and other means to ensure the integrity of elections in every jurisdiction in the Union.

Terminating the EAC would not save money

While the Majority insists that the termination of the EAC would yield cost savings by moving the functions of the EAC to the Federal Election Commission (FEC), FEC Chair Cynthia Bauerly has made it clear that the FEC would require additional resources to assume the functions currently administered by the EAC, while also fulfilling its primary mission—regulating campaign finances.

In response to a request from the Ranking Democratic Member, Chair Bauerly writes:

“Should Congress enact this bill **and provide an appropriation that adequately reflects this change** we believe that the FEC could absorb the added functions and responsibilities while continuing to fulfill our current mission successfully.” (emphasis added)

It is important to note that during the mark-up of H.R. 672, Representative Gonzalez offered a perfecting amendment requiring a GAO study to determine if the FEC could assume the additional responsibilities of the EAC and if any cost savings to the federal government would be realized without disfranchising voters. Such a

common sense amendment could only buttress the claims of the Majority as they contend that there would be no negative consequence to voters or to the FEC with the termination of the EAC. Instead of a bi-partisan embrace, this amendment was rejected on a party line vote.

EAC integral in improving accessibility for Military and Overseas Voters

The Committee held two hearings on military and overseas voting during the 2010 election; *"Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election"*, and *"The 2010 Election: A Look Back at What Went Right and Wrong."* A focus of both hearings was the accessibility of our voting systems to military and overseas voters. The EAC maintains and compiles data that make up the most comprehensive repository of information on military and overseas voters. The information EAC has gathered provides state and local election officials with a blueprint to ensure that military personnel stationed overseas can exercise their most basic of rights.

EAC is currently working with the Department of Defense on a pilot program to develop a full set of testable standards for overseas voters. During FY 2010, the EAC provided grants to research the implementation of new technologies that will improve accessibility for injured military personnel. Elimination of the EAC could jeopardize the improvements already made and negatively impact projects underway that are designed to improve accessibility for overseas military and citizens.

The Majority's plan to eliminate the EAC, H.R. 672, does not include provisions for transferring these initiatives to the FEC. This inherent deficiency in the legislation could result in the disfranchisement of military voters and Americans living overseas.

EAC integral in improving accessibility for persons with disabilities

Since the creation of the EAC and its emphasis on assuring compliance with the Americans with Disabilities Act, there has been a decrease in the number of polling places cited for insufficient access for voters with physical disabilities. Additionally, EAC efforts have contributed to the increase of the number of disabled voters who have been able to vote privately and independent of assistance. The EAC guidance can point out to election officials barriers the disabled face of which they were not even aware, as well as provide proven solutions to those problems and ways to make polling places more accessible for voters with disabilities.

The management guide for disabled and elderly voters in long term care facilities that EAC developed and published provides state and local election officials with new tools to reach out to mobility-challenged voters of all ages. The agency has also established a grant program to advance technology that allows people with disabilities to vote privately and independently.

The National Disability Rights Network, an advocacy group representing [tens of] millions of individuals with disabilities, may say it best: "[a]bolishing the EAC at this point in time would be a step back for people with disabilities and the goal of full accessibility to

the voting process, and prevent people with disabilities from partaking of this most fundamental civil right.”

Committee Majority has missed opportunity to strengthen voting protections

During the markup of H.R. 672, the Majority had the opportunity to strengthen voting accessibility. Representative Gonzalez offered a substitute that would have made polling places more accessible by ensuring compliance with the Americans with Disabilities Act. It would also have increased efficiency and cost savings by having EAC conduct a comprehensive study of how federal, state, and local governments could reduce the costs of election administration. The substitute would have also increased transparency by overhauling the system of payments for and disclosure of testing and certification of voting equipment. These are all commonsense steps that would strengthen voter accessibility, improve elections' efficiency, and produce cost savings while still protecting the rights of eligible voters. Unfortunately, this attempt to “amend it rather than end it” was defeated on a party line vote.

Major Civil Rights organizations oppose H.R. 672

H.R. 672 is opposed by a broad spectrum of civil rights organizations such as the NAACP, League of Women Voters, National Association of Latino Appointed and Elected Officials, National Disability Rights Network, and Public Citizen.

H.R. 359

Congress created the Presidential Election Campaign Fund to empower the public to reclaim the power of funding Presidential elections from large corporations and monied interests. Over the last five years, an average of 33 million taxpayers voluntarily chose to donate \$3 of their income tax money to the fund each year. When a taxpayer chooses to donate \$3, the entire sum is put towards the Presidential Election Campaign Fund. Costs associated with the administration of the program are paid out of the FEC's annual appropriations.

The fund currently collects approximately \$42 million annually. Campaigns that receive funding from the PEFCF must return any unspent funds. Approximately \$8.7 million in unspent funds has been returned since 1976.

One of the most notable candidates to receive public funding is former President Ronald Reagan. During his 1976 presidential primary, Reagan's opponent, Gerald Ford, had fifteen times more cash on hand. Reagan's acceptance of public funds allowed him to shape that debate by remaining a viable candidate. Reagan used the public financing system to such an extent that he holds the record as the only candidate to reach the public funding primary campaign maximum. In addition to President Reagan, several other qualified candidates owe their campaign viability to public funds: Jimmy Carter in 1976, George H. W. Bush in 1980, Gary Hart in 1984, Jesse Jackson in 1988, Paul Tsongas in 1992, Pat Buchanan in 1996 and John McCain in 2000. Public funds allow all qualified candidates to compete, even against well-funded incumbents.

The use of public campaign funds for qualified presidential candidates is regulated and monitored by the FEC. In addition, the FEC audits campaigns that receive public funds at the end of every Presidential election to ensure good stewardship. This emphasis on disclosure and transparency and what Justice Scalia has called “civic courage, without which democracy is doomed” (*Doe v. Reed*, 11 U.S. 11, 130 S. Ct. 2811, 2817–18 (2010)) stands in sharp contrast to the growth of electioneering funded by unlimited, anonymous donations, from corporations as well as individuals after the recent Citizens United decision.

In the opening days of the 112th Congress, the House considered H.R. 359 without any Committee consideration of this legislation. The failure to convene a single hearing, call a single witness, or hold a mark-up where amendments would be considered is a highly unflattering reflection on the Majority Leadership’s priorities and the respect granted to such important matters, and this Committee, in the 112th Congress. Had H.R. 359 followed regular order, the Majority might never have propounded such a misguided bill.

ACTIVITIES OF THE OFFICE OF THE GENERAL COUNSEL

The Defense of Marriage Act (DOMA) was enacted in 1996 to legally prohibit federal recognition of same-sex marriages. On February 23, 2011, the Obama Administration made a decision no longer to defend, even while they continue to enforce, a section of the law after concluding that it is unconstitutional under the Equal Protection clause.

Deal done behind closed doors—Committee Minority excluded

At the direction of the Speaker, Majority Leader, and Majority Whip, the Majority approved a contract with the firm of King & Spalding, LLP, on behalf of the Office of the General Counsel, to defend DOMA-related cases in court. They released no information on how those arrangements were arrived at, explanation for the rates to be paid, nor explanation of whence those funds would come. When this arrangement was made public, Minority Leader Pelosi and Minority Members of the Committee expressed concerns about the process and result of that contract. After King & Spalding withdrew from the case, the Committee approved an identical contract with the law firm Bancroft PLLC. Once again, and in spite of the aforementioned and prior complaints, the Minority members were neither consulted nor given the opportunity to review any parts of this contract nor even informed of it before its completion. We are unaware of even an attempt to address the concerns which had been expressed by the Minority. As a result, the Committee may have repeated and, thus, compounded errors that may cost the federal government significantly. If the Minority had been included in this process, we would have scrutinized the \$500,000 fee, including how that figure was arrived at and whether it accurately reflected the reasonably expected costs of the contract’s fulfillment, and insisted on a thorough review by the Ethics Committee for compliance with applicable rules and regulations of the House.

Lack of transparency—Democratic requests for answers ignored

In letters dated April 26, 2011 and May 18, 2011, the Democratic Members of the Committee asked Speaker Boehner for more information regarding the process, fees, and scope of these contracts (see attachments). To this day, the Speaker has failed to provide any response.

Irresponsible use of funds

By forcing the Committee to enter a \$500,000 contract to defend discrimination, the Republican leadership may have jeopardized the Office of General Counsel's ability to perform its core mission. By failing to disclose, if they even determined, the source of these funds, the Republican leadership has not been forthright with the Minority or the public on the details or ramifications of this contract. The extent of its impact and any potential overruns or funding shortfalls on House operations remains wholly unclear. This is not only irresponsible but creates a troubling atmosphere of uncertainty that could surround all House operations until these questions are resolved.

ROBERT A. BRADY.
ZOE LOFGREN.
CHARLES A. GONZALEZ.

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

GREGG HARPER, MISSISSIPPI
PHIL GINGREY, GEORGIA
AARON SCHOCK, ILLINOIS
TODD ROKITA, INDIANA
RICH NUGENT, FLORIDA

PHILIP KIKO, STAFF DIRECTOR

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ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS
ONE HUNDRED TWELFTH CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

April 26, 2011

The Honorable John Boehner
Speaker of the House of Representatives
United States Capitol
H-232 The Capitol
Washington, DC 20515

Dear Mr. Speaker:

We learned yesterday through press accounts of a decision by the law firm of King & Spalding to withdraw from its engagement to represent the House regarding the Defense of Marriage Act (DOMA). It is abundantly clear that "inadequate vetting" of the contract occurred not only at King & Spalding, as its chairman admitted in withdrawing from the contract, but also in the Congress whose Members were unaware a contract had been signed. We are particularly concerned, as the Democratic Members of the Committee on House Administration, that we were not informed of such a contract nor given the opportunity to review its provisions, including the as much as \$500,000 cost.

Your spokesperson, Brendan Buck, confirmed that the attorney who had been assigned the case by King & Spalding, Paul Clement, has now joined Bancroft PLLC and will continue to represent the House in the DOMA litigation. While The Hill newspaper states that "Buck said the structure of the House contract on the case will stay the same, meaning Congress will pay as much as \$500,000 in legal fees to Bancroft," we presume that a new contract for these services will have to be signed since the original contract was between the House and King & Spalding.

If a new contract is to be signed, we are requesting that all members of the Committee on House Administration have a full opportunity to review and raise questions about its provisions. The questions that were raised by Leader Pelosi on the issues of transparency, cost, and ethical considerations regarding the earlier contract with King & Spalding in her letters to you of April 18 and April 20 continue to be pertinent both to the original and to any proposed successor contract, and we would appreciate your answers to those questions.

In addition, we request the following information:

TIMELY NOTIFICATION

The King & Spalding statement made clear that preparations for their withdrawal occurred last week. When was your office informed of their plans to withdraw—and when were you planning to alert the Democratic Members of this Committee and the Bipartisan Legal Advisory Group (BLAG)?

TERMS OF TERMINATING PRIOR CONTRACT AND TERMS OF PROPOSED CONTRACT

What arrangements or terms did your office and/or any House entity under your direction make with respect to the termination of the King & Spalding law contract? Were any fees paid for work already completed by King & Spalding? Please provide the Committee with the proposed new contract which it appears would similarly obligate at least a half million dollars of taxpayer resources to the services of Mr. Clement and the Bancroft law firm. Are any other firms proposed to be engaged for professional services?

HOUSE FUNDING SOURCES

How much of the cost will be borne by the budget of the House General Counsel? This Committee is aware that the office of the General Counsel does not have \$500,000, let alone the millions of taxpayer dollars which may be required to defend at least 12 DOMA-related lawsuits. If funding for the contract is reprogrammed or transferred from another source, what is that source and what is the approval authority?

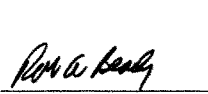
ETHICS REVIEW

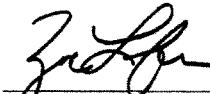
Will the new contract be reviewed by the Ethics Committee, particularly in regard to whether any restrictions on lobbying by members of the new firm should apply to the Republican Leadership and any provision which would provide discounted services to the House?

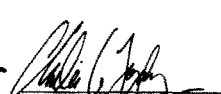
We should be creating jobs for the American people, not spending half a million taxpayer dollars – and likely much more – defending discrimination. To the extent that the Republican leadership of the House continues to focus on expending taxpayer resources on litigating DOMA rather than focusing on our nation’s urgent needs, the highest standards of transparency, accountability, and ethics must be adhered to.

We look forward to your answers.

Sincerely,


Robert A. Brady
Member of Congress


Zoe Lofgren
Member of Congress


Charles A. Gonzalez
Member of Congress

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

GREGG HARPER, MISSISSIPPI
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ONE HUNDRED TWELFTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

May 18, 2011

The Honorable John Boehner
Speaker of United States House of Representatives
H-232, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

We are yet to receive any reply from earlier letters concerning the decision to engage outside counsel to defend the Defense of Marriage Act. As you are aware, a number of questions concerning the decision and financing of this \$500,000 contract have been raised in our letter to you of April 26th and Democratic Leader Pelosi's letters of April 18th and 20th.

During a hearing of the Legislative Branch Appropriations subcommittee last week, we learned that this contract may violate the fundamental principle of the Anti-Deficiency Act by improperly committing taxpayer funds without appropriate authorization. We were also disturbed to learn that the House General Counsel's office did not seek guidance from the Committee on Ethics regarding the 25% discount on non-attorney time provided by the contract, which still provides for more than \$500 an hour in attorneys fees to be paid by taxpayers. The failure to consult the Committee on Ethics raises questions about how the blended rate was developed. We request you instruct the General Counsel to furnish the Committee a list of the hourly rate paid each employee of the Bancroft firm working on the litigation and an explanation on how the blended rate was calculated.

In addition, we question why neither we, as the Democratic Members of the Committee on House Administration, nor the Democratic Members of the Bipartisan Legal Advisory Group, were advised of the selection of the Bancroft firm or provided the opportunity to review the contract, particularly in light of the controversy surrounding the earlier contract with King & Spaulding.

We join Leader Pelosi in requesting that you respond to our prior correspondence without further delay. The American people deserve a fuller explanation about the circumstances surrounding the decision to spend \$500,000, and most likely much more, of their tax dollars to defend this indefensible statute.

We look forward to your reply.

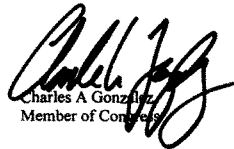
Sincerely,



Robert A. Brady
Member of Congress



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