

114TH CONGRESS
2D SESSION

S. 3499

To establish the Daniel Webster Congressional Clerkship Program.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2016

Mr. LEE (for himself, Mr. LEAHY, Mr. HOEVEN, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish the Daniel Webster Congressional Clerkship Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Daniel Webster Con-
5 gressional Clerkship Act of 2016”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Each year, many of the most talented law
9 school graduates in the United States begin their
10 legal careers as judicial law clerks.

1 (2) The judicial clerkship program has given
2 the judiciary access to a pool of exceptional young
3 lawyers at a relatively low cost.

4 (3) These same lawyers then go on to become
5 leaders of their profession, where they serve a crit-
6 ical role in helping to educate the public about the
7 judiciary and the judicial process.

8 (4) The White House, the administrative agen-
9 cies of the executive branch, the Administrative Of-
10 fice of the United States Courts, the Federal Judi-
11 cial Center, and the United States Sentencing Com-
12 mission all operate analogous programs for talented
13 young professionals at the outset of their careers.

14 (5) Congress is without a similar program.

15 (6) At a time when our Nation faces consider-
16 able challenges, Congress and the public would ben-
17 efit immeasurably from a program, modeled after
18 the judicial clerkship program, that engages the
19 brightest young lawyers in the Nation in the legisla-
20 tive process.

21 (7) Accordingly, the Congress herein creates the
22 Daniel Webster Congressional Clerkship Program,
23 named after one of the most admired and distin-
24 guished lawyer-legislators ever to serve in Congress,

1 to improve the business of Congress and increase the
2 understanding of its work by the public.

3 **SEC. 3. DANIEL WEBSTER CONGRESSIONAL CLERKSHIP**
4 **PROGRAM.**

5 (a) SELECTION COMMITTEES.—In this Act, the term
6 “Selection Committees” means—

7 (1) the Committee on Rules and Administration
8 of the Senate; and

9 (2) the Committee on House Administration of
10 the House of Representatives.

11 (b) ESTABLISHMENT OF PROGRAM.—There is estab-
12 lished the Daniel Webster Congressional Clerkship Pro-
13 gram for the appointment of individuals who are grad-
14 uates of accredited law schools to serve as Congressional
15 Clerks in the Senate or House of Representatives.

16 (c) SELECTION OF CLERKS.—The Selection Commit-
17 tees shall select Congressional Clerks in the following
18 manner:

19 (1) The Committee on Rules and Administra-
20 tion of the Senate shall select not less than 6 Con-
21 gressional Clerks each year for a clerkship with an
22 office of the Senate for a 1-year period.

23 (2) The Committee on House Administration of
24 the House of Representatives shall select not less
25 than 6 Congressional Clerks each year for a clerk-

1 ship with an office of the House of Representatives
 2 for a 1-year period.

3 (d) SELECTION CRITERIA.—In carrying out sub-
 4 section (c), the Selection Committees shall select Congres-
 5 sional Clerks consistent with the following criteria:

6 (1) Each Congressional Clerk selected shall be
 7 a graduate of an accredited law school as of the
 8 starting date of his or her clerkship.

9 (2) Each Congressional Clerk selected shall pos-
 10 sess—

11 (A) an excellent academic record;

12 (B) a strong record of achievement in ex-
 13 tracurricular activities;

14 (C) a demonstrated commitment to public
 15 service; and

16 (D) outstanding analytic, writing, and oral
 17 communication skills.

18 (e) PROCESS.—After a Congressional Clerk is se-
 19 lected under this section, such Congressional Clerk may
 20 then interview for a clerkship in an office, and accept the
 21 clerkship if offered, as follows:

22 (1) For a Congressional Clerk selected under
 23 subsection (c)(1), the Congressional Clerk may inter-
 24 view for, and accept if offered, a clerkship with—

1 (A) an office of any committee of the Sen-
2 ate, including a select or special committee;

3 (B) an office of a joint committee of Con-
4 gress the pay of the employees of which is dis-
5 bursed by the Secretary of the Senate;

6 (C) an office of any individual member of
7 the Senate;

8 (D) a leadership office of the Senate; or

9 (E) the Office of the Parliamentarian of
10 the Senate, the Office of Senate Legal Counsel,
11 or the Office of the Legislative Counsel of the
12 Senate.

13 (2) For a Congressional Clerk selected under
14 subsection (c)(2), the Congressional Clerk may inter-
15 view for, and accept if offered, a clerkship with—

16 (A) an office of any committee of the
17 House of Representatives, including any select
18 or special committee;

19 (B) an office of a joint committee of Con-
20 gress the pay of the employees of which is dis-
21 bursed by the Chief Administrative Officer of
22 the House of Representatives;

23 (C) an office of any individual Member of
24 the House of Representatives;

1 (D) a leadership office of the House of
2 Representatives; or

3 (E) the Office of General Counsel of the
4 House of Representatives, the Office of the
5 Parliamentarian of the House of Representa-
6 tives, or the Office of the Legislative Counsel of
7 the House of Representatives.

8 (f) PLACEMENT REQUIREMENTS.—The Selection
9 Committees shall, to the extent practicable, ensure that
10 Congressional Clerks selected and placed under this sec-
11 tion are apportioned equally between majority party and
12 minority party offices.

13 (g) EXCLUSION FROM LIMIT ON NUMBER OF POSI-
14 TIONS.—A Congressional Clerk shall be excluded in deter-
15 mining the number of employees of the office that employs
16 the Clerk for purposes of—

17 (1) in the case of the office of a Member of the
18 House of Representatives, section 104 of the House
19 of Representatives Administrative Reform Technical
20 Corrections Act (2 U.S.C. 5321); or

21 (2) in the case of any other office, any applica-
22 ble provision of law or any rule or regulation which
23 imposes a limit on the number of employees of the
24 office.

1 (h) FUNDING FOR POSITIONS; ADHERENCE TO
2 RULES.—

3 (1) SENSE OF THE SENATE.—It is the sense of
4 the Senate that—

5 (A) the amount of financial assistance pro-
6 vided to a Congressional Clerk under paragraph
7 (3) should, if practicable, be comparable to the
8 compensation and benefits provided for similar
9 clerkships offered through the Federal judiciary
10 and executive branches; and

11 (B) any financial assistance provided to a
12 Congressional Clerk under such paragraph
13 should not result in a net increase in the
14 amounts appropriated for the legislative branch
15 for any fiscal year.

16 (2) DETERMINATION.—The amount of any fi-
17 nancial assistance provided under paragraph (3) for
18 a Congressional Clerk shall be—

19 (A) determined or approved by the office
20 hiring the Congressional Clerk; and

21 (B) based on the office's determination of
22 the duties and responsibilities for such Congres-
23 sional Clerk.

24 (3) FINANCIAL ASSISTANCE.—

1 (A) ELIGIBILITY FOR FELLOWSHIPS.—A
2 Congressional Clerk that is placed with an of-
3 fice described in subsection (e) may accept a
4 fellowship through an institution of higher edu-
5 cation (as defined in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1001(a))) for the term of the clerkship with the
8 approval of the office in accordance with para-
9 graph (2).

10 (B) PAYMENT PROVIDED BY CONGRES-
11 SIONAL OFFICE.—An office described in sub-
12 section (e) may use amounts otherwise available
13 to the office to provide compensation to a Con-
14 gressional Clerk of the office for the term of the
15 clerkship.

16 (4) REQUIRED ADHERENCE TO RULES.—A
17 Congressional Clerk that obtains a clerkship under
18 this section shall be subject to all laws, regulations,
19 and rules in the same manner and to the same ex-
20 tent as an individual serving in a similar position in
21 the Senate or the House of Representatives, as the
22 case may be.

23 (i) RULES.—The Selection Committees shall develop
24 and promulgate rules regarding the administration of the

- 1 Congressional Clerkship program established under this
- 2 section.

