

DANIEL WEBSTER CONGRESSIONAL CLERKSHIP ACT OF 2009

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 151) to establish the Daniel Webster Congressional Clerkship Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 151

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Daniel Webster Congressional Clerkship Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Each year, many of the most talented law school graduates in the country begin their legal careers as judicial law clerks.

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

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

(4) The White House, the administrative agencies of the Executive Branch, the Administrative Office of the United States Courts, the Federal Judicial Center, and the United States Sentencing Commission, all operate analogous programs for talented young professionals at the outset of their careers.

(5) The Congress is without a similar program.

(6) At a time when our Nation faces considerable challenges, the Congress and the public would benefit immeasurably from a program, modeled after the judicial clerkship program, that engages the brightest young lawyers in the Nation in the legislative process.

(7) Accordingly, the Congress herein creates the Daniel Webster Congressional Clerkship Program, named after one of the most admired and distinguished lawyer-legislators ever to serve in the Congress, to improve the business of the Congress and increase the understanding of its work by the public.

SEC. 3. DANIEL WEBSTER CONGRESSIONAL CLERKSHIP PROGRAM.

(a) **SELECTION COMMITTEES.**—As used in this Act, the term "Selection Committees" means—

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

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

(b) **ESTABLISHMENT OF PROGRAM.**—There is hereby established the Daniel Webster Congressional Clerkship Program for the appointment of individuals who are graduates of accredited law schools to serve as Congressional Clerks in the Senate or House of Representatives.

(c) **SELECTION OF CLERKS.**—Subject to the availability of appropriations, the Selection Committees shall select Congressional Clerks in the following manner:

(1) The Committee on Rules and Administration of the Senate shall select not less than 6 Congressional Clerks each year to serve as employees of the Senate for a 1-year period.

(2) The Committee on House Administration of the House of Representatives shall select not less than 6 Congressional Clerks each year to serve as employees of the House of Representatives for a 1-year period.

(d) **SELECTION CRITERIA.**—In carrying out subsection (c), the Selection Committees

shall select Congressional Clerks consistent with the following criteria:

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

(2) Each Congressional Clerk selected shall possess—

(A) an excellent academic record;

(B) a strong record of achievement in extracurricular activities;

(C) a demonstrated commitment to public service; and

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

(e) **PROCESS.**—After a Congressional Clerk is selected under this section, such Congressional Clerk shall then interview for a position in an office as follows:

(1) For a Congressional Clerk selected under subsection (c)(1), the Congressional Clerk shall interview for a position with any office of any Committee of the Senate, including any Joint Committee or Select and Special Committee, or any office of any individual member of the Senate.

(2) For a Congressional Clerk selected under subsection (c)(2), the Congressional Clerk shall interview for a position with any office of any Committee of the House of Representatives, including any Joint Committee or Select and Special Committee, or any office of any individual Member of the House of Representatives.

(f) **PLACEMENT REQUIREMENTS.**—The Selection Committees shall ensure that Congressional Clerks selected under this section are apportioned equally between majority party and minority party offices.

(g) **COMPENSATION OF CONGRESSIONAL CLERKS.**—Each Congressional Clerk selected under this section shall receive the same compensation as would, and comparable benefits to, an individual who holds the position of a judicial clerkship for the United States District Court for the District of Columbia within 3 months of graduating from law school.

(h) **REQUIRED ADHERENCE TO RULES.**—Each Congressional Clerk selected under this section shall be subject to all laws, regulations, and rules in the same manner and to the same extent as any other employee of the Senate or House of Representatives.

(i) **EXCLUSION FROM LIMIT ON NUMBER OF POSITIONS.**—A Congressional Clerk shall be excluded in determining the number of employees of the office that employs the Clerk for purposes of—

(1) in the case of the office of a Member of the House of Representatives, section 104 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 92); or

(2) in the case of any other office, any applicable provision of law or any rule or regulation which imposes a limit on the number of employees of the office.

(j) **RULES.**—The Selection Committees shall develop and promulgate rules regarding the administration of the Congressional Clerkship program established under this section.

(k) **MEMBER DEFINED.**—In this section, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2010 and each succeeding fiscal year from the applicable accounts of the House of Representatives and the contingent fund of the Senate such sums as necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill and include extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support H.R. 151, which would establish the Daniel Webster Congressional Clerkship Program. This program would bring the most talented law school graduates across the country to Washington, D.C., and offer them an opportunity to be employed as congressional clerks in the House of Representatives or the Senate.

This program is modeled after the judicial clerkships offered in the Federal courts. H.R. 151 would offer no fewer than six 1-year clerkships in each Chamber. The clerks would be apportioned equally between majority and minority offices within each Chamber. H.R. 151 would give recent law grads invaluable insight into the functions and operations of the Federal legislature, and I urge my colleagues to support this program.

Mr. Speaker, at this time, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 151. For the last several years, I have joined my colleague, Ms. LOFGREN from California, in sponsoring this bill. This is a bill which would create a congressional clerkship program to qualified law school graduates to serve for temporary 1-year terms in offices in the House and the Senate.

The genesis of this actually was the dean of the Stanford Law School, when he came on a visit back here and spoke to Ms. LOFGREN and myself and others and explained that he thought that with the prominence that judicial clerkships are given, that most aspiring outstanding law students look to the judicial branch—and even with the clerkships that are available and fellowships that are available in the executive branch—look to those two branches of government as somehow the epitome of government service. And in a sense, what that does is it confers a sense of importance on those two branches of government, at least in my judgment, to the exclusion of the legislative branch.

The way our system works, many outstanding young people who serve clerkships to judges go on to be judges themselves.

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The idea of the dean of Stanford Law School was that if we had a similar-

type program in the legislative branch, perhaps we would have some of those people who are outstanding members of the legal profession who would go on to receive judgeships, but they would have a better understanding of the importance of the legislative branch.

Currently, as I said, both the judicial and executive branches have clerkship programs that attract these highly talented law school graduates. Judicial clerkships, in particular, offer both prestige and practical legal experience for such graduates. Should this bill pass, initially 12 clerks per Congress would be selected to serve in the offices of various committee chairs and ranking members. It would be on a competitive basis. It would be on a bipartisan basis. It would be on a bicameral basis.

Not only would congressional clerks gain invaluable experience and knowledge about the legislative process, but they would then move into other leadership positions, not only with the courts but with the major law firms around the country and in other positions, bringing that understanding of the workings of Congress to bear on those careers.

I thank Chairman BRADY for considering this bill and the expeditious way in which it was handled. I thank the Speaker for scheduling it so quickly, and I believe that this will truly provide an opportunity for some of the most gifted, young, legal minds to serve in Congress and, thereby, increase the understanding of its work by the public.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN), my colleague.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would like to thank my colleague, fellow attorney, my fellow Californian, the former attorney general for California, Congressman DAN LUNGREN, for joining with me in introducing this bill first in the 109th Congress, then again working to get the bill on the floor in the 110th, and now, once again, in the 111th Congress. And I am grateful to Chairman BRADY for moving this bill so promptly. I think starting this early perhaps we'll get this all the way through the Senate and over to the President and accomplish something that's really quite important for the legislative branch.

As has been mentioned, top law graduates in the top law schools in the Nation seek clerkships in the judicial branch and sometimes in the executive branch, but we don't have that here in the legislative branch, and he's right, we do owe some gratitude to Dean Larry Kramer for proposing this idea.

Here's what Dean Kramer said: "This bill will serve an important role by educating young lawyers and future leaders of the profession about the legislative process. It will be enormously beneficial for both the profession and the public if some of the Nation's

brightest young lawyers begin their careers in the legislature and so develop and can convey to the public an appreciation of Congress and the legislative process equal to that lawyers have shown for courts and the judicial process."

This really isn't about getting work out of these bright, young lawyers. It's about starting off on the right course and having the respect for Article I that we hope that they will get by working with us here in the Congress.

We believe that this bipartisan bill, that will be bicameral, bipartisan, will make a difference not today, not tomorrow, but 10 years from now, 20 years from now, 30 years from now, to make sure that Article I is elevated as it should be.

I would urge my colleagues to support this legislation. Again, I thank the chairman. I thank Congressman LUNGREN, and I thank the dean of the Stanford Law School, Larry Kramer.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I urge all Members to vote for this, and I would yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I also urge all Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 151.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BRADY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1299) to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1299

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Capitol Police Administrative Technical Corrections Act of 2009".

SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Section 108(a) of the Legislative Branch Appropria-

tions Act, 2001 (2 U.S.C. 1903(a)) is amended to read as follows:

“(a) CHIEF ADMINISTRATIVE OFFICER.—

“(1) ESTABLISHMENT.—There shall be within the Capitol Police an Office of Administration, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

“(2) APPOINTMENT.—The Chief Administrative Officer shall be appointed by the Chief of the Capitol Police, after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

“(3) COMPENSATION.—The annual rate of pay for the Chief Administrative Officer shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.”.

(2) ADMINISTRATIVE PROVISIONS.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsection (c).

(3) CERTIFYING OFFICERS.—Section 107 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1904) is amended—

(A) in subsection (a), by striking “the Capitol Police Board” and inserting “the Chief of the Capitol Police”; and

(B) in subsection (b)(1), by striking “the Capitol Police Board” and inserting “the Chief of the Capitol Police”.

(4) PERSONNEL ACTIONS OF THE CHIEF OF THE CAPITOL POLICE.—

(A) IN GENERAL.—Section 1018(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)) is amended by striking paragraph (1) and inserting the following:

“(1) AUTHORITY.—

“(A) IN GENERAL.—The Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, suspend with or without pay, discipline, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

“(B) SPECIAL RULE FOR TERMINATIONS.—The Chief may terminate an officer, member, or employee only after the Chief has provided notice of the termination to the Capitol Police Board (in such manner as the Board may from time to time require) and the Board has approved the termination, except that if the Board has not disapproved the termination prior to the expiration of the 30-day period which begins on the date the Board receives the notice, the Board shall be deemed to have approved the termination.

“(C) NOTICE OR APPROVAL.—The Chief of the Capitol Police shall provide notice or receive approval, as required by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, as each Committee determines appropriate for—

“(i) the exercise of any authority under subparagraph (A); or

“(ii) the establishment of any new position for officers, members, or employees of the Capitol Police, for reclassification of existing positions, for reorganization plans, or for hiring, termination, or promotion for officers, members, or employees of the Capitol Police.”.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) SUSPENSION AUTHORITY.—Section 1823 of the Revised Statutes of the United States (2 U.S.C. 1928) is repealed.

(ii) PAY OF MEMBERS UNDER SUSPENSION.—The proviso in the Act of Mar. 3, 1875 (ch. 129; 18 Stat. 345), popularly known as the “Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876”, which is codified