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JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

MEMBERSHIP OF THE COMMITTEE

RULES OF PROCEDURE

AND

ORGANIZATIONAL MEETING



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MEMBERSHIP OF THE JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

Senator TED STEVENS, ALASKA, *Chairman*

Representative WILLIAM M. THOMAS, California, *Vice Chairman*

SENATE	HOUSE
THAD COCHRAN, Mississippi	JOHN A. BOEHNER, Ohio
MITCH MCCONNELL, Kentucky	VERNON J. EHLERS, Michigan
CHRISTOPHER J. DODD, Connecticut	STENY H. HOYER, Maryland
DANIEL PATRICK MOYNIHAN, New York	JIM DAVIS, Florida

SENATE CONTACT	HOUSE CONTACT
CHRISTINE CICCONE, *Staff Director* 224–3471	REYNOLD SCHWEICKHARDT, *Deputy Staff Director* 225–8281

RULES OF PROCEDURE OF THE JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

(Adopted March 24, 1999)

TITLE I—MEETINGS OF THE COMMITTEE

1. Regular meetings shall be held in room S–128 of the Capitol. Meetings may be called by the chairman, with the concurrence of the vice chairman, as may be deemed necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman waives such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum.

2. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony; provided, however, once a quorum is established, any one member can continue to take such testimony.

3. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

JOINT COMMITTEE ON THE LIBRARY OF CONGRESS ORGANIZATIONAL MEETING

WEDNESDAY, MARCH 24, 1999

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The committee met at 3:45 p.m., in room S–128, the Capitol, Hon. Ted Stevens (chairman) presiding.

Senators present: Senators Stevens, Cochran, McConnell, and Dodd.

Representatives present: Thomas, Boehner, Ehlers, Hoyer, and Davis.

Senator STEVENS. Let me thank you, Bill. The Library has become a leader in the technology area, and it has made the treasures contained in the Library much more accessible. That has to do with your foresight and work in the last few years as Chairman of this joint committee.

I understand there is one unresolved issue from the 105th Congress, and I want to defer to you to make any arrangements necessary to resolve the pending report from the CRS Online Task Force. And I am pleased to recognize you for anything that you would like to say.

Mr. THOMAS. Have you formally been installed as chairman?

Senator STEVENS. I thought I would defer to you. I did not want to nominate myself.

Mr. THOMAS. I thought perhaps a unanimous vote had already taken place.

Senator STEVENS. No. But I sincerely thank you from this side of Congress for your work on the digital library concepts.

Mr. THOMAS. Could I suspend a comment on that and first say that I would very much like to nominate the Senator from Alaska, the chairman of the Joint Committee on the Library.

Senator STEVENS. Are there any other nominations?

[No response.]

Mr. HOYER. Could I have the honor of seconding that nomination? The first bill I ever introduced was to name the District Heights post office for the mayor, who had been mayor for 25 years—all of my childhood and adult life had been mayor. And when we came over, hat in hand, their staff did not think maybe this bill ought to move. And I went, hat in hand, to Senator Stevens and explained to him the importance, and he has been a good mayor.

Mr. THOMAS. I move the nominations be closed.

Senator STEVENS. All in favor, say aye.

[A chorus of ayes.]

Senator STEVENS. And I would yield to you to nominate our distinguished friend from the House as vice chairman.

Senator COCHRAN. Mr. Chairman, it is an honor and a privilege to nominate the distinguished gentleman from California, Bill Thomas, as vice chair of the Committee on the Library of Congress.

Senator STEVENS. Is there a second? I would happily second that.

Are there any further nominations?

Mr. HOYER. I would second it as well, just because it is inevitable. [Laughter.]

Mr. THOMAS. You are with me when it is inevitable. [Laughter.]

Senator STEVENS. The nominations are closed. If there is no objection, we will cast a unanimous ballot for Chairman Thomas to become the vice chairman.

Mr. THOMAS. I thank you very much.

Senator STEVENS. I would yield to you.

Mr. THOMAS. It was with the help of our colleague from Mississippi and from Michigan, reviewing the reports that historically have come to us from the Congressional Research Service, with some indication of what we want to do with them. And since we have a lot of new members to the staff and new members to the committee, it seems appropriate that we do a review of the structure, as far as it is now in terms of content, so that we can present it at a future date in terms of either a continuing discussion and examination of what is being proposed or hopefully not in a reopening of the issue. But I do think that perhaps either the Senator from Mississippi or the gentleman from Michigan might want to make a comment about where they are, but I would not want to propose that we take any action now.

Senator COCHRAN. Vern, why do not you proceed to tell them what we have done.

Mr. EHLERS. Thank you, Mr. Chairman. I would be happy to do that.

We have spent a considerable amount of time looking into the issue of CRS reports going on the Internet. As I am sure everyone here knows, there is legislative language which, at this point, does not permit the CRS, as an entity, to release reports on the Internet. Their reports are submitted to members of the Congress, the House and the Senate, who have requested them, or their standardized reports that are made available to all members.

We have examined some of the legal implications of putting CRS reports on the Internet. And there are a number of major issues that have to be dealt with there. Senator Cochran and I have met and discussed this. Our staffs have also spent a lot of time discussing it. We believe we have come up with a workable solution, which would provide that any member wishing to put the CRS reports on their Web site, thereby on the Internet, would be allowed to do so.

Although they would be cautioned that the reports should be screened to make sure there are no violations of copyright law and things of that sort, since the CRS does not take care of those matters in preparing them for a member, but they are operating as an extension of staff. But if they are to be released publicly, there are legal issues raised which must be attended to.

We have looked at these in quite some depth, and we are prepared to make a recommendation. I would agree with Chairman Thomas that it is something that deserves some study on the part of every member and their staffs. But the general principle that we try to follow is to release as much information as is appropriate to be released so that the public may be informed of what the Congress does, but not violate the principle that what the CRS does is as an extension of our staff, and therefore the reports basically have the same status as a memo from a staff member. And that means the reports have to meet all legal requirements before going on the Internet.

One final item here is, as you know, most Internet documents of the Congress are on the Thomas system of the Library of Congress. Since we are talking about members putting these on their own Web sites, the only role of the Library of Congress would be to maintain an index so that any citizen coming into Thomas would find out which members have released which reports and they could go directly then to that member's Web site with a simple click of the mouse.

So that is the status, Mr. Chairman. And I believe the report is essentially complete so far as Senator Cochran and I are concerned. And it is available for distribution to the committee.

Senator COCHRAN. First of all, I would congratulate Vern on his excellent statement about the work that has been done. Two, I would say that there is some work we may have to do on the report before we make it available as a report from the task force about the effort that talks about the concerns we have. But also there is the realization that we are moving into an area when this information should be made available as members may choose. But there are some safeguards that have to be built in.

And I have been opposed to the legislation, you need to know, that has been introduced here in the Senate that would just automatically make everything the CRS does available on the Internet. I am still strongly opposed to that. I think that is a big mistake to go along with that. So that is another thing we have kept in mind. We want to do what is appropriate, though, to recognize the realities of the communications age.

Senator DODD. We passed—and I think the Senate Rules Committee adopted, I think in the last Congress—a policy just exactly as you described. And then the CRS will help them do that. But it is the members' product at that point, and the CRS is acting as an assistant, in a sense, in getting it to the public.

But I think your point is very well taken, Thad, that the CRS all of a sudden becomes a public entity in that regard.

Senator COCHRAN. We would lose a good Congressional Research Service in the process if we did that.

Senator DODD. I think it is a nice compromise.

Mr. EHLERS. If I may comment, Mr. Chairman, on that point. We are aware of the Senate action, and this conforms largely with that action, in the sense of making it available if an individual member wishes to make it public, but, at the same time, provided it meets the legal requirements in regards to copyright.

Mr. THOMAS. However, very briefly, I do think that in the process we may in fact have to create a procedure in which a member mak-

ing a request of CRS—and I do not want to get into a big debate about this, but I have been thinking a lot about this—would indicate whether they had an inclination to release it when they received it.

I am very concerned that, notwithstanding the protections that were provided, that CRS starts writing reports to members as though they were going to be public, which destroys, I think, a significant aspect of the work over the years, in being very, very willing to provide information that they perhaps would have second thoughts about if it was not public. And it might be useful just to indicate that—not that they would necessarily create a fundamentally different document, but it may then trigger the copyright and other aspects, and perhaps then place a statement on there that materials that otherwise would have been used are not being used because of copyright, et cetera, just to create an understanding that there is a price that is going to be paid perhaps in the research the Congress gets if our primary goal is to be a conduit to the outside, which has not been the historical purpose of the CRS.

Senator STEVENS. Maybe we ought to make some sort of suggestion in the report when it is finished to the effect that the requester should indicate whether or not it will be released before it is prepared. I have seen some pretty frank advice from CRS, and I respected it and wanted it. But I am not sure they will give me that kind of advice if it is going to be released.

I do think we ought to think about promulgating some sort of a form that is filed when the person requests, or the committee requests, CRS to prepare a report, and have it disclosed at that time, and that would then be binding—you would not release one which you indicated would not be released. That is something we should pursue if we could.

Senator DODD. This needs some real thought. I can see this getting out of hand and all of a sudden people start jockeying to get positions because it becomes a political institution.

Senator STEVENS. Well, we will continue to wait for the report. As I understand it, when we get it, we will take final action at that time. Could we at this time turn to——

Mr. EHLERS. Could I just ask one question. Would you like us to circulate it to you for comment before the next meeting?

Senator STEVENS. I think that is appropriate, do you not, Mr. Thomas?

Mr. THOMAS. Yes.

Senator STEVENS. Before each of you is the new draft of the rules of procedure for this joint committee. And it is subject to Senate rules, but I would urge that we adopt those rules. As I understand it, they have been cleared on both sides.

Mr. THOMAS. Mr. Chairman, I move adoption of the rules.

Senator DODD. Let me just raise an issue. And it is just a concern. There is the minority representation—talking about the access you have. And I have great confidence in you just informing the minority as to when a decision has been made so we do not have to have full committee meetings.

Senator STEVENS. I want to talk about that, because of our difference in our procedures and the House procedures. But at this

time, can we adopt the rules? Is there any comment about the rules?

Senator COCHRAN. I move we adopt the rules as presented, Mr. Chairman.

Mr. THOMAS. Second.

Senator STEVENS. Any discussion?

[No response.]

Senator STEVENS. If not, without objection, those will be adopted.

Now the next thing on the agenda is the gentleman is waiting to take a class photo. And I suggest to you we stand down there.

[A brief recess was taken.]

Senator STEVENS. Let me suggest to you some concepts I would like to pursue and see if there is any discussion. I would like to hold an oversight hearing of the Library of Congress bicentennial activities in the very near future. The Library has a number of activities. I have discussed them already with the Librarian of Congress, and he is eager to discuss these with the joint committee, along with his staff. And I want to work with you, Bill, to see if we can find an appropriate time for that. And we will do that.

Secondly, I have discussed with the Librarian the concept that we ought to think about having, in the year 2000, a dinner to honor all of the living Nobel laureates of the United States and for their contributions to science for our country in the 20th century. It seems to me that that is an idea that most people think is worth pursuing. The laureates will be in town in May of the year 2000 for an event that is sponsored by the American Academy of Achievement. That is a group that honors the young graduates of our country. And they will be here in Washington at that time.

I have discussed this. And this may be a time for us to see if we can do this dinner. It would be my intention to have the members of this committee be involved in that. And I would hope that you could give me your ideas if you have any question about that. I think it would be a wonderful thing to do and I think we ought to find somebody in Congress to recognize these are the people who really made these significant breakthroughs that made our country really great.

And Jim Watson, for instance, and all of his concepts about genes. And I think these people are magnificent people and we ought to honor them all at once, if we could do that.

Senator DODD. How about any surviving members of Eugene O'Neill's family, since he is the only one to get it for literature?

Mr. HOYER. Is this just limited to those who have gotten Nobel Prizes in sciences?

Senator DODD. Eugene O'Neill was the only one who ever got it for literature.

Senator STEVENS. Anyone, any Nobel laureate who is alive in the year 2000 will be honored by that Academy. They are just going to come in and have a seminar. I thought, while they are here, we ought to have something.

I want to state that it would be my intention to direct our staff to give members committee notice of any request that require approval by the joint committee. There are two items from the Architect of the Capitol that are in your files today. I think that at times

people have various ideas about these, and I want to make sure that everybody is on notice when we get these.

Mr. Thomas, you and I will both sign them, but I would like to find some way to give notice to people on both sides that they are available. The ones that are before you now, the first request is to waive the 1950 rule of this joint committee which prohibits combined statues, so that North Dakota may offer its second donation to Statuary Hall. It is a sculpture of Sakakawea, with a child on her back.

The second request would allow Middlebury College, in Vermont, to borrow a sculpture from the Capitol art collection that is currently in storage. The school will include the sculpture in its 1999 exhibit on the career of Horatio Greenough, an artist responsible for that.

I would like to have you indicate if you can—this is a new procedure and I do not want to hold anybody up—but if anybody has any questions about those, we have the people from the Library here to discuss them. If there is no objection to those, we will approve that.

Mr. Thomas.

Mr. THOMAS. Just very briefly. On the statue, I am sure most people have noticed the new statue from Colorado, which is slightly different in the way in which it is presented. This one is again slightly different. One of the things I like to point out in the Capitol, in the Rotunda, is that circular painting of the history of the United States. And since it is degrees and not feet, it is always interesting to note that the Kittyhawk flight is bumping into Columbus, and nothing else in the 20th century is allowed to be put on there because it is just 360 degrees, and they got carried away in the 1790's with the paintings.

I have been approached by members whose States are reconsidering the statues they originally sent, since there has been a significant period of time and new famous and important people from the State may in fact want to be substituted for statues they have. I think we have got a legal problem there. But I just thought I would mention it so that we can begin to do some research on this. Because I do not know why people ought not to be able to change the statue that represents their State if they so choose.

Senator STEVENS. I had a similar suggestion from a Senator who said that the State wanted to reconsider one of their people. I should think that would be something we should review. As I understand it, the rules are those have to be deceased persons that are represented there. Is that correct? So we do not have any problem about subsequent tarnishing of someone who is in the Hall, but they want to have a next generation review, so to speak, of whether or not these people are the ones they want.

I would hope that maybe we could get a sort of subcommittee, so people would be willing to undertake that. Then we can put it on the agenda for the next meeting.

Mr. THOMAS. I appreciate that.

Senator DODD. Mr. Chairman, I do not know if this fits in or not, but this is always a delicate subject. But we have a tendency—because we are kind to each other—that when members leave, we name everything but stalls around here for people who were here.

I wish somebody would give some thought to the idea of having some lapse of time between a member's departure and the naming of rooms in the Capitol for them.

Senator STEVENS. That is not our business.

Senator DODD. Statues are but rooms are not?

Senator STEVENS. I do not think we are involved in that. As a joint committee, we have got the responsibility for the statues, but I do not think we have any responsibility for either side of the Capitol.

Mr. THOMAS. I thought the gentleman was going to offer like they have now below the scoring tables at basketball games, where we could rotate and have three or four names. [Laughter.]

Senator STEVENS. Let me tell you that I have instructed the staff, as I said, that we want to try to go through the process of coordination with some of these things that we are going to suggest. And I would hope that we will take some time to go over together to the Library some day and really pursue what you have done so far and see what we might recommend and how to go further to make the Library really the center of the world's knowledge—is what it is coming to be. Without any question, it has that capability now. And I think a lot of people do not appreciate the value of that Library. Many people want to make it the national library. It is the congressional library. I think we should keep it that way.

You all know Christine Ciccone. She is the lady who works with us on legislative appropriations. She is going to assist me on this, since we had such a great allowance as chairman, as you know. But I would hope that you would notify Christine of what staff will work with you directly, so we can initiate—we will follow the procedure of Thomas. We will have electronic notification to you of any meetings. And we would seek to clear with you any concepts that may become before the two of us for approval from the Librarian.

And I would hope that some time we will take it upon ourselves to go over and, as I said, sit down and talk to the Librarian and his staff and see what we can do to assist them. I think that is our role, really, to assist in the management of that and secure the assistance that is necessary.

I note that past chairmen from this side have all been members of the Appropriations Committee. I do not know how that happens. The Library seems to have a divining rod to follow money.

Mr. Davis.

Mr. DAVIS. Mr. Chairman, I am Jim Davis. It is nice to meet you. I am going to have to leave very shortly to speak with the President.

Mr. THOMAS. Mr. Chairman, I move these two requests.

Senator STEVENS. Is there any objection?

[No response.]

Senator STEVENS. Without objection, so ordered.

Senator DODD. Do I understand they are placing one?

Mr. THOMAS. This is their second one. This one is with a baby.

Senator STEVENS. Thank you very much. I look forward to working with you.

[Whereupon, at 4:10 p.m., the meeting was adjourned.]

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