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109TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
109–054

PROVIDING FOR THE EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE ONE HUNDRED NINTH CONGRESS

APRIL 26, 2005.—Refered to the House Calendar and ordered to be printed

Mr. NEY, from the Committee on House Administration, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H. Res. 224]

The Committee on House Administration, to whom was referred the resolution (H. Res. 224) providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress, having considered the same, report favorably thereon with an amendment and recommend that the resolution as amended be agreed to.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED NINTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Ninth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $11,257,009; Committee on Armed Services, $12,826,209; Committee on the Budget, $12,026,478; Committee on Education and the Workforce, $15,493,286; Committee on Energy and Commerce, $19,925,688; Committee on Financial Services, $15,203,101; Committee on Government Reform, $20,497,085; Committee on Homeland Security, $14,000,000; Committee on House Administration, $9,554,567; Permanent Select Committee on Intelligence, $9,527,871; Committee on International Relations, $16,299,018; Committee on the, Judiciary, $15,312,991; Committee on Resources, $14,520,962; Committee on Rules, $6,365,600; Committee on Science, $12,327,996; Committee on Small Business, $5,586,974; Committee on Standards of Official Conduct, $4,290,536; Committee on Transportation and Infrastructure, $18,108,082; Committee on Veterans' Affairs, $6,474,418; and Committee on Ways and Means, $17,819,494.

39–006

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2005, and ending immediately before noon on January 3, 2006.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,495,805; Committee on Armed Services, $6,292,249; Committee on the Budget, $6,013,239; Committee on Education and the Workforce, $7,705,970; Committee on Energy and Commerce, $9,812,619; Committee on Financial Services, $7,427,648; Committee on Government Reform, $10,121,443; Committee on Homeland Security, $6,480,848; Committee on House Administration, $4,648,683; Permanent Select Committee on Intelligence, $4,500,653; Committee on International Relations, $7,946,084; Committee on the Judiciary, $7,461,565; Committee on Resources, $7,178,224; Committee on Rules, $3,074,229; Committee on Science, $6,101,648; Committee on Small Business, $2,721,600; Committee on Standards of Official Conduct, $1,891,890; Committee on Transportation and Infrastructure, $8,856,869; Committee on Veterans' Affairs, $3,075,732; and Committee on Ways and Means, $8,674,514.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2006, and ending immediately before noon on January 3, 2007.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,761,204; Committee on Armed Services, $6,533,959; Committee on the Budget, $6,013,239; Committee on Education and the Workforce, $7,787,316; Committee on Energy and Commerce, $10,113,068; Committee on Financial Services, $7,775,452; Committee on Government Reform, $10,375,642; Committee on Homeland Security, $5,761,204; Committee on House Administration, $4,905,885; Permanent Select Committee on Intelligence, $5,027,217; Committee on International Relations, $8,352,934; Committee on the Judiciary, $7,851,427; Committee on Resources, $7,342,738; Committee on Rules, $3,291,371; Committee on Science, $6,226,348; Committee on Small Business, $2,865,373; Committee on Standards of Official Conduct, $2,398,646; Committee on Transportation and Infrastructure, $9,251,213; Committee on Veterans' Affairs, $3,398,686; and Committee on Ways and Means, $9,144,980.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REQUIREMENTS FOR USE OF FUNDS FOR MASS MAILINGS.

(a) IN GENERAL.—None of the amounts made available under this resolution may be used by a committee for the production of material for a mass mailing unless—

(1) The mailing is of a press release to the communications media, a notice of the schedule of a hearing or markup of the committee (the content of which shall be limited to date, time, location, topic, witness list, and ADA services), a committee document printed pursuant to the applicable provisions of title 44, United States Code, or a request for the views of the public or the views of other authorities of government essential to the conduct of the study, investigation, or oversight of matters within the jurisdiction and related functions assigned to the committee under rule X of the Rules of the House of Representatives;

(2) Prior to mailing, the chairman or ranking minority member of the committee (as the case may be) submits a sample of the material to the House Commission on Congressional Mailing Standards and the Commission determines that—

(A) the mailing is ordinary and necessary to the conduct of the normal and regular business of the committee, and

(B) the mailing would be in compliance with the requirements of subsections (a)(3)(A), (a)(3)(C), (a)(3)(C), (a)(3)(G), (a)(4), and (a)(5) of section 3210 of title 39, United States Code, if mailed by a Member of the House of Representatives;

(3) the mailing would not be prohibited under section 3210(a)(6)(A) of title 39, United States Code, if mailed by a Member of the House of Representatives; and

(4) the aggregate amount that will be spent in franking costs by the committee for mass mailings during the session involved, after taking into account the franking costs of such mass mailing, will not exceed $5,000.

(b) MASS MAILING DEFINED.—In this section, the term "mass mailing" has the meaning given such term in section 3210(a)(6)(E) of title 39, United States Code.

SEC. 6. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

COMMITTEE ACTIONS

On April 21, 2005, by voice vote, a quorum being present, the Committee agreed to an amendment in the nature of a substitute and, by voice vote, a quorum being present, the Committee agreed to a motion to report the resolution, as amended, favorably to the House.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee states that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

STATEMENT ON BUDGET AUTHORITY AND RELATED ITEMS

The resolution does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures and a statement under clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 is not required.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee states, with respect to the resolution, that the Director of the Congressional Budget Office did not submit a cost estimate and comparison under section 402 of the Congressional Budget Act of 1974.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The Committee states, with respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, that the general discussion section of this report includes a statement of the general performance goals and objectives, including outcome-related goals and objectives, for which H. Res. 224 authorizes funding.

RECORD VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, with respect to each record vote on a motion to report the resolution and on any amendment offered to the resolution, there were no record votes on a motion to report the resolution or on any amendment offered to the resolution.

GENERAL DISCUSSION

Voice Vote

The Committee, by voice vote, with a quorum present, on April 21, 2005, agreed to report H. Res. 224, as amended, favorably to the House.

General discussion

H. Res. 224, as amended, authorizes funding for standing committees of the House (excluding the Committee on Appropriations) for the 109th Congress. The Committee on House Administration established franked mail allocations for these committees in a separate Committee resolution.

The sum total of all budget requests for the 109th Congress was $273,633,353. The amount actually authorized for committees, which totaled $257,417,364, is $16,215,989 or 5.9% less than the sum of all amounts requested by committees.

Committee	H. Res. 224, as . . .			
	Request	Amended	2005	2006
Agriculture	$11,562,481	$11,257,009	$5,495,805	$5,761,204
Armed Services	13,333,137	12,826,209	6,292,249	6,533,959
Budget	12,026,478	12,026,478	6,013,239	6,013,239
Education & the Workforce	15,493,286	15,493,286	7,705,970	7,787,316
Energy & Commerce	21,388,076	19,925,688	9,812,619	10,113,068
Financial Services	16,127,977	15,203,101	7,427,648	7,775,452

Committee	H. Res. 224, as . . .			
	Request	Amended	2005	2006
Government Reform	21,349,000	20,497,085	10,121,443	10,375,642
House Administration	10,101,152	9,554,567	4,648,683	4,905,885
Intelligence	9,875,429	9,527,871	4,500,653	5,027,217
International Relations	18,869,785	16,299,018	7,946,084	8,352,934
Judiciary	18,263,201	15,312,991	7,461,565	7,851,427
Resources	14,805,934	14,520,962	7,178,224	7,342,738
Rules	6,365,600	6,365,600	3,074,229	3,291,371
Science	13,146,852	12,327,996	6,101,648	6,226,348
Small Business	6,034,058	5,586,974	2,721,600	2,865,373
Standards	4,768,734	4,290,536	1,891,890	2,398,646
Transportation	18,582,105	18,108,082	8,856,869	9,251,213
Veterans' Affairs	7,933,081	6,474,418	3,075,732	3,398,686
Ways & Means	17,819,494	17,819,494	8,674,514	9,144,980
SUB-TOTAL	257,845,860	243,417,364	119,000,665	124,416,699
Total with Homeland Security	15,787,494	14,000,000	6,480,848	7,519,152
TOTAL	273,633,354	257,417,364	125,481,513	131,935,851

The House Administration Committee would like to express its deepest appreciation to Speaker Dennis Hastert for his leadership and to his staff for their guidance on this issue. In addition, the Committee would also like to express its appreciation to our Ranking Minority Member, Juanita Millender-McDonald and her staff for their work in reaching this bi-partisan agreement that could be supported by minority members on the House floor.

Voice vote on Ney/Millender-McDonald amendment

The Committee, by voice vote, with a quorum present, on April 21, 2005, agreed to the Ney/Millender-McDonald amendment.

Ney/Millender-McDonald amendment with regard to committee franking

An amendment offered by Chairman Ney and the Ranking Member, Ms. Juanita MillenderMcDonald (Ney/Millender-McDonald amendment) to the amendment in the nature of a substitute was agreed to by voice vote. The amendment was crafted after long discussions between the majority and minority of the House Administration committee related to the use of the committee frank.

The amendment changes regulations that govern the use of the frank by committees.

Chairman Ney recognized the need to work with the minority and reached agreement reflected in the amendment. The highlights of the amendment include:

Each committee's authorization is capped at $5000 per session ($10,000 for a Congress).

Each Committee must submit the franked mail piece to the Franking Commission for a bipartisan review of the piece and receive approval before it is printed and mailed.

No committee may frank INTO a member's district within 90 days of a primary or general election in which the member's name appears on public ballot.

Committees may request that the House Administration Committee increase their authorization in order to be able to respond

to correspondence relating to the regular and normal business of the committee, but not for mass mailing expenses.

Committee funding process

The 109th Congress is the sixth funding cycle under the biennial funding process instituted in the 104th Congress. At the beginning of the 104th Congress, House Rules were revised changing the committee funding process to a biennial cycle and abolishing the bifurcation of funding under statutory and investigative accounts.

The biennial committee funding process has proven successful. A two-year budget cycle saves time and resources for all committees because the process is undertaken only once per Congress, rather than twice, as was done previously. The biennial funding process facilitates long-term planning and cuts in half the time and resources dedicated to making, defending, and approving budget requests.

Comparison of committee funding resolution

At the beginning of the 104th Congress, three standing committees and 32 subcommittees were abolished. Committee staff was reduced by 33% from the 103rd Congress levels and committee funding levels were reduced by a total of 30%. In the 109th Congress, committee staff and funding levels, when adjusted for inflation continue to remain well below the 103rd levels.

It should be noted that with the Homeland Security Committee becoming a permanent standing committee of the House of Representatives in the 109th, the cost of the committee funding resolution increased significantly, adding nearly a full percent onto the total amount of the 10.1 % increase.

H.Res. 224, as amended, authorizes a total of $257,417,364 for committees, including funding for the Homeland Security Committee. This is the first year since Republicans took control that the amount of committee funding has exceeded the 103rd year levels in real dollars. In essence, it has taken over a decade since Republicans made their huge budgets cuts at the beginning of the 104th Congress to match the levels authorized in the 103rd Congress under Democrat control. However, when adjusting for inflation, the amount authorized is $39,023,776 or 15.2% below the 103rd Congress level. When removing the Homeland Security Committee from the equation, the difference grows to $53,032,776 or 21.8% less than the 103rd levels.

Committee Funding Resolution Comparisons

[excluding Appropriations]

103rd Congress, Democratic Majority:	$223.3 million 1,639 staff
104th Congress, Republican Majority:	$157.2 million = 70% of 103rd level (reduced 30%) 1,089 staff = 67% of 103rd level (reduced 33%)
105th Congress, Republican Majority:	$177.9 million = 80% of 103rd level (reduced 20%) 1,104 staff = 67% of 103rd level (reduced 33%)
106th Congress, Republican Majority:	$183.4 million = 82% of 103rd level (reduced 18%) 1,153 staff = 70% of 103rd level (reduced 30%)
107th Congress, Republican Majority:	$203.5 million = 91% of 103rd level (reduced 9%) 1,205 staff = 74% of 103rd level (reduced 26%)
108th Congress, Republican Majority:	$222.8 million = 99% of 103rd level (reduced 1%)

Committee Funding Resolution Comparisons—Continued

[excluding Appropriations]

	1,211 staff = 74% of 103rd level (reduced 26%)
103rd Congress, Democratic Majority:	$296.4 million, adjusted for inflation
109th Congress, Republican Majority:	$257.4 million, including Homeland Security
Difference	$39.0 million
	1,270 staff = 78% of 103rd level (reduced 22%)

As of the printing of this report, the Speaker has set the staff ceiling for committees, excluding the Committee on Appropriations, at 1270 for the 109th Congress, which is 373 staff slots or 29.5% below the 103rd Congress level. This includes 50 additional slots that were given to the Homeland Security Committee in the 108th Congress.

Minority resources

In the 103rd Congress, while still in the minority, Republicans established the goal of providing for a two-thirds/one-third minority resources split. Since becoming the majority party in the 104th Congress, Republicans have continued to make progress on this issue. Through his own leadership, Speaker Hastert has vigorously pursued this goal, advocating that all committees share one-third of committee resources with the minority. The House Administration Committee believes that with this budget, as was the case with the 108th Congress budget, we have achieved that goal. The Committee is also pleased with the bi-partisan nature with which this goal has been reached.

While the Committee on House Administration encourages committee chairman to work with their ranking members to achieve the best possible administrative agreement with regard to how committee expenses are obligated, the Committee feels it is the prerogative of the Chairman to maintain control over the committee budget, as the chairman is ultimately responsible for all expenditures obligated by the committee. This is consistent with the rules, regulations, and long standing practice of the House. We have endeavored to ensure that the minority has a fair allocation while the majority maintains the control over committee funds necessary for the Chair to fulfill its obligations. This resolution strikes that balance and can be supported by all members.

Addressing the views of Ms. Lofgren

During the committee funding hearings, minority committee member, Ms. Lofgren raised questions during the testimony of Chairman Richard Pombo of the Resources Committee pertaining to committee leave policies. These questions were followed by written questions that were forwarded to Mr. Pombo. Though Mr. Pombo was advised that no other Committee Chair or Ranking Member had been asked or required to provide information of the sort that was being sought, he nonetheless chose to respond to the inquiry. Ms. Lofgren nevertheless continues to maintain that additional information is required.

Though she portrays her request as related to the funding process, and necessary for evaluation of the budget request, her failure to seek similar information from any other Member undercuts this claim. The Committee believes that the information already pro-

vided by Mr. Pombo is sufficient to judge the budgetary needs of the Resources Committee.

STATEMENT OF CONGRESSWOMAN ZOE LOFGREN

I strongly support the House Committee Funding Resolution for the 109th Congress as approved by the House Administration Committee on Thursday, April 21, 2005. This Resolution assures that the Minority will be treated fairly in regard to both committee budgets and staff It abides by the ⅔—⅓ principle in which the Minority receives ⅓ of the staff, ⅓ of the budget, and control over that budget. It is my understanding that every Chair and Ranking Member in the House have come to an agreement on their individual budgets, and all treat the Minority in a fair and respectful way. I commend Chairman Ney and Ranking Member Millender-McDonald for their hard work on this Resolution and I look forward to supporting it on the House floor.

During Markup of the Cominittee Funding Resolution, Congresswoman MillenderMcDonald offered an amendment regarding House Committee's use of the Frank. Under this amendment, Committees will be limited to a $5,000 franking budget per year, and Committees will need to abide by, and receive approval from, the House Franking Commission for any mass mailings. This is an important proposal that I strongly support. This amendment assures that House Committees will only use the Frank for official purposes, and stem the questionable franking practices that developed at the end of the 108th Congress.

During the Committee Funding Resolution hearings in March, I posed several questions about the budget and policies of the Resources Committee during the 108th Congress to Resources Committee Chairman Richard Pombo. On October 6, 2004, *The Hill* reported that Chairman Pombo planned to close the Resources Committee for a month leading up to the November 2004 elections. It went on to state that the staff would receive a month of vacation time and Chairman Pombo's spokesman stated on-the-record that some staff may choose to go and work on campaigns during their time off.

During the hearing, I posed several questions about the vacation policy of the Resources Committee to Chairman Pombo and gave him the opportunity to clear up the confusion about the events leading up to the 2004 elections. Chairman Pombo welcomed the opportunity to address the issue. He answered some of my questions at the hearing, and said he would need to get back to the Committee regarding others. I have attached a transcript of this portion of the hearing to this statement.

In an effort to get to the bottom of this issue and clear up any confusion, I put my questions in writing for Chairman Pombo. The record, at the direction of Chairman Ney, was held open so Chairman Pombo could respond to the House Administration Committee within 30 days. Chairman Pombo did respond to some, but not all, of my questions in writing on April 13 , 2005. Because representatives of Chairman Pombo have categorized these ordinary and routine inquiries as something extraordinary in comments to the press, I have included all of the correspondence between myself, Chairman Ney and Chairman Pombo so that the record can be

clear on this matter. At this time, Chairman Pombo has still not answered all of my written questions.

It is the job of the House Administration Committee to oversee all operations of the House of Representatives, including the approval of taxpayer-funded committee budgets. Under this Committee Funding Resolution, the Resources Committee will receive a 7.5 increase in their operating budget in the 109th Congress.

It is only appropriate that the House Administration Committee confirm that the money spent by the Resources Committee during the 108th Congress was done so in a proper way. Chairman Pombo has the ability to quickly clear up this confusion. I remain hopeful that Chairman Pombo will take the time to answer the written questions in detail about the policies and practices of the Resources Committee to reassure that tax dollars are being spent in a legal, fair, and ethical manner.

COMMITTEE ON HOUSE ADMINISTRATION HEARING ON THE HOUSE COMMITTEE FUNDING RESOLUTION—MARCH 16, 2005

Ms. LOFGREN. I have a few other questions on a few other subjects. I was actually very surprised when I read the House newspaper, The Hill, in October and found that the chairman had decided to close the committee for, I guess, about a month. I just want to understand what that is all about because the committee is asking for just shy of a 10% increase in its budget. I am wondering, just what is the vacation policy of the house committee on resources? How many days of vacation do the staffers get each year? Was it a full month that the committee was closed down in October? What days were closed down? Did any of the staff not go on vacation when you closed the committee? Looking at the website, I don't know, but it doesn't appear that there were any hearings or markups after September 29th, and it doesn't appear that there were any press committee releases after October 15th. Can you enlighten us on those questions?

Mr. POMBO. The . . . I believe that if memory serves me correctly but I'd have to go back and look to tell you for sure, that most of the month of October that most of the staff of the committee was placed on administrative leave or allowed to go do other activities, part of that was that there were site visits and district issues that staff of the committee was doing. The main purpose of that was that, at that point in time, we had completed for the year the congressional work and allowed the staff to do other things. A number of staff chose to do site visits. A number of staff chose to work from home. There were other things that they did. A lot of it involved going to other states and other places around the country outside of Washington, DC. We did not have . . . Congress had completed its business at that point. We did not have markups or official hearings within Washington, DC during that time period. No.

Ms. LOFGREN. Now I can't recall if this was in the newspaper article that talked about it, but certainly because it was just before the presidential election, concern has been expressed in some circles that potentially some of the individuals who were still on the government salary were off dispatched to work on campaigns when they were not taking vacation time. I think this an opportunity for you to address that.

Mr. POMBO. I am glad that you asked that question because I did read some erroneous media reports on that. Any member of the staff who chose to work on a campaign during that time period was required to take vacation time. There was no one who was given government salary to go work on a campaign. Anyone who chose to go work on a campaign during that time period had to use their vacation in order to do it.

Ms. LOFGREN. And so you maintain records. How much vacation does each staffer have? How many weeks?

Mr. POMBO. I think that's dependent on the number of years that they've been——

Ms. LOFGREN. But you have a schedule that's published and all of that?

Mr. POMBO. It's all part of the Committee rules. It's the same on both sides.

Ms. LOFGREN. I had a question about some specific staff travel that I'd like to get an answer to. You may not be able to answer it today, but I took a look at Mr. Kennedy, the press secretary, and I note that he turned in a bill for $1042.00 the day after the election. I don't know where he was traveling, but since there were no press releases issued . . . I'm wondering what was he doing and where did he go.

Mr. POMBO. Mr. Kennedy travels with me quite extensively, and . . . I probably shouldn't say exactly where he was——

Ms. LOFGREN. OK.

Mr. POMBO. But I believe during that time period he was, he was with me in California, well, for the most part we were in California, but he travels with me quite extensively.

Ms. LOFGREN. Well, I don't want to . . . It's not fair for you to know that here, but if we could get that information later——

Mr. POMBO [continuing]. I can tell you exactly where I was so——

Ms. LOFGREN. It would be very helpful.

I also, you know, once questions are asked, you take a look at these, None of us have any . . . well, there's no such thing as privacy, because it's all the taxpayers' money, but taking a look at some of the other professional staff, I saw that Mr. Miller, Mr. Waley(?), and Mr. Sampson also submitted vouchers in, you know, good size chunks for the same time period, and I was wondering, the expenses were nearly $4,000, and I wondered about that since the Committee staff was supposedly on vacation. Can you enlighten us on that?

Mr. POMBO. I would have to answer that for the record.

Ms. LOFGREN. OK, that's fair.

Mr. POMBO. Those are professional staff members, and I can't tell you by memory where they were.

Ms. LOFGREN. OK, that's fair. But I would like to get that when you have a chance to take a look at it. I really had only one other question, and it is an unusual situation. And it has to do with, who is your Chief of Staff? I note that Mr. Ding is really on your payroll for a very minor, the minimum amount that's possible, I think $300.00 on the MRA. And, but he is, I think, has an important position on the Resources given his salary. And I am not criticizing the salary. I am sure he is a very competent individual, but it looks like he's traveling on your MRA probably, I mean, very fre-

quently, almost every week back to the district. And I am wondering, as a member of the Resources Committee, what is his necessity to be back in California on that kind of basis. And in the, not that the staff phone book is accurate, but Ms. Carter's name is your chief of staff in the telephone book. So, who is the Chief of Staff and how does this work?

Mr. POMBO. Jessica Carter is the chief of staff in my personal office. Steve Ding is the Staff Director for the Resources Committee and he also does work in my personal office as well. He travels with me extensively. He has for a number of years. He is probably one of the best staff members on the entire Capitol Hill, and I will stand by him . . .

Ms. LOFGREN. Oh, I'm not suggesting otherwise. I'm just trying to figure out how the money works between your office and the Committee. It's not about his competence at all. I think that . . . I look forward to getting the information that obviously you can't be expected to memorize later. I am glad that I gave you the opportunity to address these issues that have been out there in the public for so long, and I yield back, Mr. Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 2005.

Hon. ROBERT W. NEY,
Chairman, Committee on House Administration,
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN NEY: Following up on yesterday's House Administration Committee hearing on the committee funding allocations, I have attached a list of questions for Resources Committee Chairman Richard Pombo to answer. As you will recall, I posed these questions to Chairman Pombo during the hearing and he promised the House Administration Committee that he would answer these questions in writing for the record. It is my understanding from you that Chairman Pombo is expected to respond to the House Administration Committee within 30 days of the hearing. Please call me if you have any questions in regard to this matter.

Thank you for your assistance and for your leadership on the House Administration Committee.

Sincerely,

ZOE LOFGREN.

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION,

Washington, DC, March 24, 2005.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: Attached please find a letter I received from Representative Zoe Lofgren. Along with the letter are a series of questions. These written questions expand on questions she asked of you at our hearing on March 16.

These questions go beyond the scope of the subject matter of the hearing. Though you may answer them if you wish, you should be

aware that no other Chair or Ranking Member has been asked or required to provide such information.

The budget proposal you submitted with Ranking Member Rahall on February 15, along with your joint testimony, provide the information required for our Committee to assess your budgetary requirements.

Sincerely,

BOB NEY,
Chairman.

WRITTEN FOLLOW-UP QUESTIONS FOR HOUSE RESOURCES COMMITTEE CHAIRMAN RICHARD POMBO

1. What is the vacation policy of the House Resources Committee? Please provide a copy of the policy to the House Administration Committee.

2. On what specific dates did the Resources Committee close in October and November of 2004 (hereinafter referred to as the "closure period")?

3. Did any staff of the Resources Committee conduct official business of the committee during the closure period? If so, please provide a list of such committee staff, and for each:

a. Describe the nature of such official business.

b. State the dates on which he or she conducted such official business.

4. Did Resources Committee staff receive regular salary payments during the closure period? Did any committee staff not receive regular salary payments during the closure period? If so, please provide a list of such committee staff and provide an explanation as to why each did not receive regular salary payments.

5. In your testimony before the House Administration Committee, you stated that "any member of the [Resources] Committee staff who chose to work on a campaign during [the closure period] was required to take vacation time." Please provide a list of committee staff that chose to work on a campaign during the closure period and for each, please:

a. State the dates on which they worked on a campaign during the closure period.

b. Confirm that each took vacation days while doing campaign work.

c. State the number of vacation days each was entitled to take in 2004.

d. State the number of vacation days each actually took in 2004.

e. Provide a copy of their vacation records for 2004.

6. Were any official Resources Committee funds used to pay for travel or any other expenses of any staffer who chose to work on a campaign during the closure period?

7. The following questions relate to the below "Travel Subsistence" expenses of the Resources Committee that appeared in the most recent Statement of Disbursements of the House from October 1, 2004—December 31, 2004. For each, please state where they traveled and describe in detail the official committee business performed. In addition, for each, please provide copies of travel docu-

ments, including but not limited to receipts and vouchers, that were submitted for reimbursement to the House of Representatives.

a. *Brian J. Kennedy,* Press Secretary, Travel Subsistence: Tuesday, October, 19, 2004—Wednesday, November 3, 2004: $1,042.24 (page 2552, Statement of Disbursements of the House, October 1, 2004—December 31, 2004).

b. *Matthew Miller,* Professional Staff, Travel Subsistence: Tuesday, October 26—Wednesday, November 3, 2004: $411.63 (page 2553, Statement of Disbursements of the House, October 1, 2004—December 31, 2004).

c. *David S. Whaley,* Professional Staff, Travel Subsistence: Monday, October 18, 2004—Thursday, November 17, 2004: $1,514.52 (page 2553, Statement of Disbursements of the House, October 1, 2004—December 31, 2004).

d. *Vincent Sampson,* Deputy Chief Counsel, Travel Subsistence; Friday, October 22, 2004—Monday, October 25, 2004, $905.24 (page 2553, Statement of Disbursements of the House, October 1, 2004—December 31, 2004).

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 29, 2005.

Hon. ROBERT W. NEY,
Chair, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN NEY: I was surprised to read your letter to Chairman Richard Pombo dated March 24, 2005. In this letter you forwarded my follow-up questions from the March 16,005 House Administration Committee hearing on committee funding allocations, yet you seem to give Chairman Pombo an option of providing the requested information. This concerns me for several reasons.

First, as you will recall, there was much discussion at the hearing regarding the travel of House Resources Committee staff in the months of October and November of 2004. Chairman Pombo was unable to answer the questions at the hearing about the specifics of this travel. In response to my questions, Chairman Pombo said "I would have to answer that for the record."

Chairman Pombo himself offered to provide answers to these questions. I am puzzled as to why you have now advised Mr. Pombo in writing that he does not need to provide the information that he already committed to give our Committee.

Second, in your letter to Chairman Pombo, you state that my questions are beyond the scope and subject matter of the hearing. I acknowledge that I am the newest Member of the House Administration Committee, but it is my understanding that this Committee is charged with overseeing all operations of the House of Representatives. This includes the work done by the personal offices of every Member of Congress and each of the individual House Committees.

Is it not this Committee's responsibility to oversee and approve the way that Committees ofthe House create budgets to assure that the funds supplied by American tax payers are used in a wise and lawful way? I thought this was the purpose of the House Administration Committee hearing on March 16th.

Serious questions were raised about the money spent by the Resources Committee in the 108th Congress. These questions include,

but were not limited to, the use of the Frank, official travel by Committee staff, and the overall vacation policy of the Committee. As you know, the Resources Committee has requested a 9.6% increase in their operating budget for the 109th Congress as well as $100,000 for franked mail privileges. How could we fulfill our duties as members of the House Administration Committee if we approved this large budget increase for the Resources Committee in the 109th Congress before fully investigating and resolving the questions that have been raised about the committee's budget in the 109th Congress?

Third, you state in your letter that "no other Chair or Ranking Member has been asked or required to provide such information." This is a true statement. Of course, the reason is because no other Committee Chair or Ranking Member has faced similar questions about their use of federal funds last year.

No other Chair or Ranking Member chose to close their office and place their staff on Administrative leave for over a month in October and November of 2004. To my knowledge, no other Chair or Ranking Member closed their office, but still had staff claim almost $4,000 in travel subsistence reimbursements from the House of Representatives in October and November of 2004. As far as I know, no other Chair or Ranking Member had 2 staff members on official Committee travel return to the office on Wednesday, November 3, 2004—the day after the November 2004 elections.

Chairman Ney, these are very serious questions but questions that can be answered quite easily. Chairman Pombo has the ability to answer them and clear up any confusion. about the budget of the Resources Committee in the 108th Congress. I am confident that Chairman Pombo would welcome the opportunity to put these questions to rest. If all the work done by the staff of the Resources Committee in October and November of 2004 was official, ethical and proper, I know Chairman Pombo will want to tell us how by answering these questions.

I hope you will reconsider your opinion on this issue and advise Chairman Pombo that the House Administration Committee expects him to answer my questions for the record by Friday, April 15, 2005 as he indicated he would during our hearing.

Thank you for your assistance. I look forward to your response.

Sincerely,

ZOE LOFGREN,
Member of Congress.

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION,

Washington, DC, April 1, 2005.

Hon. ZOE LOFGREN,
House of Representatives,
Cannon HOB, Washington, DC.

DEAR REPRESENTATIVE LOFGREN: Thank you for your letter of March 29. I am sorry if you were disappointed by my letter to Chairman Pombo wherein I advised him that no other Chair or Ranking Member had been asked or required to provide information of the sort you were seeking. I am glad you acknowledged the

truth of my statement, but I am confused by your assertion that, "Of course, the reason is because no other Committee Chair or Ranking Member has faced similar questions about their use of federal funds last year."

I have included for your review an article that appeared in the Detroit Free Press in November 2003. It raises a number of questions about campaign activities conducted by the staff of Ranking Member John Conyers (both his personal staff and Judiciary Committee staff). Indeed, these questions seem even more serious than the ones you raise in that they include allegations of campaign activities being conducted in government office space and on government time, not during a leave period.

You were present when Mr. Conyers appeared before our Committee along with Chairman Sensenbrenner to present the budget for the Judiciary Committee yet you chose not to ask him any questions along these lines. Surely, it cannot be your position that questions of this sort that arose in the 2nd session of the 108th Congress were somehow related to the subject matter of our hearing, but questions that arose during the 1st session were not related. I therefore must assume that you either, (1) were unaware of the questions that had been raised about Mr. Conyers, or (2) that you only want to make these inquiries of Members who do not sit on your side of the aisle.

If you were previously unaware of these questions, but having been made aware are now concerned about them, I would be happy to forward any follow-up questions you may have to Mr. Conyers. If your motivations are political, I am sure you can appreciate why I am unwilling to assist you.

Sincerely,

BOB NEY.

[From the Detroit Free Press, Nov. 21, 2003]

A FREE PRESS INVESTIGATION

(By Joel Thurtell, Chris Christoff and Ruby L. Bailey)

U.S. Rep. John Conyers and his top aides have assigned his congressional staff to work on political campaigns while they were on government time and sometimes in government offices, staff members say.

That violates U.S. House ethics rules and, in some cases, may be illegal.

Staffers for the 19-term Detroit Democrat told the Free Press they have used government telephones, printers, fax machines and mailing lists to solicit campaign contributions, organize fund-raisers and canvass for votes. It is illegal to raise political funds from any federal office.

This report is based on extensive interviews with six current and former Conyers aides, who asked to remain anonymous for fear of reprisals, and Enid Brown, a Conyers volunteer who said she took notes at a campaign strategy session attended by Conyers and staff members in his downtown Detroit office. The Free Press also examined congressional payroll and campaign finance records, and schedules and internal records for Conyers' office.

House Judiciary Committee attorney Burton Widest who spoke for Conyers, denied any wrongdoing. He acknowledged that many staffers work on political campaigns for other Democrats and for causes Conyers supports, but he said they use compensatory time or work after hours and on weekends.

Conyers was not available for an interview.

The two-month investigation found that many members of Conyers' staff, as well as at least one Judiciary Committee employee who reports to him, campaigned on government time without keeping track of their time as required by House rules. The recent campaigns include:

In 2003, the April City Council race of JoAnn Watson, who was then on his staff; the June run for Wayne County Commission by Keith Williams, and an effort last month to defeat a California ballot proposal to ban the collection of racial data.

In 2002, Jennifer Granholm's bid for governor; Robert Ficano's run for Wayne County executive; Kevin Kelley's campaign in western Wayne County for Congress, and the failed race of Conyers' wife, Monica, for a Detroit state Senate seat.

ACCUSATIONS AND DENIALS

Ray Plowden, head of Conyers' Detroit office, denied that any campaigning or fund-raising has occurred in Conyers' office.

"No, no, no, no fund-raising, no campaign work," he said. "I tell people they can't do any fund-raising out of that congressional office."

But a staff member insisted, "Fund-raising has been done from the offices. I was part of it."

Interviews with the six current and former Conyers staffers portray an office where campaign work often supersedes daily official responsibilities. They said campaigning is often done on nights and weekends, but during working hours there is no effort to distinguish between political campaigning and congressional duties.

One staffer described the pervasive nature of the campaigning, describing work done for Conyers' wife, Monica, 39, in her failed state Senate primary campaign last summer.

"He had us all work on Monica Conyers' campaign. We were dedicated to that campaign. The district office was empty."

The staffer added: "Conyers and Plowden said for the next two weeks, 'I don't want you to think about anything but the campaign.' What are we doing about constituents? I've got a lady who doesn't have any heat. It's frustrating."

Plowden denied that staffers were ordered to work on campaigns.

"I would never say that," he said.

Despite the political cachet of her last name, Monica Conyers lost the primary to Samuel (Buzz) Thomas, a popular state representative.

IMPERFECT RECORDKEEPING

John Conyers, 74, first elected in 1964 and the second most senior member of the House, is a cofounder of the Congressional Black Caucus and a leading voice for civil rights, affirmative action and liberal causes. He is the ranking Democrat on the Judiciary Committee and in line to become its chairman if Democrats win the House in 2004.

Wides said Conyers is more actively involved in other people's campaigns than many in Congress, and that he encourages his staff to help campaigns that he believes advance social issues and values he thinks are important Conyers has been in a safe district all of his political career—winning every re-election by more than 90 percent. Congressional staffers commonly work on political campaigns. But House ethics rules require that they do so on their free time and that they "should keep careful records documenting the campaign work was not done on official time."

Plowden acknowledged that such records were not kept and that it was up to individuals to keep track of their hours worked.

Plowden said staff members often work extra hours evenings and on weekends for which they aren't paid, and can use those compensatory hours or vacation time to work on campaigns at any time.

He said vacation time varies, based on work performance, but that the average vacation time is two weeks annually.

Plowden is on leave working full time for the presidential bid of U.S. Rep. Dick Gephardt, D–Missouri.

Wides bristled when asked for records showing when staffers worked official hours and campaign hours and took vacations.

"You're not going to see anything," he said. "You're going to do a hatchet job, and we're not going to let you go fishing."

POLITICAL WORK

Based on the interviews with former and current staffers and records, here's a detailed look at how Conyers used staff to work on two Detroit political races and to raise money for his office.

April 29, 2003—Detroit City Council race Conyers staffers and Judiciary Committee aides worked this spring on the Detroit City Council campaign of Watson, a Conyers aide, well-known city activist and radio talk show host.

On April 18, Conyers attended a lengthy meeting in his downtown Detroit office to plot strategy for Watson's race against former City Council President Gil Hill, said Enid Brown, a private investigator volunteering for Conyers, and others who attended the meeting.

At the meeting, Conyers asked 10 staffers, Judiciary Committee staff attorney Lillian German and Brown to help find information that could be used against Hill, they said. German had been hired earlier that month.

Conyers raised two issues himself, about a loan to Hill from Hill's wife and Hill's role on a city pension board that had lost money.

Brown, who lives in Franklin, said Conyers asked her to find out whether the loan was legal and for more information on the pension issue.

Conyers knew Brown had done research on the pension issue. Brown said she joined the discussion because she respects Conyers. But although she's seen Conyers' aides do legitimate constituent work on their own time, she said she thought his staff should not be working on the Watson campaign on work time and in his office.

"I don't know if there is any proof of a crime, but there was a discussion of a campaign issue by people on the clock," Brown said. Wides said the meeting was to discuss possible ballot fraud in the

upcoming election, which he said was an issue of interest to the Judiciary Committee.

Brown and others at the meeting said the participants, besides Conyers, were German and Watson, and staff members Carol Patton, Joel Segal and Glenn Osowski, aides in Conyers' Washington office; Plowden; Deanna Maher, chief of staff in Conyers' Downriver office; Karen Johnson, Conyers' Detroit press secretary, and Marian Brown, Barbara Herard, Christian Thornton and Alexia Smokier of the Detroit office.

All were paid members of Conyers' staff at the time of the meeting, according to congressional disbursement records.

The records also show Watson never took an unpaid leave to campaign for her new job and, in fact, collected her $46,382-a-year congressional staff salary until the day before she was sworn in as a council member. Watson declined comment.

Plowden said he and Watson talked about her duties when she entered the race and agreed that she would continue working 20 hours a week for Conyers while she ran for the City Council.

U.S. House ethics rules state that part-time employees may engage in campaign activities, "provided the time spent on both official and campaign activities is carefully documented."

Stan Brand, an attorney for the House Ethics Committee, said it would be normal for a House staff member who runs for elected office to take an unpaid leave to campaign.

Wides, Conyers' legal counsel, said Watson campaigned on her own time while working 20 hours a week during the City Council primary campaign. He said Watson then took vacation and comp time to campaign for the general election and keep her paycheck coming.

He declined to provide documentation.

Plowden said Watson worked regular hours in the office answering phones and writing letters to constituents. Former and current staff members said Watson was rarely seen in the office.

June 3, 2003—WAYNE COUNTY COMMISSION RACE—Conyers' staff was quickly called on again—for Keith Williams, a candidate running in a special election for a Detroit seat on the Wayne County Commission.

Williams was in a tough race against Cheryl Cushingberry, a political activist and sister-inlaw of former state representative and County Commissioner George Cushingberry.

Cheryl Cushingberry said she discovered that people at some public campaign appearances were Conyers' staffers, including German and Judiciary Committee attorney Greg Barnes.

"I was campaigning not just against Williams, but against Conyers," she said.

German spent significant time in the Detroit area. Wides said she worked on issues related to the Judiciary Committee such as alleged police brutality, reparations for descendants of black slaves and funding for Detroit schools, but a staffer said German spent much of her time working on campaigns of interest to Conyers.

In fact, German was reimbursed for $1,000 in travel expenses in June by Conyers' campaign finance account, not from the budget of her employer, the House Judiciary Committee, campaign finance records show. German declined comment.

September 2003—Fund-raising in late summer, Conyers told key aides that the staff needed to raise campaign funds.

In late September, Plowden sent e-mails, one of which was obtained by the Free Press, to staffers on office time asking them to transmit from government computers names of public officials who could be solicited for donations.

Another Conyers staffer, Osowski, was working temporarily out of the office of Williams, the new county commissioner. He asked in October that Conyers' staffers on office time fax him mailing lists kept on congressional computers of potential contributors, including many local officials, using a congressional office fax machine. Osowski was sending invitations to movers and shakers who were asked to donate between $250 and $500 at an Oct. 13 fundraiser for Conyers in the Tiger Den restaurant at Comerica Park.

House ethics rules say such lists "may not be shared with a member's campaign committee, any other campaign entity, or otherwise be used for campaign purposes."

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2005.

Hon. ROBERT NEY,
Chair, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BOB NEY: Our Committee is charged, among other things, with piecing together a plan for Committee budgets. These budgets are not just cost of living adjustments, but are proposed by the Chairs of each Committee. We spent two entire days hearing testimony and much more time reviewing written requests so that we could knowledgably evaluate the proposals of each Chair. That's why the questions I asked Chairman Pombo were relevant.

Chairman Pombo has asked for a nearly 10% increase in his Committee operating budget—well in excess of the cost of living increase. Alone among Committee Chairs, Mr. Pombo put his Committee staff on paid vacation for the month leading up to the election—1/12 of the work year.

Here's a question: How can this budget increase be necessary when there wasn't enough work to keep the Committee staff at work all year? Further, the timing of the "vacation" along with statements made by Committee staffers led to suspicions voiced publicly that Committee staff were in fact being dispatched for partisan campaign purposes. These suspicions may have been fueled in part by the unusual mass mailings the Committee sent out just before the election. At the hearing, I asked about the vacation issue. Because the campaign issue is related, I raised it as well to give Chairman Pombo a chance to publicly respond. As I'm sure you will recall, he said that he welcomed the opportunity to respond. He denied the allegations in a general sense but was unable to recall particular details about the individuals who had submitted vouchers while on "vacation." It sure didn't seem unreasonable to me that a Committee Chair would not remember those details some months later and Chairman Pombo said he would provide the information later. I asked that you keep the record open for 30 days so he could, and you said that was routine. To follow up on the meeting, I reduced my oral questions to written form.

During our hearing no one objected to my questions—neither you nor Chairman Pombo. I certainly expect that Mr. Pombo will provide this simple information. If he does not after agreeing to do so at the hearing, it is possible that some people will wonder why he is unable to respond. I think that would be unfortunate since he was so clear in his oral testimony that all matters were proper and accounted for.

Thanks, also, for sending me the article about John Conyers. I don't recall seeing it before and wonder, if you felt it was relevant to the budget request made by Chairman Sensenbrenner, why you did not raise it. I also served on the Committee on Standards of Official Conduct (aka, "the Ethics Committee") for many years. I well understand that the Ethics Committee has jurisdiction to review allegations of misconduct by Members of the House—both in their capacity as individual Members and in their capacity as Chairs and officials of the House.

As you know, I am a new member of the Committee. I am enthusiastic about the assignment and look forward to actively participating in the broad range of matters that is within our jurisdiction during the 109th Congress. As I also serve on our Homeland Security Committee, I am particularly eager to work with the whole Committee relative to those issues and the Capitol complex.

Warm regards,

ZOE LOFGREN,
Member of Congress.

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION,

Washington, DC, April 13, 2005.

Hon. ZOE LOFGREN,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LOFGREN: Enclosed, please find Chairman Pombo's response to your inquiries.

Sincerely,

BOB NEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, April 12, 2005.

Hon. ROBERT W. NEY,
Chairman, Committee on House Administration,
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN NEY: I am in receipt of your letter dated March 24, 2005, in which you enclosed the questions of Rep. Zoe Lofgren (D–CA) as related to the Committee on House Administration's March 16 hearing on the proposed Resources Committee budget for the 109th Congress.

As you will recall from the hearing, the basis of Ms. Lofgren's questions stemmed from an old Capitol Hill newspaper article in

which I reportedly "shut down" the Resources Committee "so that panel staffers could hit the campaign trail" during the October, 2004 recess. This is factually incorrect; inferences drawn in and/or as a result of this story are fallacious. As such, I welcome this opportunity to respond and lay erroneous claims to rest once and for all.

As I stated in my testimony before your committee on March 16th, the citizens of the United States got more for their tax dollars from the Resources Committee in the 108th Congress than from any other committee in the House. Our panel and its subcommittees held 174 1egislative hearings and marked up 237 bills, 107 of which garnered the President's signature to become Public Law. In addition, we held nearly fifty official field hearings in communities throughout the country that are most affected by policies under the Resources Committee's jurisdiction, least served by the media, and whose citizens are generally the most under-represented in the House of Representatives.

Under my authority as chairman, I granted the majority staff of the Resources Committee 18 days of Administrative Leave during October and November while Congress was in recess as a gesture of my thanks and appreciation for their hard work in compiling this as yet unmatched record.

And while they were not required to be physically present at the committee offices during that time, they were expected to fulfill any and all professional obligations they may have had (though the House was in recess and the committee had finished all of its business for the entire 108th Congress) via laptops, cellular phones, and Blackberry devices. In essence, the staff was permitted to telecommute. Each and every member of this staff is a consummate professional and I can assure you this committee did not miss a beat as a result of my gesture.

Unfortunately, the scurrilous and inflammatory story referred to by Ms. Lofgren implied that my decision to grant this period of leave was designed, as she put it during the hearing, to enable the staff to be "dispatched to work on campaigns when they were not taking vacation time," This is categorically, patently and unequivocally false.

No official funds, no official resources and no official government time were used—in any way, shape or form—for political purposes during the period in question or at any other time since I have been chairman. This includes the travel subsistence expenses Ms. Lofgren identified in the most recent Statement of Disbursements of the House for (4) four of the Resources Committee majority staff members. The specific information for each of those individuals, as requested by Ms. Lofgren, is as follows:

> Brian J. Kennedy: Mr. Kennedy traveled in an official capacity to California, where we worked on communications matters including, but not limited to, the President's signing of the landmark Cal-Fed legislation and planning the committee's communications strategy for the 109th Congress with me personally.
>
> During the course of your hearing, Ms. Lofgren questioned the purpose of Mr. Kennedy's official travel because, as she put it, he is the press secretary and "there were no press releases issued" during the 18 day period according

to the Resources Committee website. This is correct. The committee had finished its legislative agenda for the 108th Congress and the House stood in recess.

However, as I am sure the Committee understands, issuing press releases is but a small fraction of the responsibilities in a press secretary's job description. I would duly note, according to her website, that Ms. Lofgren did not issue any press releases during the very period in question either, nor has she issued a release since February 26th of this year. It would be wrong to construe, however, that her press staff was not working simply because no releases had or have been issued.

Mathew Miller: Mr. Miller traveled with me in an official capacity to meet with myself and Mr. Kennedy on oversight, legislative, and member participation plans for the Resources Committee and its five subcommittees for the 109th Congress.

David S. Whaley: Mr. Whaley traveled twice during this period in official capacities. He traveled to Baltimore, MD to participate in a panel discussion on the implementation of the Magnuson-Stevens Fisheries Conservation and Management Act. He also traveled to participate in the 14th Special Meeting of the International Commission of the Conservation of Atlantic Tuna (ICCAT) in New Orleans, LA.

Vincent Sampson: Traveled to staff an official oversight field hearing of the Subcommittee on Energy & Mineral Resources in Reno, NV. The subject of the hearing was on Sustainable Development Opportunities in Mining Communities.

These four members of my staff did travel in an official capacity in close proximity, coincidentally, to an election—hence Ms. Lofgren's questions. However, as you know, it is easy to misconstrue (deliberately or otherwise) the rather vague information in the Statement of Disbursements document.

For example, the information contained in the very same volume of this publication shows that Ms. Lofgren disbursed $6000 in official funds to an entity listed as "The Democratic Network." While I am sure this was a legitimate and reasonable expense for the Gentlelady from California, you can certainly understand how an individual predisposed to partisan gamesmanship could disingenuously suggest that taxpayer dollars had been funneled inappropriately to a political entity. This is unfortunate.

Let me also say that I take these questions very seriously, Mr. Chairman. But the manner in which they have been posed to me calls into serious question the true motives here and whether or not the official committee funding process at House Administration has been manipulated for purposes of partisan politics.

In the future, I hope that members of the Committee on House Administration's minority choose to work with you and other chairman in a proactive, production, and straightforward fashion. Unfortunately, in this case, members of the media were somehow privy to the minority's line of questioning before the hearing and had even obtained copies of Ms. Lofgren's follow-up questions before the committee's official record on the matter had closed. When fed to

the press without answers, questions of this nature have a tendency to take the form of allegations—a form I am confident that no member of your committee intended.

I am eager to earn your committee's approval of the Resources Committee budget for the 109th Congress. Proposed by both Ranking Member Rahall and myself, the budget is both responsible given the current budget climate and conservative in light of the committee's vast responsibilities. While we recognize that every dollar we spend comes from the taxpayers' pockets, we are certain that this budget accurately represents our minimum requirements.

I am encouraged by the minority's recent action with regard to seating members on its side of the Franking Commission. That work should resume as soon as possible. As you know, my response to an outstanding complaint has sat idle from one Congress to the next, or roughly the last five months. And as you stated and the minority conceded during the hearing, no rules or regulations were breached in the conduct of franked mail operations at the Resources Committee. In addition, roughly half of the franked mail pieces during the 108th Congress were sent into the districts of Democratic committee members. The complaint should therefore be considered without merit and officially dismissed.

Enclosed for your review is a recent Washington Times article, "Press willfully ignorant of U.S. rural life." which highlights the recent findings of the Center for Media and Public Affairs. After an exhaustive study, the Center concluded that much of the press is apathetic toward and/or "clueless" about life in rural America. I submit this to you as prima facie evidence of the need to continue the Resources Committee's direct outreach efforts to these communities via franked mail and official field hearings. This has been and will continue to be the normal and regular business of my committee.

Also, please find enclosed a copy of the Committee on Resources Employee Handbook for the 108th Congress for your reference, which stipulates the committee's leave and vacation policies, among others.

I trust you will find my responses to the questions posed to me by Ms. Lofgren at House Administration Committee hearing thorough and complete. Thank you for your outstanding leadership of the Committee on House Administration. As always, I look forward to working with you closely.

Sincerely,

RICHARD W. POMBO,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC.

Hon. ROBERT W. NEY,
Chair, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN NEY: Thank you for forwarding Chairman Pombo's responses to my inquiries. I am glad that Chairman Pombo looked at my questions as an opportunity to respond to what he terms "erroneous claims" that he "shut down" the Re-

sources Committee last fall "so that panel staffers could hit the campaign trail." Probably through an oversight, one important question remains unanswered.

In his testimony before the House Administration Committee, Chairman Pombo stated that "any member of the [Resources] Committee staff who chose to work on a campaign during [the closure period] was required to take vacation time." However, in his written responses, Chairman Pombo stated that "[u]nder [his] authority as chairman, [he] granted the majority staff of the Resources Committee 18 days of Administrative Leave during October and November while Congress was in recess. . . ." According to the Employee Handbook provided by Chairman Pombo, "Administrative Leave" is not charged to vacation time. Rather, it appears to he paid leave that is limited to "extreme weather conditions, natural disasters, religious holidays or other unusual events."

Thus, it appears that Chairman Pombo granted the entire Majority Staff of the Resources Committee an additional 18 days of paid Administrative Leave that did not count towards their normal vacation leave. As Mr. Pombo noted, some have raised questions about these actions because they occurred immediately before the November election.

My 5th question to Chairman Pombo was intended to put these concerns to rest by seeking disclosure of those staff members who took vacation time, as opposed to paid "Administrative Leave," to work on political campaigns. Because this question was overlooked, the questions about whether Resources Committee staff worked on political campaigns during their additional 18 days on paid Administrative Leave remain unanswered. I hope that Chairman Pombo will put these questions to rest once and for all by clarifying this.

Finally, Chairman Pombo mentioned a $6,000 disbursement from my official funds to an entity listed as "The Democratic Network." The Democratic Network is not a political entity. It is a company that assists in sending "e-newsletters," a service that I am told it provides for about 30 other Members as well. If you would like further information on The Democratic Network, their telephone number is 310–789–4567.

Again, thank you for your assistance.

Very truly yours,

ZOE LOFGREN,
Member of Congress.

ADDITIONAL VIEWS

THE FAIRNESS PRINCIPLE

Weare submitting these additional views to compliment the Chairman for his efforts to achieve the fairness principle. For the last six years, the Speaker and the Chairman of the Committee on House Administration have labored in the House's service to the benefit of both the Majority and the Minority alike. They have firmly established the "Fairness Principle" in the committee funding process, and thus secured, to the benefit of the institution, the civility in this area of operation, which should be applicable to all aspects of the House's internal administrative operation. While many others have also worked to bring this about, Chairman Ney and the Speaker must be credited with greatly diminishing this source of continuing tension between the Majority and the Minority—a perceived unfairness in the division of committee resources.

The fairness principle has been a part of House rules, in one form or another, for many decades, under both Republican and Democratic majorities. The principle is currently embedded in House Rule X, Clause 9, and making the fairness principle applicable to all committee resources should have been a logical extension of this well-established rule. We want to make it clear that, irrespective of who is in the majority, this fairness principle should always govern the allocation of committee resources.

Until the fairness principle is universally applied, we must anticipate that, as committee leadership positions change hands, old compromises and accommodations must yield to the unconditional application of the fairness principle. Only then will Chairman Ney and Speaker Hastert have achieved their objective of securing civility between the Majority and Minority regarding committee resources in the House.

USE OF THE FRANK

By adopting the Ney/Millender-McDonald amendment to the Committee Funding Resolution, the Committee has taken a very enlightened approach to committee mass mailings. In recognition of a need for clarification and reasonable spending limits in this area, the resolution proscribes the use of committee operating funds to support mass mailings consistent with the provisions of the amendment below.

The Committee also set a limit on the use of the frank for committee related business at $5,000 per session to each standing committee. The chart below suggests that few committees will have any difficulty with that limit based on spending levels prior to the 108th Congress. Chairman Ney expressed clearly and unequivocally during the Committee markup that any standing committee that needs more in exigent circumstances (such as to respond di-

rectly to incoming correspondence generated by a grass roots letter writing campaign) will have to come back to the Committee to request any increase. Of course, a committee initiated mass mailing would not fall within this type of exigent circumstance. Any such proposed increase would be adopted by the full Committee in the form of a Committee resolution approved by the body during a regular meeting.

HISTORY OF COMMITTEE MAIL EXPENSES

	2000	2001	2002	2003	2004
Agriculture	$691.91	$578.90	$521.91	$645.20	$384.52
Armed Services	5,640.99	6,300.05	7,312.99	673.37	470.97
Budget	1,232.48	285.20	129.48	133.25	252.44
Education and the Workforce	1,665.49	1,458.71	1,515.39	1,345.59	4,839.41
Energy and Commerce	3,937.66	2,737.09	1,772.19	1,838.59	1,673.53
Financial Services	1,617.51	1,025.71	733.41	1,078.74	856.10
Gov't Reform	.....	4,776.00	4,689.00	3,767.09	9,700.46
Homeland Security	(1)	(1)	(1)	909.01	783.89
House Administration	1,381.12	688.01	2,606.07	756.20	7,883.31
Intelligence	342.16	248.10	146.46	353.99	190.26
International Relations	5,041.04	1,730.78	834.57	739.27	724.38
Judiciary	6,866.53	4,530.67	4,422.33	2,957.02	2,956.42
Resources	1,563.89	2,882.59	2,081.58	51,123.13	53,917.29
Rules	241.19	257.14	222.97	924.33	958.19
Science	2,810.99	1,974.97	1,874.39	1,739.34	14,122.29
Small Business	3,292.73	2,214.66	3,502.11	897.88	1,623.39
Standards	17,016.88	1,126.46	4,640.89	3,133.07	1,061.13
Transportation	1,824.82	2,254.39	1,264.35	1,624.70	1,156.61
Veterans	2,206.75	2,037.79	1,656.58	1,200.22	1,694.77
Ways & Means	4,372.19	2,958.93	1,959.06	1,640.67	1,156.84

[1] n/a

AMENDMENT OFFERED BY MS. MILLENDER-McDONALD

SECTION 5. REQUIREMENTS FOR USE OF FUNDS FOR MASS MAILINGS.

(a) IN GENERAL.—None of the amounts made available under this resolution may be used by a committee for the production of material for a mass mailing unless—

(1) the mailing is of a press release to the communications media, a notice of the schedule of a hearing or markup of the committee (the content of which shall be limited to date, time, location, topic, witness list, and ADA services), a committee document printed pursuant to the applicable provisions of title 44, United States Code, or a request for the views of the public or the views of other authorities of government essential to the conduct of the study, investigation, or oversight of matters within the jurisdiction and related functions assigned to the committee under rule X of the Rules of the House of Representatives;

(2) prior to mailing, the chairman or ranking minority member of the committee (as the case may be) submits a sample of the material to the House Commission on Congressional Mailing Standards and the Commission determines that—

(A) the mailing is ordinary and necessary to the conduct of the normal and regular business of the committee, and

(B) the mailing would be in compliance with the requirements of subsections (a)(3)(A), (a)(3)(C), (a)(3)(G), (a)(4), and (a)(5) of section 3210 of title 39, United States Code, if mailed by a Member of the House of Representatives;

(3) the mailing would not be prohibited under section 3210(a)(6)(A) of title 39, United States Code, if mailed by a Member of the House of Representatives; and

(4) the aggregate amount that will be spent in franking costs by the committee for mass mailings during the session involved, after taking into account the franking costs of such mass mailing, will not exceed $5,000.

(b) MASS MAILING DEFINED.—In this section, the term "mass mailing" has the meaning given such term in section 3210(a)(6)(E) of title 39, United States Code.

JUANITA MILLENDER-MCDONALD.
ROBERT A. BRADY.
ZOE LOFGREN.

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