

PERMITTING LIBRARIAN OF CONGRESS TO HIRE LIBRARY OF CONGRESS POLICE EMPLOYEES

Mr. NEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4816) to permit the Librarian of Congress to hire Library of Congress Police employees.

The Clerk read as follows:

H.R. 4816

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

**SECTION 1. PERMITTING LIBRARIAN OF CONGRESS TO HIRE LIBRARY OF CONGRESS POLICE EMPLOYEES.**

(a) IN GENERAL.—Section 1006 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1901 note), is amended—

(1) in the heading, by striking “TRAINING, DETAILING, AND HIRING” and inserting “TRAINING AND DETAILING”;

(2) by striking “(a)” and the heading of subsection (a);

(3) by striking subsection (b) and redesignating paragraphs (1) and (2) of subsection (a) as subsections (a) and (b); and

(4) in subsection (b) (as so redesignated), by striking “paragraph (1)” and inserting “subsection (a)”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 4816, a bill that will restore the Librarian of Congress' authority to hire Library of Congress Police employees.

To understand this legislation, one must first understand the chain of events which brings this legislation to the floor of the House. Language was included in last year's appropriations bill which stripped the Library of its authority to hire new police officers. Our committee was not consulted and did not support that language.

The language further called on the United States Capitol Police to begin detailing officers to the Library of Congress as a way to force the beginning of a merger of the two agencies before the appropriate committees of jurisdiction had even had a chance to fully deliberate the merits of a merger.

Over the past several weeks, draft memorandums have circulated back to the committee which attempt to effect this transfer of officers to the Library. All of these memorandums have contained provisions that are not only objectionable to the committee, but raise more questions about the transfer and the merits of a merger.

It is the committee's steadfast position that such a sweeping action affecting security must be conducted in a manner which undeniably results in greater security and greater efficiency for both the Congress and the Library

of Congress. There are a multitude of complex issues that really need to be dealt with in order to ensure that any steps taken by the Congress toward a merger are taken in a deliberate manner, with the long-term interests of both institutions in mind.

Many details of the potential merger or the initial detailing of Capitol Police officers have yet to be addressed, in my opinion, in a satisfactory manner, details such as the composition of a new command structure, differences between Library Police procedures and regulations because there is a large difference in the way we operate with the Capitol Hill Police and the way the Library of Congress operates in their missions and their tasks. We really, I think, need to look at those issues, plus the disposition of large numbers of Library Police who would be forced into retirement, the reconciliation of two distinct agency missions, the manner in which grievances are handled, the manner in which recruitment and morale of the United States Capitol Police could be affected, and ultimately, the life safety of the hundreds of thousands who serve, work or visit in the Capitol complex. The Committee on House Administration and the Congress have a responsibility to ensure that unresolved details like these are not swept up in a hasty and broken process.

Our committee was exercising appropriate oversight and due diligence in this process at the time this authorizing language, which originated from the other body, appeared in an appropriations conference report, placing the cart squarely in front of the horse.

Now, because the Librarian is unable to exercise any hiring authority to bring new police onto the Library force, there is a growing manpower gap which some argue could impact the security mission of the Library; and frankly, I think this is putting the Library in a Catch-22 position.

Additionally, the attention being paid on fixing the current situation is siphoning resources from the United States Capitol Police during what we know is a very crucial time. The growing need for officers at the Library is an urgency of the Congress' own creation and should be fixed by the Congress. The mission of the Capitol Police is to protect the Congress, and at a time when that mission is under threat from terrorists, any distraction, I think, is detrimental to the interests of the institution and could have dire consequences.

Madam Speaker, I am intimately involved with and deeply concerned about the security of this campus, as I know our ranking member is and all members of our committee and frankly all Members of this House. It is arguably the most important issue which our committee has jurisdiction over as it deals with matters of life and death. That is why I urge passage of this legislation.

We need to remove the restriction on the Librarian's authority to hire police

officers so that we may mend this broken process and allow the authorizers to handle this complex issue in an appropriate manner. I urge my colleagues to vote for this bill so our security officials can meet their missions and focus their attention and their thrust on protecting everyone in the Capitol complex, especially in this heightened security threat environment.

I urge my colleagues to support this legislation restoring authority to the Librarian, and upon passage, I hope the other body will act quickly to lift these constraints on the Librarian and that the appropriators in both bodies will provide the funding necessary to train and pay the officers that can be hired pursuant to this resolution.

Let me just close by saying, also, I think we can have discussions about this with the other body, within appropriations and within the authorizers of both Chambers. But I think right now in the best interests of everybody involved, if we take this measure, it will help the Library of Congress, which is in really a very difficult situation.

Madam Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I may consume. I would like to again associate myself with the remarks of the distinguished Chair from Ohio. I want to thank the distinguished chairman for moving so resolutely to address the problem caused by last year's appropriations bill.

This predicament, which he has thoroughly outlined and that his legislation would correct, could properly become a case study for why the House rules prevent appropriation bills from including legislative provisions and vest the responsibility for such matters in the authorizing committees.

I support and applaud the chairman's determination to ensure that the Library of Congress does not become a weak point in the Capitol's security perimeter. That, Madam Speaker, we simply cannot afford.

I have, as well, a letter from James Billington, where he quotes, I think, very appropriately that “the Library has been without an adequate police force for more than a year. The U.S. Capitol Police received funding to hire 23 officers that, under the 2004 legislative branch appropriations bill, were to be detailed to the Library of Congress. As a practical matter, we cannot get them until we have approval of a memorandum of understanding between the Capitol Police and the Library. The 2004 appropriations bill removed the Library's ability to hire police employees, and an additional 10 officers have left our force through attrition. Unless,” as the chairman's bill provides, “action is rapidly taken to remedy this situation, we will soon have a police force staffed at only two-thirds of its authorized strength, clearly unacceptable in today's world.”

I trust, as the chairman has indicated, that the Senate will follow his

leadership in this regard. Again I applaud his efforts to prevent the usurpation of the authorizing committee's responsibility. I urge the passage of this.

Madam Speaker, I support the Chairman's motion and urge its adoption.

Section 1015 of Public Law 108-7, enacted on February 20, 2003, provided for the merger of the Library of Congress Police into the United States Capitol Police. The section, which originated in the Senate and was enacted in the Legislative Appropriation for fiscal 2003, was never the subject of formal hearings in the Committee on House Administration. Section 1015 provides that the merger of the two police forces will not take place until an implementation plan, developed by the Chief of the Capitol Police and submitted to the Capitol Police Board, the Librarian of Congress, and the appropriate committees, has been approved. Pending that approval, which has not yet occurred, Section 1015 authorized the Librarian to fill vacancies in the Library Police ranks with applicants who satisfy the employment standards of the Capitol Police, to the extent practicable.

Seven months later, Section 1006 of the Legislative Branch Appropriations Act for 2004, another provision not subjected to hearings in our committee, eliminated the Library's authority to hire police officers pending the merger with the Capitol Police. During fiscal 2004, Section 1006 allows the Librarian to select and recommend to the Capitol Police enough qualified officers to replace those which the Library loses through attrition this year, and up to 23 more. Nevertheless, the restriction on the Library's hiring of police officers has in practice resulted in a serious manpower shortage for the Library. The Librarian, Dr. Billington, has warned our committee that if nothing changes, the Library may soon have a police force staffed at two-thirds of its authorized strength. I certainly agree with Dr. Billington that such a posture is unacceptable in these perilous times.

Madam Speaker, the Chairman's bill would restore the Library's authority to hire police officers pending the merger. Under the bill, the Librarian must still, to the extent practicable, hire individuals who meet the standards of the U.S. Capitol Police, as determined by the Capitol Police chief. Since it is not clear at this time how soon the merger implementation plan may win the approval of the appropriations and authorizing committees involved, including the Committee on House Administration, restoring the Library's control over its police hiring is the prudent course for us to take.

Madam Speaker, the Library of Congress is the nation's preeminent cultural institution. This Congress should take every reasonable step to assure the proper protection of the Library's 4,000 employees, millions of books and artifacts, and its capital facilities, so the Library can continue serving the American people and their Congress. Restoring the Librarian's ability to hire enough qualified police to support its mission is not only reasonable, but essential.

I want to thank the distinguished chairman, the gentleman from Ohio [Mr. NEY] for moving so resolutely to address the problem caused by last year's appropriations bill. This predicament, which the chairman's legislation would correct, could properly become a case study for why the House rules prevent appropriations bills from including legislative provisions,

and vest the responsibility for such matters in the authorizing committees. I support and applaud the chairman's determination to ensure that the Library of Congress does not become a weak point in the Capitol's security perimeter. That, Madam Speaker, we simply cannot afford. I trust the Senate will follow the chairman's leadership in this regard.

Madam Speaker, I include for the RECORD a letter on this subject from the Librarian of Congress:

THE LIBRARIAN OF CONGRESS,  
July 15, 2004.

Hon. ROBERT NEY,  
*Chairman, Committee on House Administration,  
House of Representatives, Longworth House  
Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for taking the time to speak with me on Tuesday regarding the library's Police force. I truly appreciate your call and concern.

The Library has been without an adequate police force for more than a year. The U.S. Capitol Police received funding to hire 23 officers that, under the 2004 Legislative Branch Appropriations Bill, were to be detailed to the Library of Congress. As a practical matter we cannot get them until we have approval of a memorandum of understanding between the Capitol Police and the Library. The 2004 appropriations bill removed the Librarian's ability to hire police employees, and an additional ten officers have left our force staffed at only two-thirds of its authorized strength—clearly unacceptable in today's world.

I do not see any realistic alternative solution other than a short-term detail of U.S. Capitol Police officers to the Library of Congress police for filling this devastating gap in our police manpower. The memorandum of understanding currently before the House Administration Committee will accomplish that goal and return our police staffing to safe levels.

The outcome of any merger of police forces must be decided by the Congress. The Librarian will work with you and all other stakeholders on the architecture of this solution. But we must have this immediate infusion of police officers.

With true appreciation for all that you do for the Library of Congress, I am,

Sincerely,

JAMES H. BILLINGTON,  
*The Librarian of Congress.*

Madam Speaker, I yield back the balance of my time.

Mr. NEY. Madam Speaker, I yield myself the balance of my time.

I just want to thank our ranking member from Connecticut (Mr. LARSON) for working on this. It is a crucial issue. I believe our thinking is correct on this, to work together, to work with the appropriators and look at the long-term interests.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 4816.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. NEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of H.R. 4816, the bill just passed.

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

There was no objection.

#### SENSE OF THE HOUSE REGARDING POSTPONEMENT OF A PRESIDENTIAL ELECTION

Mr. NEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 728) expressing the sense of the House of Representatives that the actions of terrorists will never cause the date of any Presidential election to be postponed and that no single individual or agency should be given the authority to postpone the date of a Presidential election.

The Clerk read as follows:

#### H. RES. 728

Whereas no regularly scheduled national election for Federal office has ever been postponed for any reason;

Whereas regularly scheduled Federal elections took place as scheduled during the Civil War, World War I, and World War II;

Whereas after having been re-elected in an election that took place while the Civil War continued to rage, Abraham Lincoln said "We can not have free government without elections; and if the rebellion could force us to forego, or postpone a national election it might fairly claim to have already conquered and ruined us. . . . [T]he election, along with its incidental and undesirable strife, has done good too. It has demonstrated that a people's government can sustain a national election, in the midst of a great civil war. Until now it has not been known to the world that this was a possibility.";

Whereas the terrorist bombings that took place in Spain on the eve of the Spanish elections in March 2004 were almost certainly perceived by Al Qaeda as having contributed to the defeat of the government that had stood with the United States in the Global War on Terror;

Whereas terrorists may attempt to strike again against the United States in the months leading up to the November 2004 Presidential election in an attempt to alter or affect the election's outcome;

Whereas in the event that such a horrific attack were to occur, the actions of millions of Americans across the Nation casting their ballots would demonstrate powerfully the strength and resilience of our democracy;

Whereas there is no reason to believe that the men and women who administer elections in jurisdictions across the Nation would be incapable of determining how to react to a terrorist attack;

Whereas postponing an election in the aftermath of a terrorist attack would demonstrate weakness, not strength, and would be interpreted as a victory for the terrorists; and

Whereas under section 4 of article II of the Constitution, Congress has the authority to determine the date on which a Presidential election shall take place: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—