

DANIEL WEBSTER CONGRESSIONAL CLERKSHIP
ACT OF 2008

SEPTEMBER 8, 2008.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BRADY of Pennsylvania, from the Committee on House
Administration, submitted the following

R E P O R T

[To accompany H.R. 6475]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 6475) to establish the Daniel Webster Congressional Clerkship Program, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 6475 would create the Daniel Webster Congressional Clerkship Program that would bring the most talented law school graduates from accredited law schools to Washington, D.C. to serve in the legislative branch. These law school graduates would be offered an opportunity to be employed as Congressional Clerks in the Senate or House of Representatives. This program is intended to facilitate the work of the Congress, to encourage talented new attorneys to immerse themselves in public service, and to expose them to policy formulation and the legislative process.

BILL SUMMARY

H.R. 6475 would bring to Washington, D.C. the most talented law school graduates of accredited law schools in the country to serve in the legislative branch of government.

H.R. 6475 would establish 'Selection Committees' comprised of the Senate Committee on Rules and Administration and the Committee on House Administration. The Selection Committees of each House would select no fewer than six law school graduates to serve

as Congressional Clerks for a 1-year period in their respective chambers. The Selection Committees would also ensure that these Congressional Clerks are apportioned equally between majority and minority offices of each chamber.

The Congressional Clerks would receive compensation and benefits comparable to judicial clerks for the United States District Court for the District of Columbia. The program would be funded through the applicable accounts of the House of Representatives and the contingent fund of the Senate. Congressional Clerks would be subject to all laws, rules, and regulations governing other employees of the Senate and House of Representatives.

COMMITTEE CONSIDERATION

On July 30, 2008, the Committee considered H.R. 6475 and, by voice vote, ordered the bill reported favorably without amendment. No recorded votes were taken during the consideration of the bill.

BACKGROUND AND NEED FOR H.R. 6475

Judicial clerkship programs have long provided the judiciary with access to a pool of exceptional young lawyers at a relatively low cost, while providing these clerks with invaluable insight into the functioning of the court system. Congressional Clerkships would expose young lawyers to the functions and operations of the Federal legislature.

The White House, many administrative agencies of the Executive Branch, the Administrative Office of the United States Courts, the Federal Judicial Center and the United States Sentencing Commission, all operate parallel clerkship or fellowship programs. The Congress is without a similar program.

ANALYSIS OF THE BILL

Daniel Webster Congressional Clerkship Act of 2008—Establishes the Daniel Webster Congressional Clerkship Program for the appointment of individuals who are graduates of accredited law schools to serve as Congressional Clerks in the Senate or House of Representatives.

Section 1. Section 1 states the short title of the Act, the “Daniel Webster Congressional Clerkship Act of 2008.”

Section 2. Section 2 provides the findings as they pertain to other judicial clerkship programs.

Upon graduating from law school, many of the most talented law school graduates begin their legal careers as judicial law clerks. These same lawyers go on to become leaders in their respective professions or specialties, where they serve a critical role in helping to educate the public about the judiciary and the judicial process.

At a time when our Nation faces considerable challenges, the Congress and the public would benefit immeasurably from a program modeled after the judicial clerkship program.

Section 3. Section 3(a) requires the Senate Committee on Rules and Administration and the House Committee on House Administration to serve as the “Selection Committees”.

Section 3(b) establishes the program.

Section 3(c) requires each chamber's Selection Committees to select at least six individuals to serve as employees in their respective chambers for a one-year term.

Section 3(d) specifies the eligibility criteria for a Congressional Clerk, including a requirement that the candidate be a graduate of an accredited law school as of the starting date of the clerkship.

Section 3(e) specifies the process for selection.

Section 3(f) requires the Selection Committees to ensure that Congressional Clerks are apportioned equally between majority and minority.

Section 3(g) establishes compensation parity with judicial clerkships for the U.S. District Court for the District of Columbia.

Section 3(h) requires Congressional Clerks to conform to laws, regulations, and rules in the same manner and to the same extent as other employees of the Senate or House of Representatives.

Section 4. Section 4 specifies use of the applicable accounts of the House of Representatives and the use of the contingent fund of the Senate to support the program in fiscal year 2009 and each succeeding fiscal year.

MATTERS REQUIRED UNDER RULES OF THE HOUSE

Constitutional authority

Clause 3(d)(1) of House Rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which the Committee relies for enactment of the measure under consideration. The Committee cites the legislative power granted to Congress in Article I, Section 8, Clause 18.

Committee votes

Clause 3(b) of House Rule XIII requires the results of each recorded vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the Committee's consideration of H.R. 6475.

Congressional Budget Office estimate

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 27, 2008.

Hon. ROBERT A. BRADY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has completed the enclosed cost estimate for H.R. 6475, the Daniel Webster Congressional Clerkship Act of 2008.

The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

PETER H. FONTAINE
(For Peter R. Orszag).

Enclosure.

H.R. 6475—Daniel Webster Congressional Clerkship Act of 2008

H.R. 6475 would direct the House of Representatives and the Senate to hire a total of 12 law school graduates as clerks for one-year terms beginning within three months of their graduations. The clerks would be compensated at the same rate as clerks employed by the U.S. District Court for the District of Columbia. For this purpose, the bill would authorize the appropriation of whatever amounts are necessary for fiscal year 2009 and each year thereafter.

Assuming the availability of appropriated funds, CBO estimates that carrying out H.R. 6475 would cost about \$1 million a year beginning in 2010. The estimate is based on the assumption that most of the first group of clerks would be hired near the end of fiscal year 2009. Based on information provided by the U.S. courts, we expect that each clerk would receive a salary of about \$60,000 plus benefits. Enacting the bill would have no effect on revenues or direct spending.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Federal mandates

Section 423 of the CBA requires a committee report on any public bill or joint resolution that includes a federal mandate to include specific information about such mandates. The Committee states that H.R. 6475 includes no federal mandates.

Preemption clarification

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 6475 is not intended to preempt any state or local law.

Oversight findings

Clause 3(c)(1) of rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of House Rule X. The Committee has general oversight responsibility for administrative matters of the House of Representatives. The Committee states that the findings are contained in the body of the report.

Statement of general performance goals and objectives

Clause 3(c)(4) of House Rule XIII requires committee reports to include a statement of general performance goals and objectives. The Committee states that the subject is contained in the body of this report.

Congressional “Earmarks”

Clause 9 of House Rule XXI requires committee reports on public bills and resolutions to contain an identification of congressional “earmarks,” limited tax benefits, limited tariff benefits, and the

names of requesting Members. The bill contains no such items either as introduced or as reported to the House.

