

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR
THE NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

MARCH 10, 2009.—Referred to the House Calendar and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H. Con. Res. 38]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the concurrent resolution (H. Con. Res. 38) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution be agreed to.

PURPOSE OF THE LEGISLATION

The purpose of House Concurrent Resolution 38 is to authorize the use of the Capitol Grounds on May 15, 2009, for the National Peace Officers' Memorial Service in order to honor the law enforcement officers who died in the line of duty during 2008.

BACKGROUND AND NEED FOR LEGISLATION

According to the National Law Enforcement Fund, 140 Federal, state, and local law enforcement officers killed in the line of duty in 2008 will be honored at this Memorial Service. During 2008, the average age of all officers killed was 40 years and the officers had served an average of 12 years.

In 1962, President John F. Kennedy signed a proclamation which designated May 15th as Peace Officers Memorial Day, and the week in which that date falls as "Police Week". Every year since, law enforcement officers meet in Washington, DC, to participate in a number of planned events which honor officers who have died the previous year. The first official memorial service took place on May 15, 1982.

According to the National Law Enforcement Officers Memorial Fund, there are more than 900,000 sworn law enforcement officers now serving in the United States.

SUMMARY OF THE LEGISLATION

Section 1. Use of the Capitol Grounds for National Peace Officers' Memorial Service

Section 1 authorizes the use of the Capitol Grounds for the 28th National Peace Officers' Memorial Service on May 15th, 2009, or such other date as the Speaker of the House of Representatives and the Senate Rules and Administration Committee may jointly designate.

Section 2. Terms and Conditions

Section 2 requires the U.S. Capitol Police and the Architect of the Capitol to take such actions as may be necessary to keep the event open to the public, free of charge and to keep the event from disturbing the needs of Congress.

This section also maintains that the sponsor will also be responsible for all expenses and liabilities.

Section 3. Event Preparations

Section 3 allows the Architect of the Capitol to prescribe conditions for the physical preparations for the event.

Section 4. Enforcement of Restrictions

Section 4 requires the Capitol Police Board to enforce all applicable restrictions on the use of the Capitol Grounds, including those relating to sales, advertisements, displays, and solicitations.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On February 4, 2009, Subcommittee on Economic Development, Public Buildings, and Emergency Management Chairwoman Eleanor Holmes Norton introduced H. Con. Res 38.

On February 12, 2009, the Committee on Transportation and Infrastructure met in open session, and ordered the resolution reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H. Con. Res. 38 or ordering the resolution reported. A motion to order H. Con. Res. 38 reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(I) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to designate authorize the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H. Con. Res. 38 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 17, 2009.

Hon. JAMES L. OBERSTAR,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H. Con. Res. 38, a concurrent resolution authorizing the use of the Capitol grounds for the National Peace Officers' Memorial Service.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

H. Con. Res. 38—A concurrent resolution authorizing the use of the Capitol grounds for the National Peace Officers' Memorial Service

H. Con. Res. 38 would authorize the Grand Lodge of the Fraternal Order of Police and its auxiliary to use the Capitol grounds on May 15, 2009, or on such a date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration may jointly designate. Because it would require that the sponsors assume responsibility for all expenses and liabilities associated with the event, CBO estimates that passage of H. Con. Res. 38 would result in no significant cost to the federal government.

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

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H. Con. Res. 38, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H. Con. Res. 38 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H. Con Res. 38 makes no changes in existing law.