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Report laid
by the Chairperson
of the House Broad-
casting Committee
on Tuesday 5.10.10
Nagoo

REPUBLIC OF KENYA

KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT-FOURTH SESSION

THE HOUSE BROADCASTING COMMITTEE
REPORT ON THE STUDY TOUR TO THE USA

MAY 11 - 20, 2010

PARLIAMENT BUILDINGS
NAIROBI

MAY, 2010

PREFACE

Mr Speaker Sir,

The House Broadcasting Committee is one of the six House Keeping Committees.

The Committee is established and operates in accordance with provisions of Standing Order No. 195 which states:

The House Broadcasting Committee shall:-

- a) Consider and report on all matters relating to broadcasting of Parliamentary Proceedings;
- b) Assess and analyse Parliamentary information released to the public by the media;
- c) Make reports and recommendations to the House on a regular basis, including proposed legislation on all matters relating to broadcasting of parliamentary proceedings and matters related thereto.

The following are the Members of the Committee:

- 1. Hon. (Eng.) Nicholas Gumbo MP-chairman**
- 2. Hon. (Capt) Clement Wambugu MP-Vice chairman**
- 3. Hon. Jakoyo Midiwo, MP**
- 4. Hon (Eng.) James Rege, MP**
- 5. Hon. David Were, MP**
- 6. Hon. David Koech, MP**
- 7. Hon. Benjamin Washiali, MP**
- 8. Hon. Peter Kiilu, MP**
- 9. Hon. Maina Kamau, MP**
- 10. Hon, Johnstone Muthama, MP**
- 11. Hon. Ferdinand Waititu, MP**

Mr Speaker Sir,

The House Broadcasting Committee is relatively new having been constituted in July 2009. In order to learn the best practices from other jurisdictions dealing with a similar mandate, the committee paid an official visit to several institutions in the

United States to familiarize itself with issues related to live broadcast of parliamentary proceedings.

Mr Speaker Sir,

The visit was conducted between May 11 and 20, 2010.

Members of the delegation included:

Hon. Clement Wambugu-Vice chairman HBC-Leader of the Delegation
Hon. David Koech, MP-Member
Hon. Benjamin Washiali, MP-Member
Hon. Peter Kiilu, MP-Member
David Mugonyi-Secretary to the delegation

The Delegation left the country on May 11, 2010 and arrived in Washington DC on May 12, 2010. The delegation returned to the country on May 20, 2010.

Mr Speaker Sir,

The institutions visited included

- Congress
- Maryland General Assembly
- C-SPAN
- National Public Radio (NPR)

Mr Speaker Sir,

The visit by the House Broadcasting Committee was designed to:

- Get firsthand experiences on procedures for enforcing House broadcasting regulations
- Familiarize with the operations of Committees of the Congress, specifically those with similar mandate.


- Familiarize with the operations of the Congress's Broadcasting Unit.
- Study the House Broadcasting system available with a view to learning its operations and how Kenya could benefit from USA's experience.
- Familiarize with the operations of Cable-Satellite Public Affairs Network (C-Span)
- Hold discussions with the management of institutions providing insights on implementation of the various systems of broadcasting of House proceedings as well as proper management of similar systems.

Mr Speaker Sir,

The Committee is grateful to you and the Liaison Committee for the opportunity to undertake the visit and to the office of the Clerk for providing the requisite technical support.

Mr Speaker Sir,

On behalf of the Committee, it is now my pleasant duty to lay on the Table of the House the report of the Committee on the visit, pursuant to provisions of Standing Order 181(3).


Hon. (Eng.) Nicholas Gumbo, MP
Chairman, House Broadcasting Committee

1. Visit to Congress

The United States of America Congress is the legislative branch made up of the Senate and the House of Representatives. Congress meets in the United States Capitol in Washington, D.C.

Members of the Senate and House of Representatives are chosen through direct election. There are 435 members of the House of Representatives representing a district and serve a two-year term. House seats are apportioned among the states by population. The 100 Senators serve staggered six-year terms. Each state has two senators, regardless of population.

Meeting with Broadcasting and Information Services Officials

The HBC delegation visited Congress on Thursday, May 13, 2010.

The House Technology Director Sterling Spriggs took the delegation through the information communication and technology services available in the US House of Representatives for Members and staff, which is administered by the Congressional Research Service (CRS). He highlighted the following:

That CRS works exclusively for the United States Congress, providing direct and consultative policy analysis to committees and members. CRS supports the Congress with authoritative, confidential, objective and nonpartisan expertise.

Throughout all stages of the legislative process, CRS experts work alongside the Congress to identify and clarify policy matters, explore policy options and potential impacts, monitor and assess programme implementation and oversight and help staff understand legislative procedures and processes.

Congress receives a total of 15 million emails a month, eight million of which is between employees. A total of 9,000 Black Berry phones fitted with high security features have been provided for Staff and Members. This is meant to make the work of staff and Members easy wherever they are as well as ensure confidentiality of information.

The House started webcasting committee meetings in 2008 and 18 of the 25 committees' webcast their meetings.

There are two principal information technologies used by Congress-the Legislative Information System (LIS), and THOMAS.

LIS is the Congress's primary legislation tracking and legislative information management system while THOMAS was created to make federal legislative information freely available to the public.

LIS was created to provide Members of Congress and their staff with access to legislative information that is accurate, timely and complete. This system is purely used by staff and Hon Members including state and district offices and legislative support agencies only.

It is used for finding the most complete legislative information for congressional staff or for a Member. It provides links to summary of Congressional Research Services (CRS) reports related to a bill; floor and committee schedule information and has special advanced search capabilities. It has ability to save searches and to request daily email alerts of new items added to databases that meet the search criteria.

THOMAS is used to make federal legislative information freely available to the public. It offers information on bills and resolutions, congressional activity, the congressional record, schedules and calendars, committees, presidential nominations, treaties and other government resources.

In addition it provides links from Member or committee homepages which can be printed and sent to constituents.

The Committee noted that:

- **The HBC delegation established that the Kenya National Assembly has no parallel of any of the above facilities or services**
- **Research officers guide members during legislation and policy issues**
- **Information on Bills readily available at the click of a button**
- **Staff easily follow legislative procedure**

- Congress has an exclusive system for staff and members which cannot be accessed by the public as well as another for the public
- Members phones and computers are fitted with security devices to secure them from hackers
- Proceedings are webcast
- There is no parallel services offered by the Kenya National Assembly

House Recording Studio

The delegation was taken on a tour of, and also briefed on how the House Recording Studio works, its services to Congress, its products, relationship with C-SPAN and other private media.

The House Recording Studio is a department within the Congress, which covers debate and provides a feed to C-SPAN or any other broadcaster interested in airing the proceedings.

The **House Recording Studio** provides radio and television recording services to Members, Committees, and Officers of the United States House of Representatives. The purpose of the Recording Studio is to provide a convenient way for Members to convey information to their constituents, the media, and the general public.

Director House Recording Studio Pat Hirsch led his technical team in briefing the HBC delegation and on a tour of their facilities spread in the entire Congress.

The studio covers 50 committee hearings a week which are relayed on monitors around Congress, and others aired live on C-SPAN. The remote controlled cameras are the only ones allowed in the chamber. Private media are only allowed in during the State of the Union address.

According to Mr Hirsch the US Congress studied the Japanese model of coverage of committees before starting its own. Committee hearings in the field are covered by mobile kits and signals sent to Congress for webcasting. Each chair regulates the broadcasting of his or her committee.

Witnesses appearing before committees provide their statements before the date they are to testify.

The HBC delegation observed that the Recording Studios are used for single member statements, live interview with a private station, satellite link with constituency (video conferencing) and cable shows on hot issues at Capitol Hill.

The Studio was established by the authority in 1979 and consists of three radio studios, one television studio, one teleconferencing studio, and tape duplication facilities. It also boasts four separate equipped studio rooms that are used to control coverage of committee proceedings.

Unlike the Kenya Parliamentary Broadcasting Unit (PBU), the House Recording Studio provides basic recording services, live or recorded satellite transmissions, telephone recordings, preparation of teleprompter scripts, transcription of recorded material, postproduction services, and television makeup.

The Recording Studio falls under the office of the Chief Administrative Officer of the House of Representatives under the direction and control of a committee which is composed of three Members of the House. Two members of the committee are from the majority party and one member from the minority party, appointed by the Speaker.

Recording Studio staff also provide programme production and technical assistance. Each time a Member uses the Recording Studio, the Member's official account (Members Revolving Account) is charged for the services provided. The Members Revolving Account is a fund provided for running their offices.

The decision to charge Members was introduced to minimize abuse and get resources to buy new equipment and maintain the studio.

The Recording Studio offers streaming video feeds of the House floor proceedings.

However, like the broadcasting regulations in Kenya, proceedings of the House of Representatives, including any recording, may not be used for any political purpose or in any commercial advertisement, and may not be broadcast with commercial sponsorship except as part of a bona fide news program or public affairs documentary program.

It operates several 'monitors' within the Congress where proceedings of the Houses and committees are broadcast to members and staff. This is not available in the Kenya National Assembly, the delegation noted.

The Recording Studio operates 75 cameras in the House complex, often record House proceedings for more than 50 hours per day and employs about 50 staff.

From a sleek, new facility in the Capitol Visitor Center, the House Recording Studio is fitted with glowing monitors, miles of keyboards, forests of microphones and plenty of slick TV screens.

The system allows high-definition video in surround sound. It's the department's first full-scale system update in 20 years. It went live when Congress resumed in September 2009.

The new CVC facility, complete with an engineering room to process feeds and record content and a small sound-proofed studio for Members, replaces the Recording Studio's antiquated Capitol basement facility.

The Committee noted that:

- **Congress has its own department that covers House/Committee proceedings**
- **The department provides C-Span and other media houses free feeds**
- **The department controls what is aired and relayed**
- **The Senate, House of Representatives and committee rooms are fitted with broadcasting equipment.**
- **Live broadcast is remote controlled from studios**
- **Congress has monitors in corridors, restaurants and offices for Members and staff to monitor proceedings**
- **Witnesses provide statements before appearing in committees**
- **Committee proceedings in the field are covered and sent for webcasting**

- **Members use studios to air their personal statements, video conferencing**
- **A committee oversees the operations of the Recording Studio**
- **Streaming of videos is offered**
- **Proceedings of the House cannot be used for political or commercial reasons.**

House Democracy Partnership

The HBC delegation held a brief meeting with members of the House Democracy Partnership (HDP) chaired by Hon David Price. The organization created by the US House of Representatives promotes and supports emerging democratic governments around the world. HDP currently has 14 partner countries on five continents.

The HBC delegation was told that HDP strives to build democratic legislatures that observe transparency, accountability, oversight, responsiveness and effective legislation.

It is comprised of 20 Members of the House of Representatives who directly participate in the critical work of promoting and supporting the development of democratic governments around the world.

The HBC delegation and Hon Price discussed a wide range of issues ranging from the effect of the live broadcast of parliamentary proceedings in Kenya, its impact, to the constitutional review process was discussed. Hon Price who was accompanied by Hon David Drier, also shared their experiences on broadcasting of the Congress proceedings.

The delegation was informed that there was no big following for the Congress live proceedings. About one million people from a population of 300 million were interested in the House debate.

The HBC delegation in response noted that the proceedings have attracted a lot of interest in MPs work and demystified the institution.

The meeting also discussed how the Constituency Development Fund works. The HDP team said it was keen to see the impact of the fund on people's lives. The

The Committee noted that:

- **The impact of live broadcast is minimal in the US than it is in Kenya**
- **Very few Americans follow proceedings of the House**

Office of the Clerk and Office of Legislative Operations

The HBC delegation met one of the deputy clerks of the House of Representatives, Mr Robert Reeves where the team discussed issues related to house broadcasting, electronic voting, legislation and the relationship between the House of Representatives and the Senate.

Mr Reeves informed the HBC delegation that the House operates 46 electronic voting machines. Each Member uses a voting card. However, a Member can vote manually if she or he has lost his card. The voting card has an identification chip that blocks a Member from voting twice.

Results of a vote are immediately available to the public because of streaming of the debate.

Although committees are open to the media and live broadcast, the committees on Intelligence, Ethics and House rules are not because of issues under consideration are deemed to be sensitive.

The Committee learnt that for any legislation to be passed it must be accepted and approved by both houses. All money bills originate from the House of Representatives. A sitting in the Congress can last upwards of 10 hours.

The Clerk of the Congress, the committee noted, manages the day-to-day operations of the House and oversees nine departments that employ more than 270 staffers.

Mr Reeves explained that the Clerk is elected every two years when the House organizes for a new Congress. The majority and minority caucuses nominate candidates for the House officer positions after the election of the Speaker. The full

House adopts a resolution to elect the officers, who will begin serving the Membership after they have taken the oath of office.

The Office of Legislative Operations is the organizational authority for the oldest of the clerk's legislative services. The office is charged with compiling and publishing the minutes of daily House proceedings, operating the electronic voting system and overseeing the recording of votes.

It also prepares messages to the senate regarding legislation that has passed the House, reading bills, resolutions, amendments, motions and presidential messages that come before the House and preparing summaries of floor and committee activities, which are published in the daily digest of the Congressional Record.

The Committee noted that:

- **Electronic voting is in place**
- **Saves time when there is a vote and it is immediately streamed to the public**
- **Not all committees are open to live broadcast**

2. Maryland General Assembly

On Friday, May 14, the HBC delegation had a session with officials at the Maryland General Assembly which is the State Legislature of the US state of Maryland. It is a bicameral body with the Upper Chamber, the Maryland State Senate composed of 47 representatives and the Lower Chamber, the Maryland House of Delegates with 141 representatives.

The General Assembly meets 90 days each year to act on more than 2300 bills including the State's annual budget.

Hon Members of the delegation noted that like the Governor, members of both houses serve for four years and must be citizens of Maryland and residents of the district at least one year preceding election.

The HBC delegation visited the Assembly in Annapolis where they were briefed on public access to the proceedings. A demonstration by director Office of Information Systems Michael Gaudiello of how proceedings of committee meetings were streamed live to the public was made. HBC delegation also met Senator John Astle, the chairman of the Finance Committee, toured committee rooms, studios, the Senate and House of Delegates.

Senator Astle demonstrated to the HBC delegation how committee sittings are conducted.

He also enumerated how the public accesses the proceedings of the House and Senate daily sessions including committees through Maryland General Assembly website, where streaming of debate is done.

The HBC delegation learnt that legislative information on this website is updated each night during the Session. For a fee, continuously updated information is available through the Legislative Subscription Service. Subscribers receive Up-to-the-Minute, on the following:

- House and Senate proceedings
- Bill information and status

The public can also listen to live proceedings online. Subscriptions are offered at a cost of \$800 (about Sh60, 000) per calendar year.

Each session's proceedings are archived and can be accessed from the 'Prior proceedings' links.

The Senate has audiotaped its committee and floor proceedings since 1992.

Members are supplied with laptops which they use to follow parliamentary matters.

Witnesses to committees are also provided with laptops where they can do power point presentations. Both Houses have electronic voting in place.

The Committee noted that:

- **Committee and House proceedings are covered and streamed live**

- **There is an internal department that oversees broadcasting**
- **All committee rooms are fitted with live broadcast equipment**
- **The public pays to listen to live proceedings**
- **Members use laptops during proceedings**

Speaker's Office of Communication

A presentation of how the office of the speaker communicates with the public through the media was also made by the communications director.

Ms Alexandra Hughes, Communication director Office of the Speaker explained to the HBC delegation how journalists are accredited to cover house proceedings. The Press Corps Association (grouping of journalists from different media who regularly cover proceedings) decides which journalists to accredit to cover the House. The journalists display their passes all the time and it is only this group that accesses the Member's lobby/lounge during interviews when permitted and after session.

Journalists, unlike in the Kenyan case where they sit at the press gallery, are allowed to follow proceedings of the House from floor of the House, sitting just next to the Speaker.

However, the press is not allowed to broadcast or write privileged or private information from legislators desks and laptops on the floor of the House or in the committee rooms.

Any journalists who flouts the rules and infringes on the rights of Members by exposing them to public ridicule, the House reserves the right to expel them.

The Speaker talks to the media on a daily basis.

The Committee noted that:

- **The media follows proceedings from the floor of the House**
- **Main media houses accredit journalists to cover the House in consultation with the office of the director of communication**

- **Media is barred from writing privileged/private information from members**
- **The Speaker speaks to the media on a daily basis**

3. C-SPAN

The HBC delegation was briefed on the private, non-profit company, created in 1979 by the cable television industry as a public service.

C-SPAN is an abbreviation of **Cable-Satellite Public Affairs Network**, an American cable television network owned and operated by the cable industry.

C-SPAN is the main broadcaster airing live proceedings of proceedings in the US Congress.

It airs non-stop coverage of government proceedings and public affairs programming.

C-SPAN officials provided an account of the stations history, operation and its relationship with Congress. An extensive tour of the facility was also conducted and demonstrations showed.

Among the issues raised was the station relies on a feed provided by the House Recording Studio.

The committee learnt that C-SPAN was created to provide public access to the general political process. C-SPAN airs live proceedings of the US House of Representatives and the US Senate, and other forums where public policy is discussed, debated and decided--all without editing, commentary or analysis and with a balanced presentation of points of view.

Its guiding principle is to provide elected and appointed officials and others who would influence public policy a direct conduit to the audience without filtering or otherwise distorting their points of view.

C-SPAN also conducts call-in programmes which allow direct access to elected officials, other decision makers and journalists on a frequent basis.

The HBC delegation noted that C-SPAN receives no government funding and that operations are funded by fees paid by cable and satellite affiliates who carry C-SPAN programming. It receives nearly all its funding from subscriber fees charged to cable operators.

It does not accept outside advertising; the only commercials aired are for its own programming and products.

C-SPAN operates three television channels, one radio station and several websites that provide streaming media including archives of many C-SPAN programs. The television networks are: C-SPAN 1, C-SPAN 2 and C-SPAN 3.

All three channels also air events such as Presidential press conferences and speeches, as well as other government meetings such as Pentagon press conferences. The UK's BBC Parliament and Canadian government events are also occasionally aired.

However, the bulk of C-SPAN's operations are located on Capitol Hill where Congress is located.

The Committee noted that all three video channels, plus the radio channel, are globally available through streaming media via the C-SPAN web site.

C-SPAN also provides unedited, commercial-free coverage of campaign events, both on its weekly "Road to the White House" program and at its dedicated politics website, C-SPAN Politics.

Officials also said all of C-SPAN's live feeds are streamed free of charge on its World Wide Web.

The Committee noted that C-SPAN

- **Has no contract to cover Congress**
- **It is not paid by Congress to air the proceedings**
- **It airs the proceedings uninterrupted as it receives from HRS**
- **Relies on a feed provided by the House Recording Studio.**
- **Runs operations from subscribers fees**
- **Streams its proceedings on its internet**
- **The Kenya Parliament pays and has a contract with the National Broadcaster-KBC-to air proceedings**

- **There is no streaming of proceedings in the Kenya Parliament**

4. National Public Radio (NPR)

The HBC delegation also visited the National Public Radio on Monday, May 17, 2010. The team learnt that NPR is a privately and publicly funded non-profit membership media organization that serves as a national syndicator to 797 public radio stations in the United States.

NPR describes itself as a non profit charity, which raises its funds from radio membership fees or grants.

Mr Alan Stone told the HBC team that NPR produces and distributes news and programmes on culture to the stations. It was created in 1970, following congressional passage of the Public Broadcasting Act of 1967.

Member stations elect board members who run the station, which does not accept advertising.

The HBC delegation noted that the station relays live proceedings from the US Senate and House of Representatives although it has no contract with Congress.

According to Stone, NPR relays the proceedings because its audience wants it.

Affiliate public radio stations are not required to broadcast all NPR programmes that are produced. Most public radio stations broadcast a mixture of NPR programs.

The radio was founded on February 24, 1970. It replaced the National Educational Radio Network. NPR aired its first broadcast in April 1971, covering the United States Senate hearings on the Vietnam War.

The Committee noted that:

- **NPR has no contract with Congress**
- **It relays proceedings as is received from Recording Studio**

CONCLUSION

The HBC delegation found the familiarisation tour very valuable as far as its mandate is concerned and would enable it give direction on the best way the proceedings of the National Assembly can be covered.

In addition, the exposure of how the Congress and private media approached coverage of proceedings of the House is an eye opener to the young committee and the Parliamentary Broadcasting Unit.

The committee recommends that:

- For Parliament to effectively broadcast its proceedings, it must have a well equipped and modern studio which is run by the PBU.
- The PBU should then provide the signal to the national broadcaster and any other private media house willing to air the proceedings.
- Parliamentary proceedings should also be streamed through the internet for those who cannot follow it on television.
- Parliamentary proceedings should be broadcast in its entirety.
- The PBU should have dedicated staff

Mr. Speaker Sir,

The Report of the Committee was adopted in the committee sitting held on October 05, 2010.

Mr. Speaker Sir, it is now my pleasant duty and privilege, on behalf of the House Broadcasting Committee, to present this report to the House.

Signed.....

Hon. (Eng.) Nicholas Gumbo, MP
Chairman, House Broadcasting Committee

Date.....