

**LEGISLATIVE BRANCH APPROPRIATIONS
FOR 2011**

**HEARINGS
BEFORE THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS
SECOND SESSION**

SUBCOMMITTEE ON LEGISLATIVE BRANCH

DEBBIE WASSERMAN SCHULTZ, Florida, *Chair*

MICHAEL HONDA, California

ROBERT B. ADERHOLT, Alabama

C.A. "DUTCH" RUPPERSBERGER, Maryland

STEVEN C. LATOURETTE, Ohio

CIRO RODRIGUEZ, Texas

TOM COLE, Oklahoma

LINCOLN DAVIS, Tennessee

PATRICK J. MURPHY, Pennsylvania

NOTE: Under Committee Rules, Mr. Obey, as Chairman of the Full Committee, and Mr. Lewis, as Ranking Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

SHALANDA YOUNG and SHAWN CHOY,
Staff Assistants

PART 2

**FISCAL YEAR 2011 LEGISLATIVE BRANCH
APPROPRIATIONS REQUESTS**



LEGISLATIVE BRANCH APPROPRIATIONS FOR 2011—Part 2

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**FISCAL YEAR 2011 LEGISLATIVE BRANCH
APPROPRIATIONS REQUESTS**



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LEGISLATIVE BRANCH APPROPRIATIONS FOR 2011

TESTIMONY OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

WEDNESDAY, FEBRUARY 24, 2010.

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Good morning. If I could call the first hearing of the Legislative Branch Subcommittee of the House Committee on Appropriations for the 2011 fiscal year to order. It is a pleasure to be back and starting the appropriations season once again.

Before we start, I want to just do a little bit of housekeeping.

At the end of the last appropriations cycle, I am not sure that we actually got to acknowledge Mike Stephens and his retirement on his way out. But Mike Stephens has started his well-earned retirement; and, as a result, we have a new clerk who was already with the subcommittee, Shalanda Young. She has already proven very capable and is doing a fantastic job and has got us well on our way to having a productive appropriations season.

So welcome, Shalanda, we look forward to continuing to work with you.

I also want to introduce Shawn Choy, who comes to the Committee from OMB and has done a stint with the House in the past and is now back as a member of the Committee staff.

And in addition to that, I want to welcome back Matt Glassman, who is again on loan to us from CRS, a glutton for punishment. I guess we didn't torture him too much last year, so he decided to do another stint. So thank you very much, Matt.

It has really always bothered me in the last couple of appropriation cycles that we were hearing from the public witnesses, from the employees essentially of the legislative branch agencies at the end of the hearing process and when I really felt like our hands were pretty tied when it came to incorporating any of the input that you would provide. So, essentially, when the budget was just about to bed, then we were hearing from you. And it just seemed very token, and I don't want this hearing or your input to be considered in a token way. So I thought we should start the hearing process with the public witness hearing so that we can incorporate your comments and concerns into the end product—as well as the Members' concerns into the legislative branch budget as we dealt with it. I know that it has compressed the time in which a lot of

you usually expect to have to get your testimony ready. So I appreciate the accommodation, but know that it was done in your interest.

I also appreciate the Members who have joined us this morning and their interest in giving the Subcommittee some input.

In addition to Congressman Holt and Congressman Heller, the public witnesses today will be Dr. Ronald La Due Lake, President of GAO's Employees Organization; Dr. Francesca Grifo, the Director of Scientific Integrity Programs in the Union of Concerned Scientists; Ms. Mary Alice Baish, a veteran of the public witness hearing, the Director of Government Relations Office and the American Association of Law Libraries; Mr. Dennis Roth, the President of the Congressional Research Employees Association; Mr. Carl Saperstein, Guild of Professional Tour Guides of Washington, D.C.; Alvin Hardwick with the GPO Police Labor Committee; Jesse Hartle with the National Federation of the Blind; Saul Schniderman, President of the Library of Congress Professional Guild; and Mr. Jim Konczos, Chairman of the Fraternal Order of Police Labor Committee.

In a moment, we will begin with Mr. Holt, but I would ask each of the individuals testifying in front of the subcommittee to limit your remarks to 5 minutes and provide a summary of your statement. Your statements will all be entered into the record without objection.

As you can see, we have a line for the first time in my experience with this committee. It is not that we don't love spending time with you, but after you are done testifying, since we are in a relatively small room, if you could depart the room so that another person can take your seat, that would be incredibly helpful.

With that, I look forward to hearing from everyone; and I yield to Mr. Aderholt for his remarks.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Thank you, Madam Chair.

I just want to say I am looking forward again this year to working closely on this legislative branch appropriation bill. This will be a little bit different from last year because last year was my first year on the committee and first year as ranking member. So I have got a little bit of training now, so I am ready to hit the ground running. I am looking forward to working with the 2011 budget in a bipartisan way. I want to try to make sure that we get our bill passed, get it to the floor and get it to the President's desk. So thank you very much.

Ms. WASSERMAN SCHULTZ. Great.

Do any other members have any opening remarks? No.

With that, Congressman Holt, you are welcome to summarize your 5-minute statement.

WEDNESDAY, FEBRUARY 24, 2010.

OFFICE OF TECHNOLOGY ASSESSMENT (OTA)

WITNESS

**HON. RUSH HOLT, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF NEW JERSEY**

**TESTIMONY OF REP. HOLT ON RE-ESTABLISHING THE OFFICE OF
TECHNOLOGY ASSESSMENT**

Mr. HOLT. Thank you, Madam Chairwoman and members of the committee. I appreciate the opportunity to come before you again to express my strong support for the refunding of the Congressional Office of Technology Assessment, formally and popularly known as OTA.

I have shared my views with you in the past, as have others, and I would like to try to put my thoughts in the context of some of our recent work. I don't intend to repeat how OTA was organized and funded.

I do call your attention to—I notice a witness today, Francesca Grifo, will be talking about some of the nuts and bolts of the Office of Technology Assessment.

I would like you to consider some of the issues that have come before Congress recently: health IT, clean coal, carbon sequestration, climate monitoring, cybersecurity, financial derivatives and whether they distribute or concentrate risk, ultrafast securities trading, nuclear proliferation, bioterrorism, including anthrax, transportation safety, the reliability of voting procedures, pharmaceutical contamination of drinking water, screening of meat for contamination, plant security, the role of technology and job creation, remote sensing, drone surveillance and security of no-fly databases. And the list could go on all day. Each of these issues and almost every other that comes before Congress has scientific and technological components.

A point I want to make is that often I hear people say, "OTA, oh, yes, that dealt with science issues." What we need in this Congress is help not so much dealing with the issues that are referred to the Science Committee or even to the Committee on Energy and Commerce but the myriad of other issues that come before us that have scientific and technological components. Each deserves careful scrutiny for Congress to take action; our challenge is to find ways to gauge the validity, credibility, usefulness of the overwhelming amount of information we already receive.

OTA did that. We need it badly. OTA didn't make legislation or provide the wisdom to make legislation. The political wisdom comes from you, from us, from the people whom we represent. OTA illuminated and informed the legislating.

Now, consider a few of the ways that OTA contributed to the business of Congress during its existence:

A report called Losing a Million Minds became essential in development of Alzheimer's policy in America. That was not considered a "science-y" topic.

An early report on genetics in the workplace sowed the seeds for the Genetic Nondiscrimination Act. Again, that is workplace protection.

A report on life after the Cold War was used to shape the Defense Authorization and Appropriation Acts for several years in the mid 1990s.

A report on electronic delivery of Federal services contributed to the Food Stamp Fraud Reduction Act.

That OTA almost certainly was a cost saver is well documented:

A report on the Advanced Liquid Metal Reactor was explicitly cited by the Appropriation Committee's decision to discontinue funding.

The House Appropriations Committee cited findings in the OTA report that led to changes and upgrades in the computer systems of the Social Security Administration, resulting in savings of \$360 million. That would pay for OTA for quite a while.

Studies on the Synthetic Fuels Corporation raised important questions, and the subsequent abolishment of a program that was not yet ready for prime time saved billions of dollars.

Also consider the enduring relevance of some of the studies that OTA produced before it was shuttered more than a decade and a half ago, I guess:

In the area of health care, OTA provided at least 11 reports on cancer, 14 on HIV/AIDS, 6 on women's health. There were reports about bringing health care on line—remember, this was before 1995—financing hospitals, drug bioequivalence, the impacts of antibiotic resistant bacteria.

Now, in every case, did it lead to wise legislation? No. But in many cases it did, and in many cases it would.

In the energy arena, a 1995 report entitled *Renewing our Energy Future* included assessments of fuel sources, including corn ethanol and other biofuels. Most Members of Congress hadn't heard of these things until a decade later. There was an entire report dedicated to potential environmental impacts of bioenergy crop production. Our debate with Cash for Clunkers would have been informed by a likely update we would have had, if OTA had been in existence more recently of a 1992 report on saving gasoline and reducing emissions by retiring old cars.

Similarly, our efforts to boost our economic competitiveness might benefit from a re-reading of OTA's report entitled *Innovation and Commercialization of Emerging Technologies*.

In light of our current work, perhaps some other titles will interest you: *The Effectiveness of Research and Experimentation Tax Credits*; *Information Security and Privacy in Network Environments*; *Testing in America's Schools: Asking the Right Questions*; *Selected Technology Uses in U.S. Aquaculture*; *Making Government Work: Electronic Delivery of Federal Services*; *Export Controls and Nonproliferation Policy*; and *Electronic Surveillance*.

OTA helped keep Congress a little bit ahead of where it would be otherwise. And over the last 15 years, we have not been ahead of the game. I would remind you that each of these reports was written prior to 1995. One of OTA's greatest strengths was that it helped provide long-term, forward-looking perspective to an institution that so often must focus almost exclusively on the here and

now. Wireless Technologies and the National Information Infrastructure, a report prepared before you owned Blackberries.

Madam Chairwoman, members of the Committee, you stated in last year's appropriations bill that you were providing a "got-to-have", not "nice-to-have" appropriation. Like you, I appreciate our current economic situation and the budget constraints. Yet I also know that in OTA's absence in this institution of the House of Representatives and the U.S. Senate—because OTA was a creature of Congress—the institution's need for its work has only grown more acute. In recent times, we, legislators, have not brought great credit to ourselves in our ability to deal with science and technology issues or to recognize emerging trends or implications of technology. Our constituents understand that the work done here involves subtlety and complexity. They know it is consequential.

I think we have all heard their concerns about our capacity to deal with the great challenges. It is time that we try to put the public's faith back in our work and our ability to represent them. It has been clearly shaken. We have an opportunity to restore some of the American people's confidence that we have the information to make informed, well-reasoned decisions in a complex world. OTA is in the got-to-have category.

Thank you.

[Representative Holt's prepared statement follows:]

**U.S. House of Representatives
Subcommittee on Legislative Branch Appropriations
Testimony of Representative Rush Holt
(As Prepared For Delivery)**

February 24, 2010

Madam Chairwoman and members of the subcommittee, I thank you for the opportunity to come before you once again to express my strong support for refunding the Congressional Office of Technology Assessment (known as OTA). My views on this issue are well known to members of this subcommittee. In previous hearings and statements, I have shared my understanding of OTA's important contributions to this institution, the original arguments for its creation, and the reasons I believe OTA is an even greater necessity now. Today, I would like to try to put these thoughts into the context of some of our recent work.

Consider some of the issues that have come before Congress recently: health care, energy policy, climate change, cybersecurity, regulation of new financial instruments, nuclear proliferation (in some of the most unstable of the world), bioterrorism (including the Anthrax attacks), transportation safety and development, water quality investment, tobacco regulation, food safety, chemical and water security, economic competitiveness, job creation – and the list goes on.

Each of these issues – and almost every other that comes before Congress – has a scientific or technical component. Each deserves careful scrutiny before

Congress takes action. As I have said before, we do not lack access to large volumes of information here on Capitol Hill. Our challenge is to find ways to gauge the validity, credibility, and usefulness of the overwhelming amount of information we receive. Every Member of Congress needs access to policy-relevant, unbiased technical and scientific assessments crafted by those who are familiar with the functions of Congress and written in a language that is relevant to our work. OTA fulfilled that need for 23 years.

Consider a few of the ways that OTA contributed to the business of Congress during its existence:

- A report called "Losing a Million Minds" became essential for the development of Alzheimer's policy in America.
- An early report on genetics in the workplace sowed the seeds for the Genetic Nondiscrimination Act.
- A report on life after the Cold War was used to shape the Defense Authorization and Appropriation Acts for several years in the mid-1990s.
- A report on electronic delivery of federal services contributed to The Food Stamp Fraud Reduction Act.

And OTA almost certainly was a cost saver for the U.S. government:

- A report on the Advanced Liquid Metal Reactor was explicitly cited in the Appropriations committee decision to discontinue funding for the program.

- The House Appropriations Committee cited findings in an OTA report that led to changes and upgrades in computer systems at the Social Security Administration that resulted in a total savings of over \$360 million.
- Studies on the Synthetic Fuels Corporation raised important questions about the program, and its subsequent abolishment saved tens of *billions* of dollars.

I ask you also to consider the enduring relevance of some of the studies that OTA produced before it was shuttered fifteen years ago:

- In the area of health care, OTA provided at least 11 reports on cancer, 14 on HIV/AIDS, and six on women's health. There were reports about bringing health care online, financing hospitals, drug bioequivalence, and the impacts of antibiotic resistant bacteria.
- In the energy arena, a 1995 report entitled "Renewing our Energy Future" included assessments of fuel sources, including corn ethanol and other biofuels, that would not come to the knowledge of most members of Congress until quite recently. In fact, there was an entire report dedicated to the potential environmental impacts of bioenergy crop production. And our debate about the "Cash for Clunkers" program may have been informed by an update of OTA's 1992 report on saving gasoline and reducing emissions by retiring old cars.

- Similarly, our efforts to boost our economic competitiveness might benefit from a re-reading of OTA's report entitled *Innovation and Commercialization of Emerging Technologies*.

- In light of our current work, perhaps some other report titles also will interest you. Examples include:
 - *The Effectiveness of Research and Experimentation Tax Credits*
 - *Information Security and Privacy in Network Environments*
 - *Testing in America's Schools: Asking the Right Questions*
 - *Selected Technology Uses in U.S. Aquaculture*
 - *Making Government Work: Electronic Delivery of Federal Services*
 - *Global Communications: Opportunities for Trade and Aid*
 - *Export Controls and Nonproliferation Policy*
 - *Electronic Surveillance in the Digital Age*

I would remind you that each of these reports was written prior to 1995. With the exceptions of Chairman Obey and Ranking Member Lewis, I do not believe any members of this subcommittee were serving in Congress at that time. (Nor was I). Yet how many of these issues have we been asked to vote on as Members of Congress?

One of OTA's greatest strengths was that it helped provide long-term, forward-looking perspective to an institution that so-often must focus almost exclusively on the here and now. In 1995, before Members of Congress (or anyone) had Blackberries and before cell phones were common, OTA produced a report titled *Wireless Technologies and the National Information Infrastructure*. OTA's work was ahead of its time. How much has the world changed since then? What have we missed in the years since OTA was defunded?

Just over a year ago, few had considered the potential risks of the new, computer-assisted mathematical models used in our financial sector. Now, we are recovering from an economic meltdown in which those models played a prominent role. Could OTA have provided us some advanced warning? How would our energy and environmental policies have benefitted from more reports on our energy challenges over the last 15 years? Would OTA have better equipped us to help our researchers fight cancer, HIV/AIDS, other diseases, or even global pandemics? What more would we know about protecting workers from grain dust explosions or securing loose nuclear material? Again, the list goes on.

Madam Chairwoman, you stated of last year's appropriations bill that it provided funding for the "got-to-have, not the nice-to-have." Like you, I appreciate current our economic situation and our budget constraints. Yet I also know that in OTA's absence, this institution's need for its work has grown only more acute. In recent

times, we have not brought great credit to ourselves for our ability to deal with science and technology issues or to recognize the emerging trends or implications of technology. Our constituents understand that the work done here involves subtlety and complexity. They know it is consequential, and I think we all have heard their concerns about our capacity to deal with the great challenges before us. At a time when the public's faith in our work – in our ability to represent them – is so clearly shaken, we have an opportunity to restore some of the American people's confidence that we have the information we need to make informed, well-reasoned decisions in our complex world. I ask the members of this subcommittee to recognize that funding for the Office of Technology Assessment is the "got-to-have" and not the "nice-to-have."

Thank you.

OTA AUTHORIZATION

Ms. WASSERMAN SCHULTZ. Thank you very much.

Congressman Holt, the only thing—and we talked about this yesterday, but I wanted to make sure I said it on the record as well. I think it would be really helpful if as a member of the Science Committee you encouraged the chairman to take a look at the underlying authorizing law which is still on the books. It established OTA, and we simply don't fund OTA at this point because it probably needs to be updated and refreshed for the 21st century.

And I think that would add—as you know, I totally agree with you and believe that we should begin to ramp up OTA again and it would be incredibly helpful. We do have arguably a paltry amount of \$2.5 million in GAO for the current studies that you are talking about, but I know it is dramatically different than the way OTA used to handle them. This being difficult economic times, it is hard for me to characterize OTA at the level that it was in its heyday, \$20 million, as a got-to-have. I would like there to be some momentum behind it so that I can have other members be also saying that it is a got-to-have, and then I think we will have some wind at our backs and more impetus to be able to include a ramp-up of OTA in our budget and future budgets.

So if you could do that and take that up with Chairman Gordon, that would be incredibly helpful.

Mr. HOLT. I will take this up with every Member of Congress who is willing to listen.

Ms. WASSERMAN SCHULTZ. And I am happy to talk to Chairman Gordon as well.

Mr. Aderholt.

BASIS FOR OTA'S ESTABLISHMENT

Mr. ADERHOLT. I was just wondering—you may have mentioned this before, but I have forgotten. It was 1972 is when the office was first implemented?

Mr. HOLT. That is right.

Mr. ADERHOLT. What sparked the inception at that time of the office of OTA?

Mr. HOLT. There have been several things written about it. I don't have the references here right now.

It was a general recognition that, as I was trying to lay out in my remarks, that almost everything we did here in Congress was affected by or had facets of technology; and we did not have, partly by the typical background of legislators and partly by the organization of the House and Senate that had grown up over centuries, the ability to really assess the technological components of these issues before us. And it was designed to do really what it did.

So partly in answer to the Chairman's remarks, I would say the authorized structure of OTA worked remarkably well to accomplish what it was intended to do.

Mr. ADERHOLT. Okay. Well, thank you.

Ms. WASSERMAN SCHULTZ. Mr. Cole.

BUDGETARY OFFSETS FOR OTA

Mr. COLE. Thank you, Madam Chairman.

Convincing case as always. But one question, and I don't mean to be contrary because I do think you make a very convincing case. But we are going to have one tough budget decision after another at every level on all of these committees; and so, if we were to refund this program, where would you suggest the things that we do now that you would reduce money so we could fund it?

Because I think we are going to run into this again and again, and I know I will be putting this question—I think all the members will—if anybody is coming to ask for more money, where would you cut so we can get you more money, redeploy the resources, as opposed to going back for an increase that would be hard to get?

Mr. HOLT. A couple of times in the past when we have tried to find funding at the time of floor consideration we just kind of sort of grabbed at funding that, well, has made some people sore; and that was because it was not built in at the beginning as the appropriations bill was put together, as is always the case when you try to do something on the floor.

I think there is no one place that I see that is a tradeoff, where I would say, well, if only we put a few million dollars in OTA instead of this we would be able to make up for all the work that would have been done in that other category. So my recommendation is a more general reduction in a variety of areas, but that is the committee's challenge.

Mr. COLE. I think it will be Congress's challenge as we go forward really across the board. And it doesn't mean to me if you were to pick something that it would be a waste of money here. It is just a question of competing values in many of these cases and tough choices. So I will give it some thought, because it is always easy to say we will just cut everything else by a quarter of a percent or something.

Mr. HOLT. We are talking about a very small fraction of the allocation to this subcommittee.

Mr. COLE. But if you said that, then you could say that it should be very easy for you to find something.

Mr. HOLT. I also do want to make the point that I made in passing, that there are demonstrated savings in the past that are directly attributable to the work of OTA in the hundreds of millions of dollars at least.

Ms. WASSERMAN SCHULTZ. Would the gentleman yield?

Mr. COLE. I certainly will.

Ms. WASSERMAN SCHULTZ. Mr. Cole, if there was interest—first of all, I would actually ask that all the Subcommittee members, if there is interest in trying to begin to ramp up OTA—we can't do \$20 million overnight.

Mr. HOLT. If I may interject. You wouldn't want to. You wouldn't want to do it overnight.

Ms. WASSERMAN SCHULTZ. We would need to gradually do it. But I would ask you to help examine our budget and see where we might. Because I think there is value and we have been talking about it since the subcommittee was reconstituted.

I have some ideas on where we might make reductions. And if you want to help scrub the budget, that would be great. That would be incredibly helpful.

Thank you so much. As always, you are a passionate advocate on this issue—and unrelenting, I might add.

Mr. COLE. Persistence.

Ms. WASSERMAN SCHULTZ. Thank you.

WEDNESDAY, FEBRUARY 24, 2010.

**THE REDUCTION OF IRRESPONSIBLE MRA OR TRIM
GROWTH ACT**

WITNESS

**HON. DEAN HELLER, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF NEVADA**

Ms. WASSERMAN SCHULTZ. Mr. Heller.

Mr. HELLER. Thank you.

Ms. WASSERMAN SCHULTZ. You may proceed with your 5-minute statement, and your statement will be entered into the record.

Mr. HELLER. Thank you. Maybe I can help solve some of the problems here.

**TESTIMONY OF REP. HELLER ON MEMBER REPRESENTATIONAL
ALLOWANCES**

I want to thank you, Madam Chairwoman, for having me here today at the committee. Ranking member, thanks for your time and allowing me to spend a few minutes with you.

As mentioned, I am Dean Heller from the Second District of Nevada; and I don't have to tell this Committee how families are struggling financially across this country. I have a district right now that some of the counties are at 16 percent unemployment; and that is pure unemployment, not the underemployed. You start looking at some of the underemployment numbers, we are probably at around 18 to 20 percent. Some of my counties, the statewide number is hovering at 13 percent, well above the national average which is at 9.7; and the current unemployment rate is the highest joblessness rate since we began keeping records in 1976.

It is tough out there. And, again, I don't have to tell this Committee how rough it is out there. But for those who know Las Vegas and the rest of the State of Nevada, foreclosures have hit us pretty hard. I think we are the number one State in foreclosures right now.

So I guess my point is that those who are lucky enough to have a job are having to make some pretty tough decisions. Across the country, moms and dads are sitting across the kitchen table now trying to make the necessary decisions with their current budget restraints to figure out how to pay their own bills; and, meanwhile, our Nation as a whole is facing a debt of more than \$12 trillion. If you take this budget that came from the White House, we are going to increase that by \$1.6 trillion. So closer to a \$14 trillion debt.

I don't believe that these financial challenges that we have can be solved in one day or with one appropriations bill or even one presidency, but I do believe that we as individual Members of Congress must lead by example and demonstrate fiscal responsibility

just like those families that have to make these tough decisions at the kitchen table. Until this Congress addresses the fundamental challenges facing our economy, I believe we need to start feeling the same pain as the American people.

When it comes to our own office budgets, Congress has spent without regard for our constituents' hardships. For example, our MRA, Members Representational Allowances, have increased 49 percent since 2000 for a total of \$202 million in the recent decade. \$202 million doesn't sound like a lot of money when we talk trillions in these halls. But to give you an example, Nevada went into a special session yesterday to fill in an \$800 million hole in their budget, and obviously the 202 would be 25 percent of the problem. So for what may not be a lot of problem for Congress, it is certainly a lot of money for the State of Nevada.

I can tell you that my office could easily use an MRA increase. My district is 105,000 square miles. It takes me 15 hours to drive from one end of my district to the other. I have about 95 percent of the entire State, including portions of Las Vegas. Traveling my largely rural district, staying in touch with my constituents takes a significant amount of MRA funds. But many of my constituents, and many of yours, are making do with less than they had last year; and as public servants I think we have a responsibility to do the same. For this reason, I strongly urge the subcommittee to maintain level MRA funding for fiscal year 2011.

I also would like Congress to consider legislation that I introduced, the Reduction of Irresponsible MRA or the TRIM Growth Act, to prevent the MRA from increasing during times of high unemployment or public debt. The TRIM Growth Act would prevent the MRA from increasing unless national unemployment is 6 percent or less for at least 6 months, consistent with the unemployment levels of the 1990s, or Congress reduces the national debt to less than \$5.5 trillion, which was a reduction of 20 percent at the time this bill was drafted.

Madam Chairwoman and members of the subcommittee, I hope that you will consider the economic realities of this country that we are facing as you craft the fiscal year 2011 legislative branch appropriations bill. Give this Congress a chance to lead by example with commonsense fiscal responsibility. Let us tell those Americans who are figuring out their family budgets at the kitchen table today, let us tell them that they are not alone.

I thank the subcommittee for its time and the opportunity to speak on behalf of my constituents. Thank you.

[Representative Heller's prepared statement follows:]

**Statement by Congressman Dean Heller
House Appropriations Subcommittee on Legislative Branch
Legislative Branch Appropriations for Fiscal Year 2011**

Madam Chairwoman, Ranking Member Aderholt, Members of the Subcommittee,

Millions of American families are struggling financially. Some counties in my district are facing 16 percent unemployment. Statewide, unemployment is hovering around 13 percent – well above the national average of 9.7 percent. Nevada's current unemployment rate is the highest rate of joblessness since we began keeping record in 1976. My state has also been hit hardest by the wave of foreclosures sweeping the United States.

Those lucky enough to have a job are also making tough decisions. Moms and Dads across the country are sitting around the kitchen table, deciding what must be cut from their family budget to ensure they can pay their bills and feed their children.

Meanwhile, our nation as a whole is facing a debt of more than \$12 trillion.

I don't believe these financial challenges can be solved in one day, one appropriations bill, or even one presidency. But I do believe that we, as individual Members of Congress, must lead by example and demonstrate fiscal responsibility – just like those families making tough decisions at their kitchen tables.

Until this Congress addresses the fundamental challenges facing our economy, I believe we need to start feeling the same pain as the American people. When it comes to our own office budgets, Congress has spent without regard for our constituents' hardships. For example, Members' Representational Allowances (MRA) have increased 49 percent since 2000. In other words, the MRA account has grown more than \$202 million in less than a decade.

I can tell you that my office could easily use an MRA increase. My district is 105,000 square miles and represents 95 percent of the entire state of Nevada. Travelling my largely rural district and staying in touch with my constituents takes a significant amount of MRA funds. But many of my constituents, and many of yours, are making due with less than they had last year. As public servants, we have a responsibility to do the same.

For this reason, I strongly urge the Subcommittee to maintain level MRA funding for fiscal year 2011. I also would like Congress to consider legislation I introduced, The Reduction of Irresponsible MRA or TRIM Growth Act, to prevent the MRA from increasing during times of high unemployment or public debt. The TRIM Growth Act would prevent the MRA from increasing unless national unemployment is 6 percent or less for at least six months, consistent with the unemployment levels of the 1990s, or Congress reduces the national debt to less than \$5.5 trillion, which was a reduction of 20 percent at the time this bill was drafted.

Madam Chairwoman, Members of the Subcommittee, I hope that you will consider the economic realities this country is facing as you craft the fiscal year 2011 Legislative Branch Appropriations bill. Give this Congress a chance to lead by example with commonsense fiscal responsibility. Let's tell those Americans who are figuring out their family budget at the kitchen table today that they are not alone. I thank the Subcommittee for its time and for this opportunity to speak on behalf of my constituents.

Ms. WASSERMAN SCHULTZ. Thank you very much.
Mr. HELLER. You are welcome.
Ms. WASSERMAN SCHULTZ. Do any members have any questions?
I don't have any questions.
Mr. ADERHOLT. Thank you for your testimony.
Ms. WASSERMAN SCHULTZ. Thank you very much.
Mr. HELLER. You are welcome.
Ms. WASSERMAN SCHULTZ. We appreciate your dedication.
Mr. HELLER. You are welcome.
Ms. WASSERMAN SCHULTZ. Now that concludes Panel 1.

WEDNESDAY, FEBRUARY 24, 2010.

GAO EMPLOYEES ORGANIZATION

WITNESS

RONALD LA DUE LAKE, PRESIDENT, GAO EMPLOYEES ORGANIZATION

Ms. WASSERMAN SCHULTZ. We will begin with the public witnesses from Panel 2; and Dr. Ronald La Due Lake, who is the President of the GAO Employees Organization, will be first.

I know you have to get back to the negotiating table, so we appreciate your accommodating our schedule. You can proceed with a summary of your 5-minute statement, and your statement will be entered into the record. Welcome back to the Subcommittee.

TESTIMONY OF DR. RONALD LA DUE LAKE

Mr. LA DUE LAKE. Thank you. Thank you very much. It is a pleasure to be here.

I am Ronald La Due Lake. I am a methodologist in GAO's applied research and methods team. I am also the President of the GAO Employees Organization, IFPTE Local 1921. I am pleased to have the opportunity to appear here before the Subcommittee. Thank you, Madam Chair Wasserman Schultz, for your genuine support of Federal employees.

This has been a demanding year for GAO employees. GAO has been charged by Congress with oversight of the Troubled Assets Relief Program, as well as of the American Recovery and Reinvestment Act. Employees at GAO have not only met the vast demands of this oversight work but have nimbly adapted to conduct their regular work to meet the needs of Congress. I am very proud to be representing them here today.

We are very grateful for the generous support provided to GAO in the fiscal year 2010 budget. We are very sensitive to the fact that this committee and the Congress will be faced with extremely difficult decisions regarding the 2011 Federal budget. We ask that as the Subcommittee moves through the appropriations process that GAO receive sufficient resources to continue the important work for Congress and for employees to be paid comparable to their colleagues in other Federal agencies.

Our first master contract negotiations at GAO are currently under way. As you mentioned, we took a break this morning so I could be here today. We are pleased that the agency agreed to our proposal to use an alternative interest-based process in these nego-

tiations, where we share our interests with each other and work collaboratively to develop solutions that meet the needs of both parties.

GAO management has repeatedly expressed satisfaction with the tenor of the negotiation and the value of having a facilitator assist with the process. We hope to continue with this facilitator for the time necessary to complete the contract.

Not all negotiations have gone as well. The GAO Human Capital Reform Act of 2004 delinked GAO pay from the General Schedule and provided the Comptroller General the authority to set pay. As a result, since the union was established, pay is a matter for collective bargaining.

We are concerned that recent pay negotiations have been decidedly one-sided. In the case of the negotiation over this year's merit pay for employees, after a few hours at the bargaining table it seemed to us that management had made its final offer and was not interested in continuing and in the subsequent weeks of negotiation and even in mediation refused to offer any concessions.

We believe that we have made every effort to be proactive, reasonable, and willing to listen to GAO management's concerns. We have demonstrated this by having made significant concessions in our original proposals in an effort to reach agreement.

It appears to us that GAO management has not engaged us as an equal partner during these pay negotiations. Both parties have agreed that this year's pay negotiations are at an impasse, and it is now before the Personnel Appeals Board. The Personnel Appeals Board, or the PAB, is the independent entity that is charged with handling negotiation impasses and matters of negotiability for GAO management and the union. We are concerned about the PAB process for handling the impasse in merit pay negotiations.

The PAB has yet to establish the rules or processes for conducting impasse or negotiability procedures for the parties. This is of particular concern to us because the impasse process for other Federal employees at the Federal Service Impasses Panel is well established, well tested, it is predictable, and it may be accomplished in a timely manner.

What should be a routine and predictable process is now, for GAO employees, a highly uncertain one. This matter to go to the PAB is a critical one. It is the first one that has gone to the PAB, and GAO employees in the bargaining unit are anxiously waiting for this issue to be finalized so they can see their merit pay increase reflected in their paychecks.

In closing, I would like to reiterate our appreciation for the opportunity to testify today. All of my colleagues at GAO are very appreciative of the recognition and support by this Subcommittee. I would be pleased to answer any questions that you or other members may have.

[Mr. La Due Lake's prepared statement follows:]



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Suzanne Rubins
Beverly Ross
Roberto Pinero

Testimony

Before the Subcommittee on Legislative Branch,
Committee on Appropriations, House of
Representatives

**Comments on GAO's Fiscal Year
2011 Budget and Issues of Concern to
Agency Employees**

**Statement of Ronald La Due Lake
President**

February 24, 2010

Madam Chair and Members of the Subcommittee:

I am Ron La Due Lake, a methodologist in GAO's Applied Research and Methods team and the President of the GAO Employees Organization, International Federation of Professional & Technical Engineers (IFPTE), Local 1921. I am pleased to have this opportunity to appear before the Subcommittee today to discuss topics of importance to GAO employees. These topics include:

- An update on the relationship between the GAO Employees Organization (the Union) and GAO management;
- A description of the process for GAO's first master contract negotiations, which are currently underway;
- The status of pay negotiations with GAO management;
- A request for appropriate funding for FY 2011 to allow GAO employees to maintain pay comparable to their federal colleagues during difficult economic times.

This has been a demanding year for GAO employees. In addition to our normal responsibilities, GAO has been charged by Congress with oversight of the Troubled Asset Relief Program (TARP) that was created by the Emergency Economic Stabilization Act of 2008, as well as of the American Recovery and Reinvestment Act of 2009 (ARRA). Employees have not only met the overwhelming demands of this oversight work, but have continued to conduct their regular work to meet the needs of Congress.

Since last year's hearing, the Union has continued to develop our relationship with GAO management. There are areas where we are working well together and other areas that could be improved from the perspective of GAO employees. The Union leadership continues to meet regularly with GAO workforce labor relations staff to discuss day-to-day concerns related to the employees' working conditions. The Union leadership also meets regularly with GAO's executive committee to discuss labor-management relations at a higher level. These meetings are collegial and often productive.

I wanted to provide a few examples where the GAO management and the Union relationship is going well, resulting in benefits for employees and the agency. First, as result of our collaboration, GAO agreed with the Union's request to pretest the quality control forms which eliminated contradictions in GAO policy and led to improvements that made the forms more understandable and easier to use. I cannot overstate the importance of this effort since the use of these forms is an essential aspect of the way GAO employees conduct their work. In fact both the Acting Comptroller General and other high level GAO managers credited the Union with having a major positive impact on improving these forms, which are critical to ensuring the quality of our work. Also, the Union worked with GAO management to improve the annual GAO employee feedback survey by incorporating a series of questions on employee engagement, based on a recent

survey conducted by the Merit Systems Protection Board. In addition, the Union collaborated with employee groups and GAO management to develop new demographic questions for the survey that allow GAO management to better understand the views of certain groups of employees. Third, the Union has also worked with GAO management in developing solutions to very practical problems. For example, in several field office construction projects, we have collaborated to improve working conditions and minimize disruptions to ongoing work.

In addition, since I last testified before this subcommittee, I emphasized our concern about GAO's plan to follow-up on the disparities in ratings between African American and Caucasian analysts. Since then, the GAO placed a manager with an EEO background in charge of the office that handles matters of discrimination for employees. With input from the Union, GAO management selected a contractor to develop employee-manager required training in diversity matters that will be tailored for GAO. The Union remains involved in the process of developing this training in collaboration with GAO management and the contractor. As of this point, we are encouraged by the progress we have made developing this training package.

One of the most important areas of collaboration has been the start of negotiations for our first master contract. As is customary, negotiations began with developing ground rules for the negotiating process. These ground rules set out the agreed upon logistics and processes for the master contract, including the schedule; location and facilities; how costs will be shared; and how the negotiations will be conducted. Since both parties at GAO are new to the negotiation process, and because our vision is one of a collaborative relationship with GAO management, the Union proposed to GAO management that we conduct the ground rules negotiations with a facilitator using an interest-based bargaining process, or problem-solving approach. This approach encourages consensus because GAO management and the Union share their interests with each other and work together collaboratively to develop solutions that meet the needs of both parties, thus avoiding developing conflicting positions in isolation. GAO management agreed to this approach.

The approach used to establish the ground rules was such a great success, that the Union and GAO management agreed to use this same approach for our master contract negotiations. During these negotiations, we have already covered substantial ground on 9 contract articles and the process of working collaboratively to develop alternatives and solutions has been very productive so far. We are very pleased with the process, and GAO management has repeatedly expressed satisfaction with the tenor of the negotiations and the value of having a facilitator assist with the process; we hope to continue with this facilitator for whatever period of time is necessary to complete the master contract.

However, there still remain challenges as we strive to develop our working relationship. First, in May 2009, the Union requested data from GAO management¹ to determine whether differences exist in performance evaluations; patterns of retention of employees; and whether there is any relationship between employees' performance evaluations and gender, age, or ethnic background. We received some of these data a few weeks ago—8 months after we first requested them—however, we have not yet received any of the employee evaluation rating information. GAO told us that some of the data we requested would be unreasonably burdensome to provide so they are not providing them. We are learning that GAO's information systems are inadequate to provide sufficient information needed for GAO's human capital management. For example, GAO management told us that they will not provide information on who has applied for promotion in the past because until recently, they did not maintain that information. We need these employee rating data very soon in order to negotiate the most effective changes in our performance evaluation system during the master contract negotiations.

Second, there are specific areas of importance where involving the Union early would improve outcomes for employees and GAO management. One such area is the reasonable accommodation process for employees with disabilities. GAO recently developed a process for employees that is overly burdensome, time consuming, and lacks flexibility. There are instances when the bureaucratic process prevents employees from maintaining long-standing accommodations or establishing new accommodations that would improve their productivity. There are other instances whereby our early involvement in employee matters could help resolve issues creatively and quickly which could avoid escalation to a formal grievance process. For example, GAO management routinely excludes us from meetings where employees desire Union participation, including meetings leading to discipline and termination. We hope to address and improve upon these areas in our master contract negotiations.

Third, we have encountered problems during two recent negotiations regarding pay. Specifically, last April, GAO management began the process of implementing changes to the pay structure for newly-hired developmental level analysts before consulting with the Union. In that instance, GAO management proposed a change in the process for determining pay and the amount of pay increases. Initially, although this involved pay, GAO management was uncertain whether they were obligated to negotiate the proposed changes with the Union. When GAO management agreed to meet with the Union to discuss their proposed changes, the Union determined we were within our legal right to present a counter-proposal. However, for several months GAO management did not respond to our counter proposal—it seemed that they were not open to considering the alternatives we proposed. Finally, last month, with the assistance

¹The Union asked for data on all employees in the bargaining unit from the year 2000 through June, 2009 including information on any change in their employment status (such as termination or promotion); rating information; and demographic information, including race/ethnicity.

of a mediator, the Union reached agreement with GAO management on a new pay structure that incorporated elements of our initial counter proposal.

The other problematic pay negotiation is over the amount of merit pay— or performance based compensation—employees will receive for their performance in FY 2009. It is important to keep in mind that the GAO Human Capital Reform Act 2004 “delinked” GAO pay from the General Schedule (GS). GAO employees are not paid through the familiar General Schedule system that applies to most other federal employees. GAO employees receive two types of annual pay increases to their permanent salary and both are subject to collective bargaining with the Union. The first is an annual across-the-board pay raise that this year we negotiated to be the same as the GS across-the-board increase, which is the component of pay that reflects current economic conditions and the cost of living. All employees received an adjustment to their permanent salary as of January 3, 2010, equivalent to the GS across-the-board increase for their locality. The second type of pay is merit pay (referred to as performance-based compensation at GAO). The amount of merit pay employees receive is determined by a budget factor which is supposed to be based on GAO’s budget.²

On October 2, 2009, the day after President Obama signed the legislation providing GAO’s FY 2010 appropriation, the Union asked GAO management for a schedule of dates whereby we would negotiate the annual merit increase. Following our initial request, we sent several follow-up requests to GAO for the schedule of dates. Finally, on December 4, 2009, GAO management met with the Union for the first time to brief us on information they used to determine pay decisions. GAO management provided its first pay proposal on December 16, 2009, over 2 months after the Union first requested a pay negotiations schedule. The Union and GAO management met to negotiate pay on December 16, 17, and 22, 2009. On December 22, 2009, GAO management said that they would make a pay determination for employees who were *not* in the bargaining unit and would immediately take action to adjust the pay for these employees. As a result of this action by GAO management, it seemed to us that management had made its final offer and was not interested in continuing the pay negotiations. In fact, our initial reaction to the action taken by GAO management was confirmed when they said that they believed that we might be at impasse. The Union strongly disagreed that we were at impasse and stated that we believed that there was still an opportunity to reach agreement.

As the Union continued to negotiate with GAO management during the first week of January 2010, the Union made significant concessions to reach agreement; however, GAO management did not make any movement from the proposal they presented on December 22, 2009. Both parties agreed to continue negotiations

²To determine the amount of an individual employee’s performance based compensation raise, the budget factor is used in a calculation along with other factors, such as the employee’s rating and the average rating of the employee’s cohort.

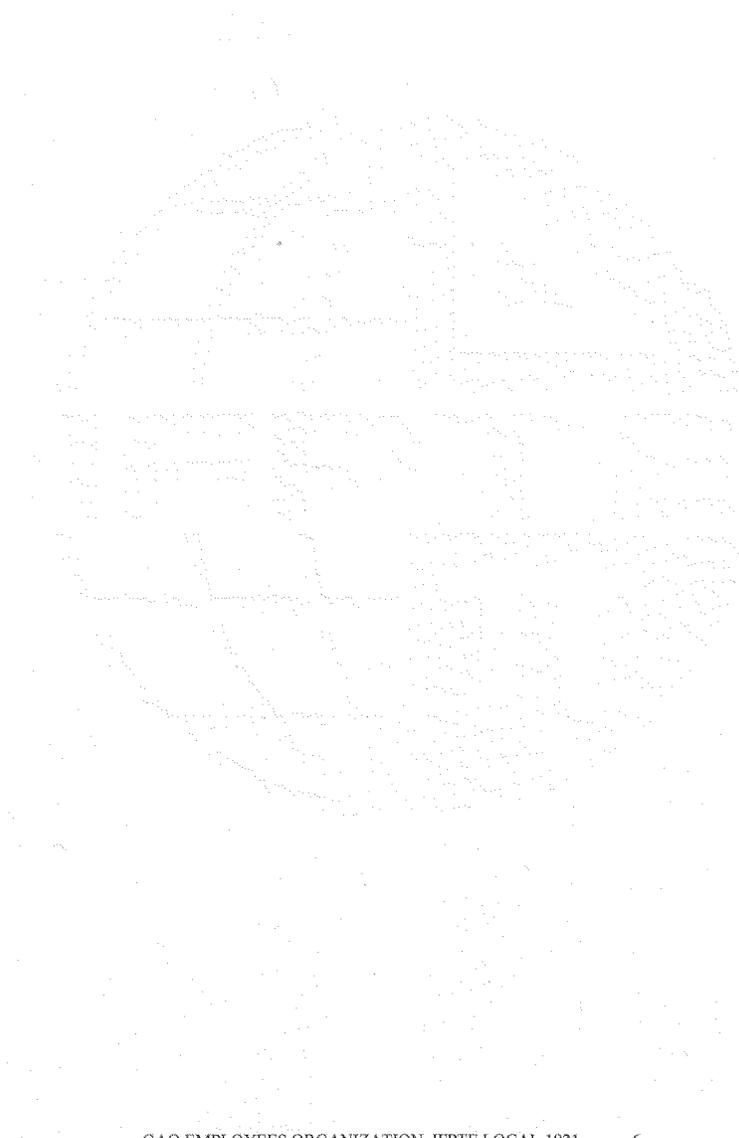
with the help of a mediator. In the course of mediation, the Union again made significant concessions from its previous proposal in an effort to reach an agreement. However, even after agreeing to mediation, GAO management refused to make any changes to their December 22, 2009 proposal. Both parties agreed that negotiations were at impasse and the merit pay negotiation is now before the Personnel Appeals Board. Since that time, GAO has set merit pay for the employees *not* in the bargaining unit, consistent with their December 22nd proposal and has adjusted their pay accordingly. In doing so, they informed non-bargaining unit employees that if the negotiations with the Union resulted in a different amount of merit pay, their pay would be adjusted retroactively to be consistent with the Union agreement.

We are concerned that the pay negotiations have been decidedly one-sided. For example, after a few hours at the bargaining table, GAO management announced impasse and in the subsequent weeks of negotiation and mediation refused to offer any concessions. As such, it appears to us that GAO management has not engaged us as an equal partner during these negotiations. When the GAO Human Capital Reform Act 2004 “delinked” GAO pay from the General Schedule, it provided the Comptroller General the authority to set pay. As a result, since the Union was established, pay is a matter for collective bargaining. Throughout both pay negotiations we believe that we have made every effort to be proactive; reasonable; and willing to listen to GAO management’s concerns. We have demonstrated this by having made significant concessions to our original proposals in an effort to reach agreement.

In addition, we are concerned about the process for handling the impasse in FY 2010 merit pay negotiations. Specifically, the Personnel Appeals Board (PAB) is the independent entity that handles negotiation impasses and matters of negotiability for GAO management and the Union. The PAB has yet to establish the rules or processes for conducting impasse or negotiability procedures for the parties. This is of particular concern to us because the impasse process for other federal employees at the Federal Service Impasses Panel is well established, well tested, predictable, and may be accomplished in a timely manner. In October, 2009, immediately after we completed the master contract ground rules negotiations, GAO management and the Union jointly contacted the PAB to inform them that the master contract negotiations were scheduled and to ask them for clarification on the processes for handling impasse and negotiability. The PAB told us that work on a Guide to Practice was underway. Now, several weeks after sending our first negotiation to the PAB for the impasse procedure, there are no established processes for the parties to refer to so that they know what to expect and how to plan. What should be a routine and predictable process is now, for GAO employees, a highly uncertain one. Meanwhile, this first matter to go to the PAB is a critical one and GAO employees are anxiously waiting for this issue to be finalized.

Lastly, we are very sensitive to the current state of the U.S. economy and the federal budget and we know that this Subcommittee and the Congress will be

faced with extremely difficult decisions regarding the FY 2011 federal budget. We are confident that as you move through the FY 2011 appropriations process, GAO will receive sufficient resources that allow us to continue to provide the important work for the Congress, and compensation to GAO employees that is comparable to their colleagues in other federal agencies. GAO employees are remarkably committed and proud of the work we do for the Congress and I thank you very sincerely for the chance to represent them here today.



MERIT PAY NEGOTIATION IMPASSE

Ms. WASSERMAN SCHULTZ. Thank you, Dr. La Due Lake.

You are saying the PAB hasn't even established procedures for which they are going to consider the impasse?

Mr. LA DUE LAKE. There is an order, the equivalent of a regulation, that lays out a general policy for how impasse will be handled. So we have a general framework that is spelled out in an order that was developed in the early 1990s, but there are no specific procedures or regulations for what the steps will be in going through that process. So, for instance, how people are notified, when they are notified, whether there are opportunities to request extensions and time to provide information, how a committee might be assembled, when it will meet.

Ms. WASSERMAN SCHULTZ. When are they planning to establish those procedures?

Mr. LA DUE LAKE. It appears to us they are developing these as they go.

We first sent a joint e-mail—management and the union sent a joint e-mail to the PAB the end of January, I believe January 29th, saying the parties believe we are in impasse and we should begin this process. A month later, we have been asked to submit names for a committee that will work with the PAB in determining whether there is impasse and making decisions about moving forward. We have been asked to provide some basic information about the matters at impasse and—

Ms. WASSERMAN SCHULTZ. Is management as concerned about the fact that there aren't procedures in place?

Mr. LA DUE LAKE. I cannot speak for them. I think so. Absolutely.

Ms. WASSERMAN SCHULTZ. How can we help the process along?

Mr. LA DUE LAKE. That is a difficult one. The PAB is very concerned about moving carefully since we have not gone through this process before. However, there is well-established processes for this that are very routine for other Federal employees.

Ms. WASSERMAN SCHULTZ. Okay. And then I am glad that the contract negotiations are going well. But what is the holdup on the pay raise? That is a long time without—

Mr. LA DUE LAKE. It is a long time. Now, remember, there are two types of pay that we receive at GAO. We receive an across-the-board and then we receive merit pay, which we call performance-based compensation. The across-the-board is also negotiated, and this year we agreed that it would be the equivalent to the GS across-the-board raise by locality. That has been implemented in the first pay period.

The performance-based compensation we did not reach agreement. It seems to us that from the beginning GAO—and this may not be unusual when we consider other kinds of negotiations—GAO had a target number in mind. We certainly did as well. And we went into this with room for a lot of movement to reach agreement.

It has worked well the last 2 years, the first 2 years, actually, that we had negotiated pay. We have been able to reach an agreement that we felt was reasonable, appropriate, met everybody's need, et cetera.

But in this instance, after a very short time at the table, GAO said we think we are at impasse, we don't think it makes sense to meet any further; and they took the unusual step, based on our last 2 years of experience, of saying, as a matter of fact, we are going to make a determination and pay all of the employees not in the bargaining unit the 1st of January. And they went ahead and did that and also let the other employees know that if there is a different agreement as a result of this negotiation process they process their—any additional corrections to their pay retroactively.

So that step was a very new one but definitely in our view was a strong message to us that this is not a matter we consider negotiable this year.

Ms. WASSERMAN SCHULTZ. The retroactive piece?

Mr. LA DUE LAKE. The fact they went ahead and made a determination for the amount of merit pay other employees would receive without reaching an agreement with us.

Ms. WASSERMAN SCHULTZ. And just why is this you are so different when the previous 2 years you have been able to—are they proposing something dramatically different from the way merit pay has been treated in the past?

Mr. LA DUE LAKE. They are proposing something that is significantly lower than the last couple of years. That has been surprising to us considering the generous appropriation for 2010 for GAO and particularly since, as a result of the GAO Act of 2008, the agency receives increased income through reimbursement of certain audits. So this has been very surprising to us. It was a significant appropriation last year, and it is almost the lowest raise for performance-based pay that has been offered in the last 6 years.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. LA DUE LAKE. So to us it seems out of whack with the budget reality, and we have not been able to understand it.

Ms. WASSERMAN SCHULTZ. I am sorry.

Just one more question. And have they explained to you why they are proposing such—

Mr. LA DUE LAKE. They certainly explained concerns about the overall economic conditions that the U.S. faces today. Beyond that, we have not understood that.

Ms. WASSERMAN SCHULTZ. But internally they got a significant increase? So their economics hasn't suffered so much.

Mr. LA DUE LAKE. We understand that.

Ms. WASSERMAN SCHULTZ. Okay. Mr. Aderholt.

Mr. ADERHOLT. When did you say the impasse came to a head?

Mr. LA DUE LAKE. Well, we met through the beginning of January. We jointly agreed to bring in a mediator. Through that process, we made large concessions to reach agreement. GAO did not. They remained firm with the position that they had prior to the holidays on December 22nd. Later in January, we jointly agreed to bring in a mediator. We did that the last week in January and—but, again, there was no concession or movement on the part of GAO. We then agreed to go to the PAB for impasse, and I believe that was January 29th that we approached them. It was that last week.

Mr. ADERHOLT. It has been that way ever since?

Mr. LA DUE LAKE. We are in this holding pattern while the PAB determines how we move forward. It is in their ballpark.

Mr. ADERHOLT. Thank you. That is all I have.

Ms. WASSERMAN SCHULTZ. Mr. Cole.

Mr. COLE. Just a couple of things.

First of all, just thank you for what you do. I mean, I think GAO is unbelievably effective, and I voted for the appropriations last year because I thought it was merited. And you continue to do good work, and we certainly ask lots of tough questions.

GAO PRODUCTIVITY AND EFFECTIVENESS

I don't want to be drawn into the case. I don't know that much about it. But I am curious either in your capacity representing the employees, what suggestions would you direct to management and would you direct to our committee in terms of where efficiencies could be made?

I think, again, we are going to have this issue across the board. Nobody in America got a Social Security COLA. I am sure everybody here got hundreds of letters. So it is going to be really tough even in areas where we need increases to justify without some sort of offsetting efficiency or what have you. So do you have any things that we ought to be looking at that would make you even better at what you do?

Mr. LA DUE LAKE. That is an interesting question. We very much appreciated over the last couple of years the appropriations that have allowed us to increase our FTEs, to increase our staff size in order to help address and keep up with meeting the work of the Congress. And that is very important to us.

We also have a relatively younger workforce where we—I believe in the last few years this has significantly changed, where over half of our workforce has been at GAO I think fewer than 5 to 6 years, which is very unusual. So people are earlier in their salary structure than they might be if they had been in a Federal career longer.

We are really aware of the challenges certainly because of the work we do as well as the overall environment of the challenges moving forward with the current budget limitations that we are facing.

I guess the way we are thinking of it and the way we thought of it this year is that the across-the-board, the annual pay increase is an appropriate place to reflect economic conditions and budget realities. I mean, obviously, for all Federal employees, this was a very different year than recent years, but it makes sense and we understand that.

The thing that has been very difficult and troubling for us is that, as important to the agency as pay-for-performance is, to have a rather remarkable and difficult like our year this year and then have an appropriation that could accommodate pay-for-performance in an appropriate way, there seems to be a disconnect. It has been very difficult for us.

RECRUITMENT AND RETENTION

Mr. COLE. Just one additional question. Thinking about going forward, in terms of the quality of the workforce, you haven't men-

tioned there has been a great deal—or some turnover and a younger workforce coming in. Are you comfortable that you are able to attract and hold the people you have?

I mean, one of the upsides of a down economy is, obviously, people are pretty conservative about moving. But, again, you need very skilled people that will stay for a considerable period of time for us to get the information we need. Are you comfortable right now that you are able to hold the people you need right now and attract the types of people you need?

Mr. LA DUE LAKE. There doesn't seem to be any question that in most cases we can attract the people that we need. Retention is a different question, and that is something that we are looking into. We requested data—actually, after last year's hearing, we requested data and have received some of that data last month that will allow to us look at that over a period of time, that question of retention and whether there are issues that come into play in terms of retention, perhaps related to diversity and what I talked about last year, the potential for disparity and ratings based on ethnic background. So that is something we are concerned about.

We don't have the evidence that we would like to know exactly, but we have some concerns about some of our midlevel people who have developed the experience that we need to retain. They have learned our work, they have learned how to do our work, and they—it appears that there are other opportunities where we can lose them for a variety of reasons. We don't have a handle on that exact evidence, but it is something we are very concerned about and looking into.

Mr. COLE. Let me see it as you develop it.

But thank you, Madam Chairwoman.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. LA DUE LAKE. Thanks for your time.

Ms. WASSERMAN SCHULTZ. Good luck.

WEDNESDAY, FEBRUARY 24, 2010.

OFFICE OF TECHNOLOGY ASSESSMENT (OTA)

WITNESS

**FRANCESCA GRIFO, DIRECTOR OF SCIENTIFIC INTEGRITY PROGRAM,
UNION OF CONCERNED SCIENTISTS**

Ms. WASSERMAN SCHULTZ. Dr. Francesca Grifo, welcome to the subcommittee. Your full statement will be entered into the record and you can proceed for 5 minutes.

Ms. GRIFO. Great. Thank you so much, Madam Chair and members of the Subcommittee. I appreciate the opportunity to testify today.

As Congressman Holt so eloquently stated, Congress must have a source of credible advice in science and technology in order to responsibly manage the taxpayers' money and enact laws that keep our Nation safe and healthy; and the best agency for the job I think is the Office of Technology Assessment.

From 1972 to 1995, OTA helped Congress assess complex issues and make wiser legislative choices. OTA reports addressed issues before almost every Congressional committee. The analyses pro-

duced by OTA set boundaries for debate, ruled out scientifically incorrect arguments, and helped to frame political decisions in technically defensible ways.

The OTA model honed over 23 years was incredibly successful. What is more, the 1972 Technology Assessment Act is a flexible document and any needed modernizations could be achieved within its scope.

We are currently engaging the best thinkers on OTA to develop a commonsense proposal for restarting OTA that takes into account fiscal realities. We plan to submit a detailed fiscal year 2011 funding proposal within the next 2 weeks. Renewing OTA is a multiyear project, and we do not believe the taxpayers and American families should wait any longer.

I am here as a mother and a daughter, as much as I am here as a scientist, to tell you that OTA, while designed to serve the needs of Congress, also in reality served the needs of our Nation. Members of Congress do not lack for input, but in many situations they do lack credible and nonpartisan information that is structured in a way they can easily use.

OTA was uniquely positioned to provide accurate information in the following areas: unnecessary expenditure of taxpayer money on unproven technologies or other scientifically indefensible policies, early identification and analysis of technological issues before they became national crises, and evaluation of executive branch initiatives to aid Congress in its oversight role.

OTA more than earned its keep by identifying ineffective, wasteful programs and suggesting improvements to others. The savings from just two OTA studies, one on Alzheimer's disease and one that exposed the flaws in the Social Security Administration computer system, would have nearly paid for OTA for the last 15 years, just two studies.

What is more, policies based on OTA studies saved lives and reduced the need for future medical intervention. A 1988 study pointed out the vulnerability of low birth weight infants to physical and mental disability. The study then helped change Medicaid eligibility rules by expanding access to prenatal care to millions of women in poverty.

A 1987 study predicted that Medicare coverage of mammograms for senior women could cut breast cancer deaths.

A 1990 study concluded that older women undergoing routine PAP smears were much less likely to develop cervical cancer than unscreened women.

A number of OTA reports also proved to be years ahead of their time on many of the critical issues that Congress is debating today, and Congressman Holt I think gave you a great list of those.

Finally, in recent years, Congress has approved a number of expensive yet troubled programs that could have been identified and averted by a timely OTA assessment.

The Department of Homeland Security spent nearly 3 years pushing for a costly radiation detection system for smuggled nuclear material that did not work as promised, while neglecting to upgrade existing equipment that could have improved security.

The GAO, the National Academies, and the Congressional Research Service are all very good at what they do; and they should

continue to do it. But none of them can fill OTA's shoes. OTA studies were technically accurate, analytically sound, and balanced. In its reports, OTA made no policy recommendations but presented a range of policy options that were consistent with its technical findings. OTA also informally aided Members and their staff in how to think about an issue by inquiring into the foundations of claims made by technology and paying close attention to its consequences.

The world has changed since the OTA was authorized 40 years ago, and undoubtedly the OTA that might open in 2011 would need to be modernized. A revitalized OTA in the 21st century would take full advantage of electronic communication to boost its educational capacity, be more responsive to both parties, and establish strong working relationships within similar agencies.

Today, for example, OTA could assess technologies designed to protect our children from lead poisoning, evaluate technologies designed to help seniors and the disabled stay in their homes longer, and assist Congress to make accurate links among investments in various technologies and their potential to create jobs.

I bring with me today a letter signed by 41 diverse organizations supporting the revival of OTA, and I hope this is the beginning of a dialogue that will lead to the restoration of this important agency.

[Dr. Grifo's prepared statement and support letter for OTA follow:]



Union of Concerned Scientists
Citizens and Scientists for Environmental Solutions

**Written Testimony of Francesca T. Grifo, Ph.D.
Senior Scientist with the Union of Concerned Scientists
Scientific Integrity Program**

**Before the Appropriations Subcommittee on Legislative Branch
U.S. House of Representatives**

**Hearing on 2011 Appropriations
February 24, 2010**

This testimony is presented by Dr. Francesca Grifo, Senior Scientist with the Union of Concerned Scientists (UCS), a leading science-based nonprofit working for a healthy environment and a better world. The full testimony is submitted for the record. Dr. Grifo will summarize her statement for the Committee on the need for Refunding of the Office of Technology Assessment (OTA). This written testimony provides (1) a brief introduction, (2) a summary of why Congress needs the OTA, (3) the unique qualities of the OTA, (4) the weaknesses of the arguments against the OTA, (5) what an OTA might look like today, and (6) recommendations for next steps.

Madame Chairman, Ranking Member Aderholt, and members of the Subcommittee, the Union of Concerned Scientists appreciates the opportunity to testify today on an extremely important issue – appropriations for the Office of Technology Assessment (OTA).

In order for Congress to responsibly manage the taxpayer's money and to enact laws that keep our nation secure and healthy, Congress must ensure that it has a source of credible and timely advice on science and technology. Such an organization would look very much like the OTA, which was defunded in 1995 but never eliminated. As the world grows ever more complicated and as global challenges mount, the time has come to bring the OTA back.

I. Introduction

With the Technology Assessment Act of 1972, Congress created a new agency—the Congressional Office of Technology Assessment, known as the OTA—to provide “unbiased information concerning the physical, biological, economic, social, and political effects of technological applications.”¹

From 1972 to 1995, the OTA helped Congress to assess complex issues and make wiser legislative choices. OTA reports addressed issues before almost every Congressional committee, and through those reports, legislators could better understand new technologies and their policy implications. The reports helped set the terms of debate and increased understanding of the risks and implications of policy options. Because these reports were designed to frame issues and assess multiple policy alternatives, they were often cited by both sides during the same Congressional debate.

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During its 23 years of operation, OTA produced about 750 studies.² At the time of its demise, the OTA was the government's smallest agency with fewer than 150 permanent staff but it exerted an outsized influence in the policy world and had many admirers from all parts of the political spectrum. France, the Netherlands, Sweden, and a dozen other countries established science and technology information agencies based on the OTA model.³

Although funding for the OTA was eliminated in 1995, the legislation that created it was never repealed. Congress should renew funding for the OTA to restore the legislature's ability to understand the implications of policy choices surrounding complex issues.

II. Why Congress Needs an OTA

OTA is a Credible Source of Information.

Washington, D.C. is a city awash in reports, white papers, fact sheets and other bits of information. The challenge for Congress is to separate the valuable information from the spin. This process is time consuming and often requires a level of expertise that even the best and most well-trained staffers will not always have.

Members of Congress certainly do not lack for input, but in many situations they do lack credible and nonpartisan information that is structured in a way they can easily use. OTA was uniquely structured to provide credible information in the following areas:

- Unnecessary expenditure of taxpayer money on unproven technologies or other policies that are scientifically indefensible
- Early identification and analysis of technological issues before they became national crises
- Evaluation of Executive Branch science and technology initiatives to aid Congress in its oversight duties.

While the analysis produced by OTA did not always drive congressional decision making, it did set boundaries to the debate, rule out some scientifically incorrect arguments, and help to frame political decisions in technically defensible ways.

The National Academies, the Congressional Research Service (CRS), and the Government Accountability Office (GAO) all have important and related missions and do them well, but as we describe below, they cannot meet these needs and replace what the OTA was able to do.

OTA Can Save Taxpayer Money.

When OTA was operational, it more than earned its keep by identifying wasteful and ineffective programs and suggesting improvements to others. We provide a few relevant examples:

- As far back as 1980, OTA recommended that the U.S. improve its disaster preparedness by emphasizing self-help. Studies cited by OTA showed that people prefer "rebuilding advice and supplies to extensive mass shelter or temporary housing."⁴ Over two decades later, FEMA trailer contracts wasted tens of millions of dollars during the disaster response to Hurricane Katrina. A GAO report determined that FEMA wasted much as \$30 million in poorly managed temporary trailer supply contracts, including "about \$15

million spent on maintenance inspections even though there was no evidence that inspections occurred.”⁵

- A 1988 OTA study, “Healthy Children: Investing in the Future” pointed out the vulnerability of low birthweight infants to a variety of physical and mental disabilities. Its research concluded that expanding Medicaid eligibility to all pregnant women living in poverty would cost much less than the cost of \$14,000 to \$30,000 to treat the health problems of each low birthweight infants.⁶ That study helped change Medicaid eligibility rules by expanding access to prenatal care to millions of women in poverty.
- A 1987 OTA study predicted that Medicare coverage of mammograms for senior women could cut breast cancer deaths by 22 percent by the year 2000.⁷ Likewise, a 1990 OTA study concluded that older women undergoing routine pap smears were much less likely to develop cervical cancer than unscreened women.⁸ Both of these reports were instrumental in expanding Medicare coverage to include routine mammograms and pap smears, thus saving both taxpayer dollars and lives.

A number of OTA reports also proved to be years ahead of their time on many of the critical issues Congress is debating today – from weapons proliferation to genetic discrimination to comparative effectiveness research in health care. On the topic of renewable fuels, a 1995 OTA report “Renewing Our Energy Future” had already identified the drawbacks of corn ethanol and the potential of second-generation biofuels such as switch grass.⁹

Finally, in recent years Congress has approved a number of expensive yet troubled programs that could have been identified and averted by a timely OTA assessment.

- The Department of Homeland Security (DHS) spent three years pushing for a costly radiation detection system for smuggled nuclear material that did not work as billed, while it neglected to upgrade existing equipment that could have helped improve security. The DHS had already awarded billions of dollars in contracts for deployment of the detectors before a series of critical GAO reports and Congressional outcry caused them to reconsider.¹⁰

III. The Unique Qualities of OTA

There are a number of possible ways to structure technical advice to Congress, but a successful technology assessment organization should incorporate the following features:

- The ability to access the highest levels of expertise on a given subject and the ability to utilize external peer review in finalizing its reports
- The ability to assess information in an unbiased manner that would gain the respect of both parties
- A focus on serving the needs of Congress and framing the issue in a way that is useful to legislators and their staffers
- An institutional culture conducive to asking hard questions and clearly communicating the answers
- The ability to be forward thinking and to address emerging issues, not just current crises

- An institutional commitment to transparency
- The capacity and resources needed to complete reports in a timely fashion.

Fulfilling all of these qualities is a challenge but the former OTA was quite successful at doing just that. Other researchers have considered similar parameters and concluded that any feasible alternate proposal for a technology assessment organization would end up looking quite similar to OTA.^{11,12}

The National Academies (NAS), the Congressional Research Service (CRS) and the Government Accountability Office (GAO) are three other entities that are also in the business of providing information to Congress. These three organizations are all good at what they do, and they should continue to do it, but none of them satisfactorily fills the important role that OTA played.

- The NAS provides excellent consensus recommendations from groups of the nation's most respected scientists and experts. But advising Congress is not its primary function and while it tries to be responsive to congressional requests, it can and does say no at times. Furthermore, the NAS is not always attuned to the needs and timelines of legislators and its reports are very expensive to produce. Not being a government agency, the NAS lacks the automatic and high-level access to other parts of the federal government that OTA would have.
- The CRS is highly respected for its rapid response, but it is not accustomed to working with stakeholders or outside experts. It does not have the technological or analytical capacity of the OTA, nor does it have experience with peer review. Historically CRS has responded to requests from members not committees.
- The GAO has very recently begun to undertake technological assessments of the type formerly done by OTA, but that program is bound by the rules and culture of a financial auditing agency. While the GAO has extensive access to all parts of the federal government and has produced numerous reports that have proven extremely useful for oversight, it has little experience with forward-looking assessments. Given the GAO's core mission, it is unlikely that technology assessment will find a permanent home at GAO.

The Structure of OTA.

The Congressional environment is highly political and hence technical analysis for Congress is very different from research or analysis conducted in academic or other settings. The OTA's unique value derived from its ability to frame problems, to distinguish topics of importance from non-issues, and to identify the important policy choices available. By leaving out the value judgments and prescriptive recommendations, OTA was able to be both authoritative and credible.

OTA was overseen by a Technical Advisory Board (TAB) which was composed of six Senators and six representatives, evenly split between the two parties. OTA worked primarily on studies requested by Congressional committees and it was prohibited by statute from issuing recommendations for action. Because OTA was a part of Congress it was adept at

communicating with politicians but was also sufficiently insulated from politics that its findings were seen as credible.

OTA studies were technically accurate, analytically sound, and while balanced with respect to stakeholder interests, were not watered down by requiring consensus amongst those stakeholders. The reports were highly influential outside of Congress and were often best-sellers at the Government Printing Office. For example, GPO sold 48,000 OTA reports in 1980 alone.¹³ All major OTA studies relied on advisory panels of experts who served as sources of information, guidance, and critical review. These panels included top substantive experts, who helped assure the studies' technical and analytic quality, and individuals representing the different interests at stake.

Finally, it is clear that the presence of OTA raised the level of discourse in Congress. In its reports, OTA made no policy recommendations, but rather presented a range of policy options that were consistent with its technical findings. There were instances when a member of the TAC would vote to approve the release of a study and moments later issue a statement critical of some aspect of the report recommendations. Often the same OTA report was cited by both sides of a debate. OTA also informally aided members and their staff in how to think about an issue, by inquiring into the foundations of claims made by a technology and paying close attention to its consequences

IV. The Arguments Against OTA are Weak

Numerous arguments were made in favor of eliminating OTA in 1995, and have been repeated by some in the years since.

Speed. Some criticized OTA for having a report schedule that was too slow for Congress's needs. While OTA could move quickly when necessary, the organization's primary value came in the preparation of more complex reports where the speed of response was less important than getting the analysis right. The niche filled by OTA was that it could undertake longer more complex studies than CRS, which specializes in fast turn-around reports, and it could better tailor its findings to the needs of Congress than could the NAS.

Indeed, many of OTA's reports have proven to be years ahead of their time, and stand as the definitive first analysis of emerging issues years before Congress moved to legislate.

Political bias. A high-profile dispute between OTA and the Reagan administration about the technical feasibility of proposed missile-defense systems gave fuel to the idea that the organization was politically biased. However, the OTA approached even the most controversial topics with objectivity and balance, and in doing so won numerous supporters from both sides of the aisle. OTA's governing structure—in particular, the strictly bipartisan TAB—helped ensure non-partisan analysis. In addition, the statutory restriction on issuing recommendations kept the reports focused on technical issues rather than politics.

Redundancy. One argument made in favor of ending OTA was that members of Congress could directly contact any needed experts, rather than using OTA as a "middleman." What's more, in the years since OTA's demise the internet has radically transformed how Congress and the

public access information. Google and Wikipedia are now the first stop for many people in searching out needed information.

But none of this can replace the value of credible, peer-reviewed technical reports, such as those provided by OTA. Members of Congress can of course seek advice from anyone they wish, but the danger there is that members will only seek out those experts who conform to their existing policy biases, even if those experts are far outside the mainstream. Furthermore, most of the pressing questions put before Congress simply cannot be decided by information found on a Wikipedia page; as the OTA expert Christopher Hill put it, "Congress is not particularly interested in the melting point of bismuth."¹⁴

IV. What would OTA look like today?

The world has changed since 1972 when the OTA first opened its doors, and undoubtedly the OTA that might open in 2011 would also have to be different. The bicameral bipartisan congressional board, the focus on framing issues and looking to the future, the mix of internal and external expertise, and the attention to the needs of its congressional client are all essential elements that should be retained in any technology assessment organization, no matter its name.

Some recommendations for bringing a revitalized OTA into the 21st century would be:

- Take full advantage of the internet and electronic communication to boost the public service and education aspect of OTA work
- Greater flexibility in the speed of response to allow some simpler reports to be issued on a shorter timeframe
- Broaden the responsiveness of OTA to include individual members of Congress, not just committee chairs and leadership
- Establish strong working relationships with similar agencies such as NAS, CRS and GAO.

V. Conclusions

The OTA model, honed over 23 years of serving the needs of Congress and the nation, has been proven. Nobody would argue that OTA was perfect, however, the Technology Assessment Act has turned out to be an amazingly flexible document, and any needed improvements can be done within its scope. The agency's structure, as defined in 1972, remains appropriate today.

We see the OTA as an important tool to help the United States face the challenges ahead. We call on Congress to reopen the OTA and we look forward to working with members of Congress to achieve this important goal.

We are in the process of engaging the best thinkers on OTA to guide us in the development of a common-sense proposal for re-starting OTA that takes into account our fiscal reality. We will submit a detailed proposal and recommendation of a FY11 funding level within the next two weeks to your office for your consideration. We realize that starting up OTA is a multi-year project, but we do not believe the taxpayers and American families should wait any longer for this effort to begin.

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- ¹ The Technology Assessment Act of 1972, §471, 2 U.S.C. (1972). Online at http://www.law.cornell.edu/uscode/2/uscode_sec_02_0000471----000-.html.
- ² The OTA Legacy. Online at <http://www.princeton.edu/~ota/>.
- ³ Vig, Norman J. "The European Experience." In *Science and Technology Advice for Congress*, edited by Morgan, M.G. & Peha, J.M. 2003. Washington, DC: Resources for the Future.
- ⁴ U.S. Office of Technology Assessment. *U.S. Disaster Assistance to Developing Countries: Lessons Applicable to U.S. Domestic Disaster Programs*. January 1980.
- ⁵ U.S. Government Accountability Office. *Hurricane Katrina: Ineffective FEMA Oversight of Housing Maintenance Contracts in Mississippi Resulted in Millions of Dollars of Waste and Potential Fraud*. November 2007.
- ⁶ U.S. Office of Technology Assessment. *Healthy Children: Investing in the Future*. OTA-H-345, February 1988.
- ⁷ U.S. Office of Technology Assessment. *Breast Cancer Screening for Medicare Beneficiaries*. November 1987.
- ⁸ U.S. Office of Technology Assessment. *The Costs and Effectiveness of Screening for Cervical Cancer in Elderly Women*. OTA-BP-H-65. February 1990.
- ⁹ U.S. Office of Technology Assessment. *Renewing Our Energy Future*. OTA-ETI-614. September 1995.
- ¹⁰ O'Harrow, R. 2009. Report criticizes nuclear detectors. *Washington Post*, June 23.
- ¹¹ Epstein, G.L. & Carter, A.B. "A Dedicated Organization in Congress." In *Science and Technology Advice for Congress*, edited by Morgan, M.G. & Peha, J.M. 2003. Washington, DC: Resources for the Future.
- ¹² Blair, P.D. 2006. "Scientific Advice for Policy in the United States: Lessons from the National Academies and the former Congressional Office of Technology Assessment." Paper presented to Symposium on Quality Control and Assurance in Scientific Advice to Policy. Berlin, Germany January 12, 2006.
- ¹³ Houghton, Amo. "In Memoriam: The Office of Technology Assessment, 1972-95." Congressional Record, Extension of Remarks - September 28, 1995, Page E1868-1870.
- ¹⁴ Epstein, G.L. 2009. Restart the Congressional Office of Technology Assessment. *Science Progress*, March 31. Online at <http://www.scienceprogress.org/2009/03/restart-ota/>.

Ms. WASSERMAN SCHULTZ. Thank you very much for your commitment, Dr. Grifo; and we will take that letter and shall enter it into the record. Thank you very much.

[The information provided for the record follows:]

February 24, 2010

The Honorable Debbie Wasserman Schultz
Chair, Subcommittee on Legislative Branch
118 Cannon House Office Building
Washington, DC 20515

The Honorable Robert B. Aderholt
Ranking Member, Subcommittee on Legislative Branch
1433 Longworth House Office Building
Washington, DC 20515

Dear Representatives:

As public health, scientist, labor, public interest, environmental, faith-based, civil liberties and transparency organizations that believe good government depends on access to reliable and independent scientific and technological advice, we are writing to urge you to include funding for the Office of Technology Assessment (OTA) in the legislative branch appropriations bill for Fiscal Year 2011.

The public health, national security, and environmental challenges that face our nation can be met only if members of Congress are able to make fully-informed decisions. With the rise of the Internet, more information is available than ever before—yet it is difficult if not impossible to separate facts from agenda-driven spin. Congress needs an independent body of experts to offer guidance on issues directly related to public health and safety, national security, the most efficient use of taxpayer dollars, and how innovation and competitiveness can create viable American jobs.

For 23 years, the OTA provided trustworthy, non-partisan information on scientific and technological issues from Alzheimer's disease to acid rain. Despite its good work, OTA was the victim of budget cuts in 1995, a move that saved the government a little more than \$20 million annually. Since then, the government has spent billions on new technologies that have not worked as promised.

Revitalizing the OTA would enable members of Congress to more fully understand the advantages and implications of the science and technologies in which they are asked to invest.

The OTA was never abolished, just stripped of its funding. We urge you to restore its funding to ensure Congress has adequate guidance on emerging science and technology issues.

Sincerely,

Mary Alice Baish
Director of Government Relations
American Association of Law Libraries

Laura W. Murphy
Director, Washington Legislative Office
American Civil Liberties Union

John Arthur Marshall
Chairman of the Board of Directors
Arthur R. Marshall Foundation

Barbara A. Brenner, J.D.
Executive Director
Breast Cancer Action

William Snape
Senior Counsel
Center for Biological Diversity

Ari Schwartz
Vice President and Chief Operating Officer
Center for Democracy and Technology

Jeff Chester
Executive Director
Center for Digital Democracy

Paul Kurtz
Chairman
Center for Inquiry

Lisa Graves
Executive Director
Center for Media and Democracy

Bethany Gravell
Executive Director
Center for Native Ecosystems

David W. Plunkett, J.D., J.M.
Senior Staff Attorney, Food Safety Program
Center for Science in the Public Interest

David McCabe, Ph.D.
Climate Science Specialist
Clean Air Task Force

Dave Wertz
Science and Conservation Director
Conservation Northwest

Michelle De Mooy
Senior Associate, National Priorities
Consumer Action

Kevin Bankston
Senior Staff Attorney
Electronic Frontier Foundation

Leda Huta
Executive Director
Endangered Species Coalition

John Richard
Director
Essential Information

Joe Volk
Executive Secretary
Friends Committee on National Legislation

Peter Saundry, Ph.D.
Executive Director
National Council for Science and the Environment

Diana Zuckerman, Ph.D.
President
National Research Center for Women & Families

Amy Allina
Program Director
National Women's Health Network

Lewis Maltby
President
National Workrights Institute

Rick E. Melberth, Ph.D.
Director of Regulatory Policy
OMB Watch

Patrice McDermott
Director
OpenTheGovernment.org

Steve Pedery
Conservation Director
Oregon Wild

Ashley Katz
Executive Director
Patient Privacy Rights

Deborah Pierce
Executive Director
Privacy Activism

Robert Ellis Smith
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Privacy Journal

Beth Givens
Director
Privacy Rights Clearinghouse

Evan Hendricks
Editor
Privacy Times

Progressive Librarians Guild

Danielle Brian
Executive Director
Project On Government Oversight

Celeste Monforton, DrPH, MPH
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Project on Scientific Knowledge and Public Policy

David Arkush
Director
Public Citizen's Congress Watch

Kirsten Moore
President and CEO
Reproductive Health Technologies Project

Ellen Miller
Executive Director
Sunlight Foundation

Robert K. Musil, Ph.D., M.P.H.
President
The Scoville Peace Fellowship

Francesca T. Grifo, Ph.D.
Director, Scientific Integrity Program
Union of Concerned Scientists

Sylvia E. Johnson
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International Union, United Automobile, Aerospace & Agricultural Implement Workers of
America (UAW)

Bruce McIntosh
Staff Ecologist
Western Nebraska Resources Council

Pam Dixon
Executive Director
World Privacy Forum

Cc:
The Honorable Tom Cole
The Honorable Michael Honda
The Honorable Steven C. LaTourette
The Honorable Jerry Lewis
The Honorable Betty McCollum
The Honorable David R. Obey
The Honorable Ciro Rodriguez
The Honorable C.A. "Dutch" Ruppertsberger
The Honorable Tim Ryan

Ms. WASSERMAN SCHULTZ. Any questions?

RATIONALE FOR OTA

Mr. ADERHOLT. Going back to 1972, do you know what sparked the inception of the OTA?

Ms. GRIFO. I was not in Washington at that time. I was in high school. But the historical accounts discuss that we were coming out of a very strong executive branch era, namely the Nixon administration, and that there was a thought on the part of Congress that indeed more technical information in this branch would allow you to more carefully evaluate executive branch initiatives.

Mr. ADERHOLT. Okay.

Ms. GRIFO. Always a good thing.

Mr. ADERHOLT. Okay. That answers my question. Thank you very much.

Mr. COLE. Just one quick question. First of all, I wish I had been in high school in 1972.

But I am going to ask a similar sort of historical type question. I am just curious, the range of studies that are cited by you and the Congressman really is impressive in terms of the how much money you are talking about saving. How were decisions made as to what topics would be chosen, what the focus of the resources would be, which is congressionally driven by Member request? Was there a strategic overview? These are areas that clearly Congress is going to be dealing with.

Ms. GRIFO. There was a bicameral, bipartisan group of Senators and Congressmen that were managing the day-to-day operations along with an executive director. So there were topics that would come in from committee chairs. Typically, they also had a ranking member on them, not always. It was not a requirement. But typically they did.

Those topics would come in and then that bicameral, bipartisan board would discuss them and they would help OTA to make those decisions about which things to go ahead on.

Mr. COLE. Are you comfortable that would be the mechanism, assuming that it would continue to work that way?

Ms. GRIFO. It worked really well.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield, one of the criticisms I heard about the way it operated at the time and that I think would be important in terms of an update was that it was too exclusively controlled by chairs and ranking members and that rank-and-file members who had an interest in having studies done by OTA were essentially shut out and that, even further, it was more specifically controlled—there is a board for OTA, a certain number of members. So that if we did consider this it would I think need to be reconstituted in such a way that it would be accessible to more members and there would be a broader array of studies with a broader array of input.

Ms. GRIFO. If I could just address that. I think there are different size OTA reports. There are smaller and bigger. And I think extending the very large, long-term reports to every Member of Congress might be difficult. But there are certainly smaller ones that could be done that would lead to larger ones.

The other thing that happened in the past was the director of OTA was frequently contacted by other Members and had a director's kind of discretionary set of reports that they could do. So they tried to respond. But I agree. More responsiveness would be definitely a modernization that we need.

Mr. COLE. Thank you. I yield back.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Mr. ADERHOLT. I have one more question. You mentioned the OTA board. Who makes up the OTA board or who made up the OTA board?

Ms. GRIFO. It was Members of both Houses. It was, I think—what was it—three or four from each—six. Sorry. Thank you. Six from each House. Three of each party from each House.

Mr. ADERHOLT. House and Senate.

Ms. GRIFO. Uh-huh. And there was also a technical advisory committee that was outside people, and that could be constituted in many different ways of experts.

Ms. WASSERMAN SCHULTZ. Thank you very much, Dr. Grifo.

WEDNESDAY, FEBRUARY 24, 2010.

AMERICAN ASSOCIATION OF LAW LIBRARIES

WITNESS

**MARY ALICE BAISH, DIRECTOR OF GOVERNMENT RELATIONS OFFICE,
AMERICAN ASSOCIATION OF LAW LIBRARIES**

Ms. WASSERMAN SCHULTZ. Next, we will hear from Mary Alice Baish, the Director of Government Relations to the American Association of Law Libraries.

You can proceed with a summary of your statement, and your statement will be entered into the record.

OPENING STATEMENT—MARY ALICE BAISH

Ms. BAISH. Thank you so much. It is great to be back.

Yes, I am indeed a veteran, Madam Chairwoman Wasserman Schultz, Ranking Member Aderholt, and Mr. Cole.

I just wanted to point out before I begin my statement that I am one of the 42 signatories of the letter in support of the OTA. I don't want you to take money out of the Public Printer's budget for fiscal year 2011, but I did want—I was very impressed with the laundry list of important reports.

I just wanted to say they did a groundbreaking report in 1988 or 1989 called Informing the Nation, and it was all about moving to new technologies to improve access to government information and how the government should do their IT. So I think it really helped the government move forward.

So, good morning, again. On behalf of AALL, I want to applaud you, Madam Chair, for changing the order of these hearings. I was initially stunned when I received the call to testify. But in thinking about what it did is it gave me an opportunity to talk about—to members of AALL and other depository librarians.

First of all, we urge you to fully support the congressional printing and binding fund for Congressional print materials, because we

do believe that depository libraries should have the option of receiving your records of congressional action in print.

It was reported to me over the summer that the Library of Congress accepts only paper or microfiche as the only recognized archival formats. And while the Library of Congress through AMVETS is making some excellent progress in collaborative research on how to preserve the vast amounts of electronic information, there is really no guarantee today that today's government information available only electronically will be preserved and available in 5, 10, 50 or 100 years.

Second, we strongly supported the first release of GPO's FDsys of public data about a year ago. We are delighted with the improved search capabilities and additional collections that have been added since then.

We believe that the complete migration of the GPO access system into the FDsys, must be a top priority for the Government Printing Office. We are especially anxious to have the entire electronic code of Federal regulations, which unfortunately is available through GPO access to be migrated into the FDsys because it is an important title for legal researchers in the public. They are asking, the Public Printer is asking, for \$8 million for FDsys in fiscal year 2011, and we strongly urge you to approve that number.

We also urge you to provide funding for GPO to replace old legacy systems with new technologies for the 21st Century. There was a very unfortunate incident in late August when GPO's PURL server had a significant failure. It took many weeks for GPO to restore the hardware, the system configuration and URL resolutions. Fortunately, none of the data was permanently lost, but during those several weeks, depository library patrons were unable to access thousands of electronic documents, which they had linked to in their library catalogue because the titles had not been made available to them in print.

My purpose in mentioning this incident is to urge you to make sure that GPO has in place a mirror site, a high security backup system or other scheme so that we know that the entire content of information available through the FDsys will be permanently available to the public.

Third, that the digitization of historic government information for no fee permanent public government access is a very important initiative. We are pleased to see that GPO is becoming more active in encouraging depository libraries to partner with them to digitize to historic materials.

Ideally if the files meet GPO's high preservation standards, they could be ingested in that FDsys. We believe that also as the Legislative Branch Appropriations Subcommittee it would be a great deal for you to urge the Government Printing Office to partner with the Library of Congress on a number of—into a formal MOU to digitize, print Congressional materials. The Law Library is already digitizing entire content, for example, of the U.S. Statutes-at-Large and other titles. If GPO would create the necessary metadata for these files, they could be ingested into the FDsys as well as made available through LOC's Thomas system. We think this is a great deal for the American public.

GPO and LC are already collaborating on digitizing the pre 1994 Congressional Record. GPO donating some of the print, missing copies that the library doesn't have and LC is doing the digital scanning. We would like to see this important partnership between two legislative branch agencies formalized by an MOU and expanded.

Fourth, as part of their mission to provide access to current government information we would like GPO to begin to capture content from agency Web sites to be ingested into the FDsys. It is a fact today that agency-born digital materials are those that are most at risk of disappearing and being lost forever. We believe that capturing agency content that is within the scope of the Federal Depository Library Program is, in fact, the digital equivalent of the GPO's print, publishing role since the agency was established in 1860.

Thank you so much for the invitation to appear before you today. I will be happy to answer any questions and I will be submitting a longer statement.

Ms. WASSERMAN SCHULTZ. Thank you very much.

[Ms. Baish's prepared statement follows:]



American Association of Law Libraries
MAXIMIZING THE POWER OF THE LAW LIBRARY COMMUNITY SINCE 1906

Oral Statement of

**Mary Alice Baish
Director of Government Relations
American Association of Law Libraries**

**On Behalf of the
American Association of Law Libraries**

**Legislative Branch Subcommittee Public Witness Hearing
House Committee on Appropriations
February 24, 2010**

Madam Chair Wasserman Schultz, Ranking Member Aderholt, and members of the Subcommittee.

On behalf of the American Association of Law Libraries, I am here today to urge you to fund, in its entirety, the FY 2011 Budget request for GPO submitted by Public Printer Robert Tapella. In my limited time this morning, I would like to address four key issues that are especially important to our members.

First, Congressional materials are core documents of our democracy and federal depository libraries must have the option of receiving them in print. It has been reported to me that the Library of Congress accepts paper or microfiche as the only recognized archival formats. While the Library of Congress is making good progress in collaborative international research on how to preserve digital content, there are no guarantees that today's electronic government information will be available in 10, 50 or 100 years.

Second, we applauded the first release of FDsys as a public beta a year ago. Our members are very pleased with its improved search capabilities and the additional collections that have been added since then. We believe that the complete migration of the GPO Access system into FDsys must be a top priority. We are especially anxious for the entire electronic *Code of Federal Regulations* (e-CFR), available today through GPO Access, to be migrated into FDsys because it is such an important title for legal researchers. We urge you to fund FDsys at \$8,000,000 in FY 2011 to achieve this goal.

We also urge you to provide the necessary funding for GPO to replace old legacy systems with 21st century technologies. There was a very unfortunate incident in late August when GPO's PURL (persistent URL) server had a significant failure. It took well over a week for GPO to restore the hardware, the system configuration and URL resolutions. Fortunately, no data was lost but during that time period, depository library patrons were unable to access thousands of online documents made accessible through GPO.

My purpose in mentioning this incident is to urge you to make sure that GPO has in place a mirror site, high-secure back-up system or other scheme so that we know that the entire content of FDsys will always remain permanently available to the public.

Third, the digitization of historic government document for no-fee permanent public access is an important initiative. We are pleased that GPO is becoming more active in encouraging formal partnerships through which depository libraries and others do the digital scanning. Ideally, if the files meet GPO's high preservation standards, they could be ingested into FDsys.

We believe it would be a good deal for the American taxpayer if GPO and the Library of Congress would enter into a formal MOU to partner on the digitization of historic legal resources. The Law Library has already digitized the entire series of the *U.S. Statutes at Large* and other titles. If GPO would create the necessary metadata, these files could be made available through both FDsys and LC's THOMAS system.

GPO and LC are already collaborating on the digitization of the pre-1994 volumes of the *Congressional Record*, with GPO donating some print volumes and LC producing the digital images. We would like to see this important partnership between two legislative branch agencies formalized and expanded.

Fourth, as part of their mission to provide access to current government information, we would like GPO to begin to capture content from agency Web sites to be ingested into FDsys. It is a fact that agency born digital materials made publicly available on the Web are at the greatest risk of disappearing and being lost forever. We believe that capturing agency content that is within the scope of the Federal Depository Library Program is, in fact, the digital equivalent of GPO's print publishing role since the agency was established in 1860.

Thank you very much for the invitation to appear before you this morning. I'll be happy to answer any questions you might have and look forward to submitting to the Subcommittee a detailed long statement.

DISCUSSIONS WITH THE LIBRARY AND GPO

Ms. WASSERMAN SCHULTZ. On the Memorandum of Understanding that you are encouraging, are there any ongoing discussions between the Library and GPO toward that goal?

Ms. BAISH. There absolutely are, my sense is that the Library of Congress is most anxious to enter into these formal partnerships and that we haven't gotten as timely a response from the Government Printing Office as we would like.

Ms. WASSERMAN SCHULTZ. Well, see that is why we are doing these at the beginning.

Ms. BAISH. I applaud you for that.

Ms. WASSERMAN SCHULTZ. I will be able to help encourage that process along.

Ms. BAISH. Thank you so much.

Ms. WASSERMAN SCHULTZ. You are welcome. And thank you for your passion.

Mr. Aderholt.

FDSYS

Mr. ADERHOLT. You mention the FDsys in your comments. Just briefly explain to the committee here how that system operates. In the last year it has been put online?

Ms. BAISH. Correct.

I will be happy to. Congress enacted the GPO Access Act in 1993 which really was a mandate for the Government Printing Office to move into the electronic world. And they began it in the text of the Act it gave GPO the authority to provide electronic access to the Federal Register, the Congressional Record, the core documents of Congress. In fact, it was this committee, and I brought along a copy of the report because I had many letters of support and one of the appendices, but this subcommittee had asked for a study for a GPO accomplished in 1996 to identify how to move strongly into the electronic world as they had been the historic publisher for the Federal Government.

The former Public Printer Bruce James had a vision to update the technology, the old technology of GPO Access, again, which was created back in 1994 to bring it up to date with 21st Century's technology. Fortunately, your Subcommittee and Congress funded the development on the Federal digital system.

The plan is for GPO to migrate all of the old content off WAIS server, which was not quite state-of-the-art back in 1994 into a 21st Century technology, so a beta test which was finally launched about a year ago, about a year behind schedule, but it was worth waiting for is actually the new system that GPO has developed. And they have already migrated all of the Congressional materials, the Federal Register, the Code of Federal Registration Regulations, the Presidential compilation into FDsys. The searchability is excellent.

What GPO is also doing through the system is authenticating digitally signing bills from the House and the Senate. So they are doing a level of authentication. They also, as this article from July in Government Computer News says, FDsys stays current, it aims for permanent. I think that aims for permanent is exactly the point

I was trying to make earlier, that we really do not have the solution for digital preservation. GPO aims to provide permanent public access, and we hope that the technology will be there for them to make it permanent. So if you haven't taken a look at it, I just urge you to google FDsys and I think you will be very pleased as we are with the improvements.

Mr. ADERHOLT. Thank you for your insight.

Ms. WASSERMAN SCHULTZ. Do you have any questions?

Mr. RUPPERSBERGER. No, I do not.

Ms. WASSERMAN SCHULTZ. Mr. Cole.

NEED FOR PAPER COPIES

Mr. COLE. Thank you for the emphasis on the placing of core documents in published form in libraries. As an old historian, I love all this electronic stuff, it is great but there is nothing like real documents in your fingers and the accessibility is really important.

Ms. BAISH. Well, I appreciate it. In my longer statement, I get into how AALL has become an international leader on the need to retain print primary law for the reasons I mentioned about the inability to ensure permanent public access and preserve them. I actually brought this report that was at the request of the Subcommittee, it was published in June of 1996 under the attachments you will see the wonderful AALL logo. We have copies of this print report in every depository library around the country, and I have multiple copies in my office. I wrote the letters that are in the appendices way back in the spring of 1996 on my work computer, on my old laptop and remember these? How many of you can put this into your office PC and get content? I can't.

Fortunately I received that old laptop that I purchased in 1995. I can read the content if the file hasn't been corrupted which it may have had, but fortunately my home laptop in 1995 only had that old clunky dial-up access, do you remember that and how slow that would be. So really even if I could read the letters in this print publication on my laptop, I really wouldn't have a way because now we save everything to these flash drives, and my old laptop can't read anything from this flash drive. So that is just an example why. And thank you so much, Mr. Cole, for your comments. Print is very important, we know it will be here in 50 to 100 years. We are really pressing the government and the National Archives is ticking a roll and really the Library of Congress, GPO and NARA must work all together in resolving, or at least making progress to guarantee the preservation. I know that is an important issue for you.

Ms. WASSERMAN SCHULTZ. It is, most definitely. Thank you very much.

Ms. BAISH. You are so welcome.

Ms. WASSERMAN SCHULTZ. Next, we have Mr. Dennis Roth. President of the Congressional Research Employees Association. Welcome, you can proceed with a 5-minute summary. Your full statement will be entered into the record.

WEDNESDAY, FEBRUARY 24, 2010.

CONGRESSIONAL RESEARCH EMPLOYEES ASSOCIATION

WITNESS

DENNIS ROTH, PRESIDENT, CONGRESSIONAL RESEARCH EMPLOYEES ASSOCIATION

OPENING REMARKS OF MR. ROTH

Mr. ROTH. Good morning Chairman Wasserman Schultz, Ranking Member Aderholt and members of the Subcommittee. I am Dennis Roth, president of the Congressional Research Employees Association, the union representative of over 525 employees of the Congressional Research Service. I must begin by thanking the Subcommittee for its support of telework in CRS. We have been meeting with CRS management since October 2009 trying to negotiate a system that meets the needs of the Congress and CRS staff, and fulfills the needs of the Congress and CRS staff. Resolution has been difficult because CRS management took the Library's existing system and made it unacceptably restrictive and inflexible.

In order to address additional issues within my time limit, I will be happy to give more specifics during the question-and-answer period.

Last year, the Subcommittee also requested a formal evaluation of how well CRS's current staffing modules and procedures meet user needs. CREA learned last week that the contract of the evaluation had just been awarded. The success of the survey rests heavily on Congressional participation. We urge the members of this Subcommittee and its staff to encourage its counterparts in the House and Senate to participate fully when the survey gets implemented.

Two years ago, we also brought to the Subcommittee the tension about the dismantling of the Office of Workforce Diversity, including the Equal Employment Opportunity Complaints Office and the Dispute Resolution Center. The situation has improved only marginally. The replacement Office of Opportunity, Inclusiveness, and Compliance remains woefully understaffed, and we do not find any monies to support the Office in the 2011 budget submission. At current staffing level, the Library's demonstrating this lack of support for equal employment opportunity, diversity and dispute resolution.

The OIC suffers from other major deficiencies, while the librarian states that the Library will follow the EEOC management directive 715 which is the policy guidance governing equal employment opportunity in executive branch, the Library continues not yet to do so. Major MD 715 deficiencies include the failure to elevate the OIC director's position to a direct report to the Librarian, which disregards the position's authority. It allows participation of the Office of General Counsel in the complaint process, which negates neutrality and introduces conflict of interest, and it lacks management support for alternative dispute resolution to resolve cases.

Furthermore, while the OIC has been given their responsibility for fielding complaints regarding reasonable accommodation issues of library patrons, it has no authority to address them. In light of

the recent removal of Morris Davis, the assistant director of foreign affairs in trade division, CREA had to reassure our staff of their right to engage in outside speaking and writing.

That was attached to my prepared testimony. As with the issuance of the 2004 director statement on outside speaking and writing, the termination of Colonel Davis has had an intimidating and chilling effect.

CRS employees want to be able to continue participating in their fields of expertise outside of CRS, but now they are uncertain about possible negative consequences. This is unfortunate because outside speaking and writing are a necessary, obligatory part of their duties, i.e., it is a promotion criterion.

The Library has also requested slightly over \$1 million for student loan repayment support and tuition support. We have been requesting funding for several years in this area and support this request wholeheartedly.

CREA also supports the Library request for 2 FTE career planning specialists. We feel this indicates a commitment to career development within the Library. In 2009 identify the needs for the Library to complete its Library-wide succession plan, it is still unfinished. The need to fill positions continues and staff are available to be trained; bridges must be built to connect the two.

We ask again that the Library, including CRS, develop an internal selection policy so they will be ready to fill positions identified in succession plan with within.

The Director has requested funding for an additional 17 FTEs in fiscal year 2011 and another 17 FTEs in 2012. Because we have not been briefed on how this was determined, we will neither support nor oppose this request. However, all FTEs requested are for analyst positions. CRS needs to include more than analysts and attorneys. We have staff librarians, library technicians, editors, bill digesters, technology staff, programming congressional relations specialist, support staff and so forth. Evaluate the needs for the service as a whole before it can make any endorsements. In the event the Subcommittee does fund these positions, we would raise two considerations; the first is the commitment to diversity and the second is a commitment to making CRS's workplace policies more flexible and family friendly.

In December 2009, President Obama signed Executive Order 13522—creating labor management forums to include delivery in government services, which is attached to the testimony. Its intent was to create a non-adversarial forum by which managers and employees and union representatives could discuss government operations. Management was instructed to discuss workplace challenges and problems with labor and to attempt to solve them jointly rather than advising the union on predetermined solutions to problems.

Implementation procedures were also included. We would like to have the Congress instruct the Library and other support agencies that have unions to create similar forums as soon as possible. CREA will be a happy to assist the Subcommittee in developing implementation ideas for strategy. This concludes the testimony and I would be happy to answer any questions.

[Mr. Roth's prepared statement follows:]

Written Statement of Dennis M. Roth
President
Congressional Research Employees Association (CREA)
Before the
Subcommittee on Legislative Branch
Committee on Appropriations
United States House of Representatives
February 24, 2010

Madam Chairwoman and Members of the Subcommittee,

My name is Dennis Roth, and I am President of the Congressional Research Employees Association or CREA, International Federation of Professional and Technical Engineers Local 75. Thank you for once again giving us the opportunity to testify before the Subcommittee. We appreciate your willingness to hear the concerns of the employees of the Congressional Research Service regarding CRS and the Library of Congress. I will be addressing a number of matters, some of which affect only CRS and some of which are of Library-wide concern.

Library-wide Concern: the Office of Opportunity, Inclusiveness, and Compliance (OIC)

Office of Opportunity, Inclusiveness, and Compliance (OIC)

Two years ago we brought to the Subcommittee's attention the dismantling of the Equal Employment Opportunity Complaints Office and the Dispute Resolution Center. Although the Library did eventually create the Office of Opportunity, Inclusiveness, and Compliance, it remains understaffed and we do not find any funds requested for the OIC in the Library's FY2011 budget submission. The office now has only a Director, a Deputy, a single professional staff person, and a few support staff. At this staffing level, the Office has been unable to become as efficient and effective as needed.

While the Librarian states that the Library will follow EEOC Management Directive 715, the policy guidance governing equal employment opportunity in the Executive branch, the Library has not yet done so. To the extent that the Library has an EEO policy, it is has major deficiencies, including the following:

1. The OIC Director's position does not report directly to the Librarian, which degrades the position's authority;
2. The Office of General Counsel participates in the EEO complaint process, which negates neutrality and introduces a conflict of interest; and
3. The alternative dispute resolution process used to help resolve cases is not adequately supported, which is required in the CREA collective bargaining agreement.

Furthermore, while the OIC has been given the responsibility for fielding complaints regarding reasonable accommodation issues of Library patrons, it has no authority to address them.

CRS Concerns in 2010 (Workplace Environment-Flexibility, Service, and Opportunity)**Telework in Negotiation**

The Subcommittee Report for the Legislative Branch Appropriations Bill, 2010, included language directing "that CRS adopt and implement as soon as practicable a telework system modeled on the Library's existing system." On behalf of all of our bargaining unit employees, CREA thanks you.

The 2010 report language also stated that the "Library's [telework] system is very flexible and recognizes that management and work needs must be met while also helping employees," and that "the Committee expects this new [CRS] telework policy to be in effect not later than January 1, 2010." However, because of choices made by CRS management, CREA bargaining unit employees still do not have telework.

CRS and CREA have been negotiating since CRS management first submitted its telework proposal in October, and we have been working with a mediator from the Federal Mediation and Conciliation Service since December. This extended mediation has come about because CRS management is insisting on changes to the Library's existing system that CREA and our bargaining unit find unacceptably restrictive and inflexible. For example, the CRS proposal would take away an employee's ability to participate in a compressed work week schedule if he or she opted to telework. The Library's policy has no such restriction. The CRS proposal also limits telework to one fixed day per week, regardless of the type of duties an employee engages in. The Library does not limit telework to just one day per week. CRS has also refused to consider as part of this negotiation any effort to allow employees to work from home when they are unable to get to their regular work station.

CRS management offers the same rationales it has used in the past to resist telework: that the CRS mission cannot adequately be achieved outside of the office and that workplace flexibility should not be used to help meet employee needs. On the contrary, we believe an effective policy will make it easier to provide better service under many scenarios, including the recent heavy snowfalls. We believe our proposals will enhance the ability of employees to achieve the CRS mission, as well as provide superior workplace flexibility. We are hopeful that our negotiated telework program will become a model for efficiency and effectiveness.

Continuity of Operations (COOP) Planning

We are concerned also about the position of CRS management regarding the importance that telework can play within its continuity of operations (COOP) procedures. We understand that employees may be expected to work off-site when the Library's COOP procedures are implemented. However, CRS management has offered little guidance to employees about how off-site work would be implemented in a COOP situation. We are particularly concerned for those who may not have Internet access at home. We believe that the current telework negotiations could be an effective place to address concrete COOP procedures. CREA first requested negotiations on COOP procedures and their impact on employees in 2002. Management never engaged in negotiations and refuses to address these issues in the current telework negotiations.

Congressional User Survey

The 2010 Subcommittee Report also noted that “CRS ... may have become less connected to the Committees and Member Offices it serves” and requested “a formal evaluation of how well its current staffing models and procedures meet user needs.” CREA learned last week that the contract for the evaluation has been awarded. We requested further information from the Director on this project but, as of this date, have received nothing. Clearly staff and the union have a role to play as the evaluation progresses, and we ask that you instruct the Director to give us this opportunity.

Outside Speaking and Writing Activities

In light of the recent removal of Morris Davis as Assistant Director of the Foreign Affairs, Defense, and Trade Division, CREA has had to reassure staff of their rights to engage in outside speaking and writing. As with the issuance of the 2004 Director’s Statement on Outside Speaking and Writing, the termination of Colonel Davis has had an intimidating and chilling effect. Staff are concerned that they might be disciplined if they engage in outside speech or writing. CREA has been contacted by several employees who are worried that their outside speaking and writing could be seen as impermissible. CREA is concerned that CRS employees will refrain from outside speaking and writing activities that could enhance their professional reputations and, ultimately, enhance the credibility of the Service.

Far from being incompatible with CRS employees’ obligations, outside speaking and writing are a necessary and obligatory part of their duties. Under CRS’s guidelines, “recognition of the analyst’s professional expertise” by “high ranking officials in State governments, public interest groups, the courts, and subject matter experts and policy analysts in the Federal and other professional communities,” among others, is a specific ranking factor in evaluation for promotion to higher-level grades in CRS. We continue to monitor this situation and press for reasonableness, fairness, and clarity. See attachment for more discussion of CREA’s position on this topic.

Student Loan Repayment and Tuition Support

The Library has requested slightly over one million dollars for student loan repayment and tuition support. We have been requesting such funding for several years and support this wholeheartedly. Student loan repayment is both a retention tool and a recruitment tool. Furthermore, each CRS employee is now required to have an Individual Development Plan. Many of these plans include further education and training. Tuition support funding can help these plans to be realized. CREA feels so strongly about this that it has dedicated a modest fund that our members can apply to for loan repayment and scholarship support.

Career Advancement at the Library and CRS

In 2009, I identified the need for the Library to complete its Library-wide succession plan that identifies “future positions and competencies” and a corresponding “identification of strategies to address skill gaps for future positions” that includes the use of current staff. It is still unfinished. If the Library is to attain the high level it espouses as a Federal employer, it must build internal advancement mechanisms. The need to fill positions continues and staff are available to be trained; bridges must be built to connect the two. We again ask that the Library, including CRS, develop an Internal Selection Policy so that they will be ready to fill positions identified in the succession plan from within. CREA supports the Library’s request for funding two FTE career planning specialists; we feel this indicates a commitment to career development within the Library.

Increased CRS Staffing

The Director has requested funding for an additional 17 FTEs in FY2011 and another 17 FTEs in FY2012 to "broaden its expertise and strengthen analytical capacity . . ." The first CREA learned of this request was when the Library gave the unions copies of the *Fiscal 2011 Budget Justification* about a month ago. Because we have not been briefed on how this request was determined, CREA can neither support nor oppose the request. However, all the FTEs requested are either analyst or attorney positions. CRS's needs include more than analysts and attorneys; our staff includes librarians, library technicians, editors, bill digesters, technology staff, program and congressional relations specialists, support staff, and others. CREA would need to evaluate the needs for the Service as a whole before it could make any endorsement.

In the event that the Subcommittee does fund these positions, we would raise two considerations. First is a commitment to diversity. Second is a commitment to making CRS's workplace policies more family friendly. Increased commitment to diversity and improved family friendliness will enable CRS to recruit and retain the highest level of talent available to serve Congress in the future.

Police Officer Staffing

CREA supports Inspector Alan Morris's request for additional officers to serve the needs of the Library of Congress complex. This winter, staff and visitors have had to wait in unusually long lines to enter the buildings, since police staff has often been available for only two doors. With additional officers, more doors can be opened and staff and visitors will move more efficiently.

Ongoing Labor Management Cooperation (Executive Order 13522)

Union/Staff Engagement

In my testimony last year I mentioned that the Library, including CRS, participated in the government-wide Federal Human Capital Survey (FHCS). A finding from the Survey was that staff wanted an opportunity to discuss and have input into decisions that affect their working conditions. Early in the summer of 2009 CRS developed an action plan to address concerns based on meetings with staff regarding the survey results. The Director created three teams: one on Workplace Flexibilities, one on Workforce Composition, and one on Business Requirements (see attachment). The announcement stated: "Each team will continue to provide updates on their activities and will take appropriate steps to elicit your input." The Business Requirements team did conduct meetings last summer; however, they did not seek meaningful input because of the FY2011 budget deadline. Nearly eight months later, we are not aware of any meetings of these teams, and there has yet to be an attempt to elicit staff input or to report the activities of the teams.

In December 2009, President Obama signed Executive Order 13522, *Creating Labor-Management Forums to Improve Delivery of Government Services* (see attachment). Its intent was to create a non-adversarial forum by which managers, employees, and union representatives could discuss government operations. Management was instructed to discuss workplace challenges and problems with labor and to attempt to solve them jointly rather than advising the union on pre-determined solutions to problems. Implementation procedures were specifically laid out in the Executive Order. We would like to have the Congress instruct its support agencies that have unions to create similar forums as soon as possible. CREA would be happy to assist the Subcommittee in developing implementation ideas and strategies.

Summary

To summarize, I would like to reiterate that the Library must give much more support and independence to the Office of Opportunity, Inclusiveness, and Compliance. Without Congressional direction, I'm afraid the Office will have the responsibility but neither the staff nor the authority to deal with the issues of diversity and discrimination in the Library.

Second, I would like to thank you again on behalf of all CREA bargaining unit members for your commitment to making CRS a more flexible and family friendly work place while providing the best possible service to Congress. While we are inching forward, we will continue to need your support.

And finally, I would press for Congress to act and establish labor-management forums in the legislative branch. Acting independently, we have not been successful in improving labor-management relations in CRS or in the Library. But with your help, we can certainly begin to try.

This concludes my testimony and I will be happy to take any questions you have.

Thank you.



CREA on Outside Writing January 12, 2010

Introduction. This is a restatement, somewhat abbreviated, of CREA's already stated position on employees writing or speaking on public policy matters on their own time, using personal, non-governmental resources.

Importance of Outside Writing. CREA believes that outside writing, lecturing, and teaching by CRS staff are important for professional growth and development. These activities generate interactions with academic and professional colleagues; advance employees' research and speaking skills; and provide opportunities for feedback on ideas and analysis. Such activities may also contribute to a certain public recognition and standing of the employee as an expert in the subject area, reflecting positively on the agency in general. It is significant to note that "recognition of the analyst's professional expertise" by those *outside* of the congressional community is a specific ranking factor in promotion evaluation for higher-level grades in CRS.¹ It would be contradictory for the agency to require such outside recognition as an expert as a factor for promotion, and then to discourage employees from engaging in precisely those kinds of outside writing and scholarship activities which may garner such recognition. Many of our colleagues in CRS currently engage in outside writing in their areas of expertise for journals, studies, and other publications, and participate in outside speaking, lecturing, and teaching.

Right to Speech and Expression. The right to engage as a private citizen in outside writing on issues of public policy and public concern does not derive from Library of Congress regulations, nor depend upon the forbearance of CRS management, but rather has its basis in the First Amendment to the United States Constitution. As explained by the United States Court of Appeals for D.C.: "As a public employee [appellant] retains his First Amendment rights to speak on matters of public concern upon entry into public service."² The Supreme Court has recognized the important contribution to society made by federal employees in sharing their knowledge and

¹ See, e.g., Position Description and Ranking Factors, Social Science Analyst, GS-15, Factor 1-9.

² *Van Ee v. EPA*, 202 F.3d 296, 304 (D.C.Cir. 2000); *U.S. v. N.T.E.U.* 513 U.S. 454, 465 (1995); *Pickering v. Board of Education*, 391 U.S. 563 (1968); *Connick v. Myers*, 461 U.S. 138 (1983); *Rankin v. McPherson*, 483 U.S. 378 (1987).

expertise through outside writing and lecturing: “Federal employees who write for publication in their spare time have made significant contributions to the marketplace of ideas.”³

Library Regulations and CRS Policy. Library regulations (LCRs) expressly **encourage** outside teaching, lecturing, and writing: “Staff members are encouraged to engage in teaching, lecturing, or writing that is not prohibited by law.” (LCR 2023-3, Sec. 3A) There is *no* law that prohibits CRS staff from engaging generally in outside writing activities on matters of public concern.

Writing for publication on the outside may often attract the most interest when it relates to topical matters, that is, the “hot issues” of the day. Staff have a responsibility under Library regulations when “speaking and writing on controversial matters ... to disassociate themselves explicitly from the Library and from their official positions.” LCR 2023-3, Sec. 3B. The Library regulations, therefore, expressly contemplate employees weighing in on “controversial matters,” but require that they “disassociate themselves” from their positions. Providing *no* identification of oneself as a CRS employee is the consummate “disassociation,” but where an association or identification *is* made concerning one’s official status, the employee should provide an explicit “disclaimer.”

CREA suggests that when writing on such matters, even if there is no specific identification of the individual as a CRS employee, that the employee, out of an abundance of caution, provide a general disclaimer that the views expressed are personal and do not reflect the position or views of any agency or organization.

Current Library regulations now state that “[p]ersonal writings as well as prepared or extemporaneous speeches by staff members shall not be subject to prior review.” LCR 2023-3, Sec. 3B. The former policy requiring review of outside writings has thus been revoked. CREA would still suggest that a staffer may wish to voluntarily provide an opportunity for a supervisor or other Division manager to review an outside writing for accuracy and policy. Where the subject relates to “a field of a staff member’s official specialization or the special clientele which a staff member serves, and where some association may be made with a staff member’s official status,” LCRs state that staff shall: “(1) assure accurate presentation of the facts about the Library and Library-related matters; (2) avoid the misrepresentation of Library policies; (3) avoid sources of potential damage to their ability to perform official Library duties in an objective and nonpartisan manner; and (4) assure, when appropriate, that staff members’ opinions clearly differentiate from Library policy.”

In a policy statement from the Director in 2004, the Director asked staff to exercise caution when writing on controversial matters on the outside concerning “issues for which [the staffer has] primary responsibility for the Service.” CREA also urges employees to write on the outside in a

³ *U.S. v. N.T.E.U.*, 513 U.S. 454, 464 (1995).

careful and measured manner which reflects the nonpartisanship, objectivity, and professionalism that has come to be associated with the staff of CRS.

Clearly, outside writing should not reflect a partisan bias in one's research. "Partisanship" in federal law means relating to a political party and/or the candidates of a political party.⁴ Overtly partisan polemics in outside writings based upon political party preference or doctrine could potentially damage the credibility of one's otherwise nonpartisan official work.

Objectivity addresses the integrity of the scholarship and methodology employed in the formulation and presentation of one's work. In common usage, objective is defined as "expressing or dealing with facts or conditions as perceived without distortion by personal feelings, prejudices, or interpretations" (Merriam-Webster). The detailed CRS handbook on objectivity in official CRS duties similarly stresses the methodology and scholarship employed in one's work and the fair consideration of various and competing arguments.⁵

That a staffer has, in outside writing, reached a conclusion or expressed an opinion on a public policy matter does *not* indicate that one is no longer "objective" nor "unbiased." Rather, when outside writings are based on nonpartisan, independent, and generally accepted methodologies of analysis and scholarship, and include appropriate competing theories and hypotheses, such writings and conclusions are objective by definition. No federal employee, not even a federal judge (who is held to the highest standard of impartiality), is deemed to be biased or partial on an official matter solely because that employee has demonstrated in outside writings or speeches that he or she has a particular opinion, idea, or philosophy concerning a relevant public policy or legal principle.

Outside Employment and Compensated Activity. Compensated outside activity may raise conflict of interest issues that simple expressions of one's opinion on the outside do not. Library regulations at Section 2A(1) and Section 2A(6) of LCR 2023-3 ("Outside Employment") address appearances of conflicts of interest, and apply to the "acceptance of a fee, compensation, gift, payment of expense, or any other thing of substantial monetary value" (Section 2A(1)); or when one engages in outside "employment with any person, firm or other private organization having business either directly or indirectly with the Library" (Section 2A(6)). Staff must thus be sensitive to the traditional appearance of "conflict of interest" issues in the federal government involving outside private payments and the source and interests of private employers.

⁴ Note, e.g., definition of "partisan," in 5 C.F.R. 734.101; *Blaylock v. United States Merit Systems Protection Board*, 851 F.2d 1348, 1352, 1353 (11th Cir. 1988).

⁵ "Objectivity and Nonpartisanship in CRS Products and Services, Guidelines and Procedures," at 3 (December 1996).

Conclusion. CREA is concerned that CRS management appears to be increasingly restricting CRS employees' rights to engage in outside speaking and writing. CREA believes this could be detrimental not only to the individual employee, but to the professionalism, reputation, and mission of CRS as a whole.

Programs and Projects Initiatives Attachment 2 CREA

Three Teams Established to Examine Key Issues

The CRS action plan resulting from the Library's 2008 employee survey includes providing regular reports to staff on program and project initiatives. Reports on three recently launched projects are included below.

Discussions at the recent section research manager retreat and at the Research Policy Council meetings resulted in the Director establishing three teams to work on the following key issues facing CRS.

Each team will continue to provide updates on their activities and will take appropriate steps to elicit your input.

Workplace flexibilities

This group is examining the policies, practices and tools CRS has in place to maintain a flexible workplace while ensuring that Congress continues to receive timely and high quality services. These include flexitime, compressed workweek, technology tools, etc. The team will also evaluate how telework may fold into the mix of existing policies and practices.

Workforce composition

This team is identifying the staffing capacities needed by CRS to fulfill effectively its mission, currently and in the future. Tasks will include: examining the current demand for our services and the types of work we should be emphasizing; gathering information on how analysts, information specialists and managers currently experience the work at CRS; evaluating the staffing configurations to enhance efficiency and productivity; and examining staffing configurations at other research organizations and analytic agencies. The ultimate goal of this effort is to explore alternative staffing options and to consider how changes such as expanding the range of positions at CRS (e.g., to include new early career, specialized, or senior positions) might better enable CRS to continue to fulfill its mission.

Business requirements

John L. Moore is leading a team to identify staff needs to accomplish effectively the work. They will develop preliminary options for allocating CRS personnel and non-personal resources in fiscal years 2010 and 2011. The focus for fiscal year 2010 will be on optimizing the allocation of resources, recognizing that there will be constraints and that we cannot fund all requirements. For fiscal year 2011, focus will be on expanding high priority capacities.

The work of the teams on workplace flexibilities and workforce composition will help inform the analysis undertaken by this team.

Telework Working Group

The Committee on Appropriations's report accompanying the Legislative Branch Appropriations Bill, 2010 (H. Rep. 110-160) includes a provision for CRS to "adopt and implement as soon as practicable a telework system modeled on the Library's existing system." To comply fully, the Director convened a small group to develop a telework program for the Service patterned on the Library's program. This group is working on a parallel track with the Workforce Flexibilities Team. Updates will be provided on the status of the work, including information on how the group will elicit input.

Federal Register

Vol. 74, No. 238

Monday, December 14, 2009

Presidential Documents

Title 3—

Executive Order 13522 of December 9, 2009

The President

Creating Labor-Management Forums to Improve Delivery of Government Services

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish a cooperative and productive form of labor-management relations throughout the executive branch, it is hereby ordered as follows:

Section 1. Policy. Federal employees and their union representatives are an essential source of front-line ideas and information about the realities of delivering Government services to the American people. A nonadversarial forum for managers, employees, and employees' union representatives to discuss Government operations will promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government. Labor-management forums, as complements to the existing collective bargaining process, will allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people. Management should discuss workplace challenges and problems with labor and endeavor to develop solutions jointly, rather than advise union representatives of predetermined solutions to problems and then engage in bargaining over the impact and implementation of the predetermined solutions.

The purpose of this order is to establish a cooperative and productive form of labor-management relations throughout the executive branch.

Sec. 2. The National Council on Federal Labor-Management Relations. There is established the National Council on Federal Labor-Management Relations (Council).

(a) **Membership.** The Council shall be composed of the following members appointed or designated by the President:

- (i) the Director of the Office of Personnel Management (OPM) and Deputy Director for Management of the Office of Management and Budget (OMB), who shall serve as Co-Chairs of the Council;
- (ii) the Chair of the Federal Labor Relations Authority;
- (iii) a Deputy Secretary or other officer with department- or agency-wide authority from each of five executive departments or agencies not otherwise represented on the Council, who shall serve for terms of 2 years;
- (iv) the President of the American Federation of Government Employees, AFL-CIO;
- (v) the President of the National Federation of Federal Employees;
- (vi) the President of the National Treasury Employees Union;
- (vii) the President of the International Federation of Professional and Technical Engineers, AFL-CIO;
- (viii) the heads of three other labor unions that represent Federal employees and are not otherwise represented on the Council, who shall serve for terms of 2 years;
- (ix) the President of the Senior Executives Association; and
- (x) the President of the Federal Managers Association.

(b) **Responsibilities and Functions.** The Council shall advise the President on matters involving labor-management relations in the executive branch. Its activities shall include, to the extent permitted by law:

- (i) supporting the creation of department- or agency-level labor-management forums and promoting partnership efforts between labor and management in the executive branch;

- (ii) developing suggested measurements and metrics for the evaluation of the effectiveness of the Council and department or agency labor-management forums in order to promote consistent, appropriate, and administratively efficient measurement and evaluation processes across departments and agencies;
- (iii) collecting and disseminating information about, and providing guidance on, labor-management relations improvement efforts in the executive branch, including results achieved;
- (iv) utilizing the expertise of individuals both within and outside the Federal Government to foster successful labor-management relations, including through training of department and agency personnel in methods of dispute resolution and cooperative methods of labor-management relations;
- (v) developing recommendations for innovative ways to improve delivery of services and products to the public while cutting costs and advancing employee interests;
- (vi) serving as a venue for addressing systemic failures of department- or agency-level forums established pursuant to section 3 of this order; and
- (vii) providing recommendations to the President for the implementation of several pilot programs within the executive branch, described in section 4 of this order, for bargaining over subjects set forth in 5 U.S.C. 7106(b)(1).

(c) Administration.

- (i) The Co-Chairs shall convene and preside at meetings of the Council, determine its agenda, and direct its work.
- (ii) The Council shall seek input from nonmember executive departments and agencies, particularly smaller agencies. It also may, from time to time, invite persons from the private and public sectors to submit information. The Council shall also seek input from Federal manager and professional associations, companies, nonprofit organizations, State and local governments, Federal employees, and customers of Federal services, as needed.
- (iii) To the extent permitted by law and subject to the availability of appropriations, OPM shall provide such facilities, support, and administrative services to the Council as the Director of OPM deems appropriate.
- (iv) Members of the Council shall serve without compensation for their work on the Council, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701-5707), consistent with the availability of funds.
- (v) The heads of executive departments and agencies shall, to the extent permitted by law, provide to the Council such assistance, information, and advice as the Council may require for purposes of carrying out its functions.
- (vi) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Council, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Director of OPM in accordance with the guidelines that have been issued by the Administrator of General Services.

(d) Termination. The Council shall terminate 2 years after the date of this order unless extended by the President.

Sec. 3. Implementation of Labor-Management Forums Throughout the Executive Branch.

- (a) The head of each executive department or agency that is subject to the provisions of the Federal Service Labor-Management Relations Act (5 U.S.C. 7101 *et seq.*), or any other authority permitting employees of such department or agency to select an exclusive representative shall, to the extent permitted by law:

(i) establish department- or agency-level labor-management forums by creating labor-management committees or councils at the levels of recognition and other appropriate levels agreed to by labor and management, or adapting existing councils or committees if such groups exist, to help identify problems and propose solutions to better serve the public and agency missions;

(ii) allow employees and their union representatives to have pre-decisional involvement in all workplace matters to the fullest extent practicable, without regard to whether those matters are negotiable subjects of bargaining under 5 U.S.C. 7106; provide adequate information on such matters expeditiously to union representatives where not prohibited by law; and make a good-faith attempt to resolve issues concerning proposed changes in conditions of employment, including those involving the subjects set forth in 5 U.S.C. 7106(b)(1), through discussions in its labor-management forums; and

(iii) evaluate and document, in consultation with union representatives and consistent with the purposes of this order and any further guidance provided by the Council, changes in employee satisfaction, manager satisfaction, and organizational performance resulting from the labor-management forums.

(b) Each head of an executive department or agency in which there exists one or more exclusive representatives shall, in consultation with union representatives, prepare and submit for approval, within 90 days of the date of this order, a written implementation plan to the Council. The plan shall:

(i) describe how the department or agency will conduct a baseline assessment of the current state of labor relations within the department or agency;

(ii) report the extent to which the department or agency has established labor-management forums, as set forth in subsection (a)(i) of this section, or may participate in the pilot projects described in section 4 of this order;

(iii) address how the department or agency will work with the exclusive representatives of its employees through its labor-management forums to develop department-, agency-, or bargaining unit-specific metrics to monitor improvements in areas such as labor-management satisfaction, productivity gains, cost savings, and other areas as identified by the relevant labor-management forum's participants; and

(iv) explain the department's or agency's plan for devoting sufficient resources to the implementation of the plan.

(c) The Council shall review each executive department or agency implementation plan within 30 days of receipt and provide a recommendation to the Co-Chairs as to whether to certify that the plan satisfies all requirements of this order. Plans that are determined by the Co-Chairs to be insufficient will be returned to the department or agency with guidance for improvement and resubmission within 30 days. Each department or agency covered by subsection (b) of this section must have a certified implementation plan in place no later than 150 days after the date of this order, unless the Co-Chairs of the Council authorize an extension of the deadline.

Sec. 4. Negotiation over Permissive Subjects of Bargaining.

(a) In order to evaluate the impact of bargaining over permissive subjects, several pilot projects of specified duration shall be established in which some executive departments or agencies elect to bargain over some or all of the subjects set forth in 5 U.S.C. 7106(b)(1) and waive any objection to participating in impasse procedures set forth in 5 U.S.C. 7119 that is based on the subjects being permissive. The Council shall develop recommendations for establishing the pilot projects, including (i) recommendations for evaluating such pilot projects on the basis, among other things, of their impacts on organizational performance, employee satisfaction, and labor relations of the affected departments or agencies; (ii) recommended methods for evaluating the effectiveness of dispute resolution procedures

adopted and followed in the course of the pilot projects; and (iii) a recommended timeline for expeditious implementation of the pilot programs.

(b) The Council shall present its recommendations to the President within 150 days after the date of this order.

(c) No later than 18 months after implementation of the pilot projects, the Council shall submit a report to the President evaluating the results of the pilots and recommending appropriate next steps with respect to agency bargaining over the subjects set forth in 5 U.S.C. 7106(b)(1).

Sec. 5. General Provisions.

(a) Nothing in this order shall abrogate any collective bargaining agreements in effect on the date of this order.

(b) Nothing in this order shall be construed to limit, preclude, or prohibit any head of an executive department or agency from electing to negotiate over any or all of the subjects set forth in 5 U.S.C. 7106(b)(1) in any negotiation.

(c) Nothing in this order shall be construed to impair or otherwise affect:

- (i) authority granted by law to an executive department, agency, or the head thereof; or
- (ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
December 9, 2009.

TELEWORK

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Roth. I am concerned about your inability to get an agreement on a appropriate telework policy, especially since this committee directed CRS to establish one based on the Library of Congress's policy. You alluded to being specific about the restrictive nature of their proposal. Can you elaborate, please.

Mr. ROTH. I can give you some of the areas where we have differences.

Ms. WASSERMAN SCHULTZ. Please.

Mr. ROTH. One major difference is that we currently have a flexible work schedule in past work weeks. In order to do telework CRS management would like to cut back on that policy by binding the number of days it wants to be on a compressed workweek schedule.

Ms. WASSERMAN SCHULTZ. They want to limit your number of days you can be—

Mr. ROTH. Currently, on a compressed workweek schedule, you work eight 9-hour days and one 8-hour day. So you still put 80 hours in, but in 9 workdays as opposed to 10 workdays. In order to get telework, they would like to cut back on that ability to take that compressed workweek day. Initially it was not offered and then there has been proposals back and forth to which management considers as compromises but they have it in what we consider reasonable compromise.

Ms. WASSERMAN SCHULTZ. So are they saying you can't have a flexible schedule if you are going to telework or more restrictive about the number of days.

Mr. ROTH. Right now more restrictive.

Ms. WASSERMAN SCHULTZ. So instead of 9 days—

Mr. ROTH. The Library allows both, in its Library of Congress regulation; in the union agreements with different parts of the Library, there is no restriction.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. ROTH. Just CRS wants to have restriction. I think this goes back to the initial concern I raised before you reacted last year that I think the Director still thinks he needs to be on campus in order to serve the Congress. That has shifted from not giving us telework to trying to limit the time that we might be off.

Ms. WASSERMAN SCHULTZ. What else besides that?

Mr. ROTH. There is a concern that they want to do one-size-fits-all. As I mentioned earlier in my testimony, CRS is made up of all different types of occupations, and certain types should not be restricted to—1 day would be per pay period, per week per pay period for analysts, which makes sense. But somebody who is in the technology office who can do most of their stuff remote from home, we are saying why don't we give them an additional day to see if it works out. They don't like that, they want to have one size.

Ms. WASSERMAN SCHULTZ. They want everybody to pick 1 day.

Mr. ROTH. One day.

Ms. WASSERMAN SCHULTZ. Are they saying it always needs to be the same day?

Mr. ROTH. Yes, they want it to be a fixed day.

Ms. WASSERMAN SCHULTZ. Fixed day. So let's say you have an emergency, your child is home sick, if that happens on a day that is not your day to telework, you couldn't do that?

Mr. ROTH. No. We had proposed that on an ad hoc basis.

Ms. WASSERMAN SCHULTZ. That sort of defeats the purpose of telework, doesn't it?

Mr. ROTH. They don't consider that telework, but work off site.

Ms. WASSERMAN SCHULTZ. Okay. During the blizzard, obviously employees weren't able to get to work. I assume there was not an established telework policy in place.

Mr. ROTH. There is not.

Ms. WASSERMAN SCHULTZ. Were CRS employees able to access their work from home during that period?

Mr. ROTH. Certain things they couldn't. I mean, I have talked to one employee who says they actually got a call because they are working on an issue that is very topical in the Congress, and they could not access material so they told me what they would normally do in probably 15 minutes to do to respond to the request, it took them the full day.

Ms. WASSERMAN SCHULTZ. Okay, we are at a year since we directed this agency to establish a telework policy with the employees.

Mr. ROTH. It was June when the report came out. Maybe you—the report came out in June.

Ms. WASSERMAN SCHULTZ. Approximately a year, close enough.

We are long past the amount of time that I think it should have been to work something out.

Mr. ROTH. We didn't get their first proposal until October of last year.

OIC RESTRUCTURING

Ms. WASSERMAN SCHULTZ. Again, that is another reason I wanted to have this hearing at the beginning so that I could address the concerns as we go through each legislative branch agency hearing. You mentioned also you are concerned about the OIC's restructuring and you brought that to our attention 2 years ago as you mentioned. They are going to testify here in a minute, but The Guild for the Library of Congress actually seems pleased with the direction it has gone in. So what is it that is a pretty significant difference of opinions

Mr. ROTH. I am not saying we are not happy with the direction, but with only three professional people that is not enough to handle the workload and to do what they need to do.

Ms. WASSERMAN SCHULTZ. So you are saying—

Mr. ROTH. I think the new Director's real concern is moving in the right direction, but can't accomplish what needs to be done by not having the staff to do it.

Ms. WASSERMAN SCHULTZ. Is that all the office plans to have is three staff?

Mr. ROTH. I think they might be allowed to have six based on last year's budget. We expected to see funding in this year's submission, and there is no—

Ms. WASSERMAN SCHULTZ. And they didn't add funding?

Mr. ROTH. No.

Ms. WASSERMAN SCHULTZ. Okay. Well, we can take that up with the Library when we hear from them.

Mr. Aderholt.

Mr. ADERHOLT. I think you addressed it. Thank for your testimony.

Ms. WASSERMAN SCHULTZ. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Thank you, no.

Ms. WASSERMAN SCHULTZ. Thank you for your dedication. And please send our appreciation to your fellow employees.

Mr. ROTH. Will do.

Ms. WASSERMAN SCHULTZ. Mr. Carl Saperstein, Guild of Professional Tour Guides of Washington, D.C. A 5-minute summary of your statement and your full statement will be entered into the record.

WEDNESDAY, FEBRUARY 24, 2010.

**UNFAIR AND UNNECESSARY RESTRICTION OF TOUR
BUSES ON CAPITOL HILL**

WITNESSES

**CARL SAPERSTEIN, GUILD OF PROFESSIONAL TOUR GUIDES OF
WASHINGTON, D.C.**

OPENING REMARKS—MR. SAPERSTEIN

Mr. SAPERSTEIN. Thank you, Madam Chair, members of the Subcommittee, my name is Carl Saperstein, and I represent the Guild Professional Tour Guides, a group of more than 450 members of the tourism industry. My topic is the unfair and unnecessary restriction of tour buses on Capitol Hill, which discriminates against a large group of American citizens. It is important to remember that not all visitors have time to take a tour of Capitol buildings and walk around the Hill. They are here for a short period of time, perhaps some business or some limited vacation. They take a tour bus to see some of the sights of the Nation's Capitol. After 9/11, security was necessarily tightened, until June 2007, this was not a problem. Tour buses could still take visitors to the east front of the Capitol to show them the beautiful Supreme Court building, which houses a branch of government. They could also point out the east front of the Capitol with the stature of freedom on top, the Library of Congress.

As we approach the part of the Hill, the tour guides typically pointed out where the senators and representatives had their offices. It was exciting to visitors to feel that where the action is, they were very satisfied.

Today the only thing we can point out to visitors is the far west side of the Capitol from the bottom of the hill. It is not fair to your constituents who come to Washington, D.C. We estimate that in 2009, there are approximately 240,000 visitors denied that drive around Capitol Hill buildings. We assert that this restriction is completely unnecessary.

Our second area of concern is the drop off of visitors to the Capitol, the Garfield Circle, because tour buses can't go up the hill to the east front. They are required to drop their passengers at the

bottom of the hill. They then must climb to the top of the hill, walk over to the entrance the Capitol Visitors Center. This is a major concern because so many of our visitors are veterans, senior citizens and persons with mobility problems.

The current inadequate solution is to parts transport them up the hill. This drop off at the bottom of the hill is awkward, time-consuming and splits groups into walking and those riding and it irritates them. A special concern for the many veterans who visit the Nation's Capitol. I believe you are aware of Honor Flights, World War II Vets in their 80s and 90s who were coming to see the World War II Memorial and other sites. Last year, about 800 Honor Flights that visited Washington with 40,000 vets with their guardians, medical personnel.

We know that most of these groups do not visit the Capitol because of the bus restrictions. They can't even do a drive around the east front of the Capitol because of bus restrictions. The hassle of trying to offload at the Garfield statute, wheelchairs, walkers, canes, canisters and the accompanying medical personnel into electric carts is impractical for large groups of veterans and their sponsors.

We propose all tour buses that come into Capitol Hill drive up Constitution Avenue, stop at the existing Capitol Police checkpoint, the police will then do their inspection and the buses will then be free to drive up Constitution Avenue, turn right on 1st and drive past east front of the Capitol, turn right Independence Avenue and then exit Capitol Hill. This is one of the routes that was followed for years by motor coaches that toured the Capitol.

I would equate this required bus inspection to the inspection the Capitol Police routinely do for the thousands of visitors entering any of the Capitol buildings each day. In this case, it is for a drive around Capitol Hill. The drop-off at the Garfield Statue is also unnecessary. The minute they drop off their passengers at the entrance of the Capitol Visitors Center on East First Street, they can easily walk the short distance to the CVC entrance which is completely handicapped accessible. Of course, we are not proposing the tour buses remain on First Street, just they be allowed to drop off and pick up as it was a practice for years and years.

Somehow tour buses have become the bogeyman, but of course, it just depends on the tour bus. Tour buses that bring commuters in the morning and pick them up in the afternoon are permitted to go up Capitol Hill. After they drop their passengers, these same tour buses, same driver, once they leave the Hill and pick up tourists, are now forbidden to go up the Hill. They have the same bus, same driver, the difference is the tourist.

The Guild strongly recommends the motor coach loading its compartment inspection procedures be returned to those considered sufficient from 9/11 to June 2007 and that tour buses for your constituents be permitted on Capitol Hill. We are not aware of any incident that caused the police to recommend this ban, but it was a question of resources. And we recommend the subcommittee address this also. Thank you and I am glad to answer any questions.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Saperstein.

[Mr. Saperstein's prepared statement follows:]

U.S. House of Representatives

Committee on Appropriations

Subcommittee on Legislative Branch Appropriations

Open Witness Hearing on

February 24, 2010

Testimony of Carl Saperstein

Guild of Professional Tour Guides of Washington, DC

P.O. Box 242, Washington, DC 20044

Madame Chairman and members of the Subcommittee, my name is Jim Heegeman and I serve as president of the Guild of Professional Tour Guides of Washington DC., an organization with over 450 members in the tourism industry. My topic is the unfair and unnecessary restriction of tour buses on Capitol Hill which discriminates against a large group of American citizens.

The Need for Better Access for Drive By and Appointments on the Hill

It is important to remember that not all our visitors have time to take a tour of the Capitol building or walk around the hill. They are here for a short period of time, perhaps on business or a limited vacation, and take a tour bus to see some of the sites of the nation's capital. After September 11, 2001 security was necessarily tightened, but until June 2007, this was not a problem; tour buses could still take visitors to the East side of Capitol Hill to show them the beautiful Supreme Court building which houses our third branch of government. They could also point out the historic east front of the Capitol with the statue of Freedom on top and they could also point out the magnificent Jefferson building of the Library of Congress. And as we approached and departed the hill, tour guides typically pointed out where their senators and representatives had their offices. It is exciting for visitors to feel that they are "where the action is" on Capitol Hill.

Today the only thing we can point out to visitors is the far west side of the Capitol from the bottom of the hill. This is not fair to your constituents who come to Washington, DC. We estimate that in 2009 approximately 240,000 visitors have been denied this drive around visit to the Capitol Hill buildings. We assert that this restriction is completely unnecessary.

Our second area of concern is the drop off of visitors to the Capitol at the Garfield Circle. Because tour buses can't go up the hill to the east front, they are required to drop their passengers at the bottom of the hill. They then must climb to the top of the hill and walk over to enter the Capitol Visitor Center (CVC). This is a major concern because so many of our visitors are veterans, senior citizens, and persons

with mobility problems. The current inadequate solution is to provide carts to transport them up the hill. This drop off at the bottom of the hill is awkward, time consuming, and splits groups into those walking and those riding. It irritates our visitors.

Of special concern are the many veterans who visit the nation's capital. I know you are aware of the Honor Flights, World War II vets in their 80s and 90s, who are coming to see the World War II memorial and other sites. Last year there were about 800 Honor Flights visited Washington or about 40,000 vets with their Guardians. We know that most of these groups do not visit the Capitol because of the bus restrictions. They can't even do a drive around of the east side of the Capitol again because of the bus restrictions. The hassle of trying to offload at the Garfield statue – wheel chairs, walkers, canes and their accompanying medical personnel – into electric carts is impractical for large groups of veterans and their sponsors.

Two Remedies

We propose that all tour buses coming to Capitol Hill drive up Constitution Avenue and stop at the existing Capitol Police check point. The police would then do their inspection and the buses would then be free to drive up Constitution Ave and turn right on east 1st Street, drive past the east front of the Capitol and turn right at Independence Ave and exit Capitol Hill. This is one of the routes that was followed for years by motor coaches that did a sightseeing tour of the east side of the Capitol. I would equate this required bus inspection to the inspection that the Capitol Police routinely do for the thousands of visitors entering any of the Capitol buildings each day. In this case it is for a drive around Capitol Hill.

The drop off at the Garfield statue is also unnecessary. If tour buses were permitted to drop off their passengers at the entrance to the CVC on east 1st street, they could easily walk the short distance to the CVC entrance which is completely handicap accessible. Of course we are not proposing that tour buses remain on east 1st street just that they be allowed to drop off and pick up as was the practice for years and years.

Somehow tour buses have become the bogey man. But of course it depends on the tour bus. Tour buses that bring commuters to the hill in the morning and pick them up in the afternoon are permitted to go up Capitol Hill. After they drop their passengers, these same tour buses, once they leave the hill and pick up tourists, are now forbidden to go up the hill. They have the - same bus same driver - the only change is the passengers.

Conclusion

The Guild strongly recommends the motor coach luggage compartment inspection procedures be returned to those that were considered sufficient from September 2001 to June 2007 and that tour buses with your constituents be permitted on Capitol Hill again. The Guild is not aware of any incident that caused the police to recommend the ban but if it was a question of resources, we recommend the Subcommittee address this. Thank you.

TOUR BUS ACCESS

Ms. WASSERMAN SCHULTZ. We have been dealing with this issue for a number of years, and I can appreciate your concern. We have repeatedly tried to address the concern and that is why as a result of direct pressure from the subcommittee last August 28th, the CVC received six brand new shuttles that are specifically designed to address the concern that you have of transporting disabled, as well as elderly, and frail individuals who have trouble walking up that hill. As someone who represents a district in South Florida, which has a disproportionate amount of senior citizens, many of whom visit our Nation's Capitol, I obviously have a particular sensitivity to that.

But with all due respect, the train has left the station on whether or not we are going to be able to have drop off in front of the CVC. That is not going to happen, that has been decided, it is done, we have examined it. We have had the Capitol Police chief here in front of our subcommittee. We have had many committees go over it back and forth, there have been internal discussions and that has been decided.

So I appreciate your concern, but it is just not something that security in this day and age is going to allow us to change because the risk outweighs our preference for being able to drive in front of the east front. There are solutions to that, we have endeavored to come up with workable solutions.

My question for you is are you aware that the six shuttles that we have now have a combined capacity to move 180 passengers and 36 wheelchair passengers per hour, and that includes the time it takes to load and unload the passengers and round trip travel time.

AVAILABILITY OF SHUTTLE BUSES

Mr. SAPERSTEIN. We are aware that all six are available.

Ms. WASSERMAN SCHULTZ. Well, all six are going to be available, they are brand new. There is not reason why they shouldn't be available. Why wouldn't that be sufficient in meeting the needs of the elderly and disabled individuals who have trouble walking up the hill?

Mr. SAPERSTEIN. When we get these Honor Flights and there are maybe 3, 4, 5 buses in addition to the city buses, there could well be 10 or 15 buses requiring service at the same time with tight appointments on the CVC necessary. It breaks the groups up, they get up there, they may be there for their appointments—

ADVANCE COORDINATION WITH THE CVC

Ms. WASSERMAN SCHULTZ. But Mr. Saperstein, you do have the ability to, in advance, coordinate with the CVC in order to be able to make sure that those break-ups and the large group can be accommodated, don't you? I know you do because we have had the CVC director here and she said that that is possible. You just have to make the extra effort to make the arrangements in advance.

Mr. SAPERSTEIN. That is correct, except if we make the arrangements in advance and another bus comes and it takes precedent over ours. They don't reserve these for us. So even though we do make arrangements—

Ms. WASSERMAN SCHULTZ. They don't reserve the slots?

Mr. SAPERSTEIN. They do not reserve the carts, the mobility carts, golf carts or whatever. If another bus or another several buses show up, even though—

Ms. WASSERMAN SCHULTZ. If you have made arrangements in advance, why wouldn't they reserve them or hold them for you if you are showing up at a specific time and you they are going to know—have you tried?

Mr. SAPERSTEIN. Yes.

Ms. WASSERMAN SCHULTZ. You couldn't have tried because we have just begun to use them, we are not even in the season.

Mr. SAPERSTEIN. We have had arrangements in advance, we have asked the question and they have told us specifically. I am basing this on what they have told us, we will not hold those carts for you, it is first come, first served.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. SAPERSTEIN. I am just quoting what they are saying.

Ms. WASSERMAN SCHULTZ. Well, what I would ask is that through this next tourist season, because this will be the first full tour season that we will have the carts and it seems like they have the capacity, a pretty good capacity to move people both frail and disabled individuals up and down the hill to the CVC entrance. If we get to the end of the season and it is still a significant burden—we have discussed in the subcommittee whether or not we would need to possibly purchase larger vehicles that would shuttle more individuals, but I would strongly suggest that you examine other means of addressing your concerns, because the drop-off at the CVC is just not going to happen. Mr. Aderholt.

RESERVATION OF BUSES

Mr. ADERHOLT. Thank you for your testimony. I have a lot of groups who come up to Washington as well. I am also especially sensitive to those on our Honor Flights. I try to meet with them while they are in town. I guess we are caught between a rock and a hard place because of security concerns that have been mentioned or been discussed by the Capitol Police, and also the concern that people have access to the Capitol. You want people to have access to the Capitol.

When Madam Chair was asking you some questions you mentioned the buses being reserved and you get there and a bus gets there before you. If that could be resolved where you could make arrangements where if your bus is supposed to be there at 2:30 in the afternoon and one gets there at 2:15 and takes your slot, if those could be reserved in advance, and held so that they wouldn't be for the first person that comes up. Would that be something that would be of help?

Mr. SAPERSTEIN. It would be a great help if, indeed, we could reserve these in advance and have them there, but we have been strictly told that it is first come first serve.

Mr. ADERHOLT. Okay. Let me say—would that be the CVC?

Ms. WASSERMAN SCHULTZ. It would be the CVC. You can check with Ms. Rouse.

Mr. ADERHOLT. We can check with the CVC and find out if that is something that could be accommodated. I think it goes back to

what the Chair is concerned about and that is the security of the people here at the Capitol and other visitors. Certainly, I think, we want to try to accommodate the elderly or anyone who is disabled. You know, maybe there is something we could work out as far as doing a reservation on these.

Ms. WASSERMAN SCHULTZ. When we have them come in front of us for their hearing, we will be happy to discuss it with them.

Mr. SAPERSTEIN. Appreciate it very much. Thank you very much.

[CLERK'S NOTE.—Additional information from the Guild of Professional Tour Guides follows:]


[Print](#)

Subject **CVC--Negative Experiences**

From: <Jcbessette@aol.com>

Sent: Jun 10, 2009 02:57:09 PM

To: RAPreble@aol.com, csaperstein@verizon.net

I have had two very negative experiences in the past two years in bringing senior citizen groups to the Hill. In both cases, the group did not get the tour which had been advertised and for which they had paid. The details are below. In addition, a client who tried to bring a senior citizen group to the CVC on his own (no guide) reported a very negative experience to me. A fourth client planned a trip for the fall, but is so "put off" by the negative stories that she instead wrote a letter to a Congressional staffer who is reviewing the situation.

April 22, 2008. Anne Myers, Hagerstown Community College Lifelong Learning Coordinator, had arranged a guided tour of the Library of Congress for 10 am for a group of senior citizens. She had made arrangements in advance with LOC Police to bring the coach to the US Capitol Police checkpoint on the west side of the Capitol, where it would be inspected. The USCP would then escort the coach to the LOC.

Anne is a superbly organized person. She had checked with her contact at the LOC Police the day before and again on the morning of the tour. We arrived at the USCP checkpoint and they said we could not proceed. No member of the USCP was interested in the fact that this had been prearranged with the LOC Police. We were sent to several different USCP checkpoints and finally directed to a USCP "clearing area" on the north side of the Mall (toward the Dept. of Labor Building), where trucks and other vehicles could be inspected.

There we were fortunate to find a very competent and concerned female officer of the USCP. She was a very business-like officer who said, "I will get to the bottom of this." It took her time and a number of phone calls, but she arranged for us to go back to the Maryland Avenue checkpoint, be inspected, and escorted up the Hill. Why was there a problem? We were told that the arrangements had been made through the LOC Police, and the USCP and LOC police did not communicate.

We arrived an hour late for our tour, and the tour guides had departed, so the senior citizens did not have their LOC tour. But, what is worse in my mind, they were witness to governmental inefficiency and governmental failure (1) to communicate with other governmental entities, (2) to take the next step to try to solve a problem rather than shunting the problem to the guy at the next checkpoint.

The female USCP officer impressed the group very favorably. "Why wasn't everyone else like her?" But all the other comments were about "My taxes are going for *this*?" and "The US Government in inaction!" And I could not blame them.

For further information, contact Anne Myers at myersa@hagerstowncc.edu or 301-790-2800, Est. 582.

April 15, 2009 By 2009, there were more formalized procedures for bringing senior citizen groups up the Hill, or so we were told. Carolyn Hall of Signa Tours (Richmond, VA) had made arrangements through the LOC to bring a group (Norwood Pond Retirement Community in Midlothian, VA); they planned to visit the LOC, but they had a timed tour at the CVC. (She was under the impression that this was a permissible procedure.) The coach was to be inspected by the USCP on New Jersey Avenue, and then would be escorted to the LOC to enter the CVC via the tunnel.

The encounter with the USCP was not a positive one. There were many phone calls to and from Signa Tours, to and from the LOC, and to and from the USCP. The drama ended when a USCP officer boarded the coach and announced: "*Access to Capitol Hill is denied*" in a very officious manner.

Obviously, the group was disappointed, but I was also very disappointed in this officer's manner. As a retired government official (military), I am aware of the need for standardized language and terminology. There is a definite time and place for it. But speaking to a group of senior citizens is not the time nor the place. The officer would have accomplished the same objective if he had stood before the group and said, "Folks, I am really sorry that I can't let you up the Hill. The paperwork just isn't right. I'm sorry to disappoint you." That would have taken no more time and would have created a totally different atmosphere.

I can understand that access was denied because the request was to the LOC for a timed tour of the CVC; we did not have a timed tour of the LOC. However, I cannot understand and I do not accept officers of the US Government talking in that manner to the people (US taxpayers) who are paying their salaries.

The group eventually walked up the Hill, but we had missed our tour. They looked around the CVC, but were not pleased. (And one woman fell on our way down the Hill.) Several people have contacted Signa Tours for a refund of their money since they did not receive the promised tour of the US Capitol.

Signa Tours does a considerable business with the senior citizen groups in and around Richmond. They have a client base of close to three dozen senior retirement centers, senior church groups, etc. After this experience, they will not even attempt to bring any of these groups to the CVC in the future. That is almost three dozen groups of seniors who will not be visiting the CVC.

For further information: Karolyn Hall of Signa Tours, karolyn@travelsigna.com, 804-379-6500.

In addition to the above, a client, Doug Bery of Middletown (PA) Parks and Recreation, wrote me of an experience he had on May 19, 2009:

The Capitol Visitors Center was another story. This place is not for seniors. The walk up or down the hill is bad. I was able to get a golf cart for some to go up the hill, but coming down at 4:00 pm there were no carts available. They stopped working at 4:00 pm. Trying to keep all these people together is a problem. I lost a passenger coming out of the Visitors Center and it took me 45 minutes to find her.

They need to do something about all the people in the tour groups and not being able to hear the guide. Everyone should have to wear the earphones so that the guide can be heard.

I do not plan to take any other groups to the Capitol until they get their act together.

For further information, contact Doug Berry, dberry@middletowntownship.org 610-405-8314.

I have been considering a trip to the DC Visitor's Center, however have felt that contact people have seemed somewhat confused on processes.

I have also been told by others who have experienced a visit there that people-moving processes and organization of tours needs improvement.

Do you have any suggestions for making a group event more enjoyable?

For further information, contact Cheryl Harlan CHarlan@viennava.gov 703-255-7801

The bottom line of these experiences:

1. The CVC is not a welcoming experience for many senior citizen groups.
2. The announced procedures for senior citizen visits (call in advance for a ride up the Hill) are unwieldy and impractical. How many carts would be available for a coach full of seniors who cannot walk the Hill? How many trips will it take? What is the probability that the group will be on time for their tour? Can we make it any more difficult for these groups if we try?

3. The three main sites of Capitol Hill (the CVC, the Supreme Court, and the LOC) are being made effectively "off limits" to senior citizens. It should be remembered that they are the people who pay for these buildings and who pay the salaries of the staff members. And these are the people who deeply care about the laws passed by Congress and the decisions of the Supreme Court. These are your C-Span fanatics! They care!

4. If I could summarize the reactions of these people (the American taxpayers) in one sentence, it might be "The terrorists have won."

Carol Bessette
Certified Master Tour Guide

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Subject Fwd: a frustrating experience!

From: <RAPreble@aol.com>

Sent: Jul 15, 2009 09:01:29 PM

To: csaperstein@verizon.net

Carl,

Another horror story!

Russ

Can love help you live longer? [Find out now.](#)

Russ: Here is my story.

June 23, 2009 Alternative Tours - a Group of Seniors (40) from TN & AL on a Spirit Tours Coach
Tour Director, Marian Smith had a confirmation from the Library of Congress for a guided tour of the Jefferson Bldg from 10 to 11 am. She also had a form from them giving permission to drop off in front of the Jeff Bldg - noting a required check in with security at Independence & 3rd St SW.

We arrived at the security check at 9:40 am and after about 10 minutes of checking our papers, we were told to go to 600 New Jersey Ave for the security check. We did not see signs or anything noting a 'check point' at 600 NJ Ave - a residential area. After turning the coach around at the end of New Jersey Ave - so we would be heading north - we noticed a Capitol Police car parked on the street. We pulled up behind it and Marian and the coach driver (Harold) got off the coach and talked with the officer in the car. After about 10 minutes of talking - and looking at the paper work - he called for a Metropolitan Police car with a dog. When the police car with the dog arrived (another 10 minutes) - the dog circled the coach exterior.

We were then escorted back to Independence Ave & 3rd St and up the Hill. At 1st St & Independence Ave we were delayed again while several fire trucks passed - going ? Finally we were dropped off in front of the Jefferson Bldg. However, it was too late for our scheduled tour - since the promised guide had gone home. I conducted the tour for the group and we departed - walking down the Hill to the Peace Statue for our pick up. We had decided to walk after being told - while on New Jersey Ave - that our coach would have to return there for another inspection before going to pick us up!

Submitted by
Dorothy Douse
Certified Master Guide
Past President
Guild of Professional Tour Guides of Washington, DC

Snoop, Lil Wayne, Lady GaGa – land the tix you need for this summer's biggest tours. Tourtracker.com


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Subject Fwd: CVC Problems
From: <RAPreble@aol.com>
Sent: Aug 16, 2009 01:36:11 PM
To: csaperstein@verizon.net

Carl,

Another one for the file.

Russ

Dear Russ,

Could you please pass on this Capitol Visitor Center experience for me.

On August 1st I was to meet An All in One Tours for a Group on Shriners from all over the country including Florida, California, and Pennsylvania. The trip was arranged by the Ben Ali Shriners Center. The Bus company was Conestoga Tours. I was to meet them at the Capitol Kiosk at 12:30 for a 1:00 tour. I received a call saying they were running late so I went to the CVC to let them know we wouldn't be doing our scheduled tour and asked to be put on a wait list for a later tour. I then looked for the carts because the response the tour director gave to my inquiry about the capability of the participants to walk up the hill was: "there were a few people who would need help including one gentlemen with a walker". A young lady driving one of the carts was very helpful and agreed to help bring the guests in need of assistance up the hill. What I discovered was that almost all of the 49 passengers needed help up the hill. In fact, they had a hard time getting from the bus in Garfield circle to the kiosk. It was a hot day and those who volunteered to walk had a very difficult time and complained about the lack of water - especially since they left their water bottles on the bus because of security concerns. Despite an explanation of the hill many people elected to walk because they could see it was going to take a long time to shuttle everyone. However, it was more difficult than most people anticipated and many people were very distressed by the time we all assembled for the tour - almost an hour after they unloaded the bus. There were two carts - one that held five people and the walker and one golf cart that held four people. The drivers were terrific and did what they could to help make the day better for the guests. However, most of the group was very uncomfortable with the walk and then again waiting in the security line in the very hot sun - with no water. On the plus side, the very friendly staff who administer the tickets were able to include us on a tour that left immediately after we assembled. Unfortunately, many of the people could not hear their head sets, the rooms were crowded and they didn't love the experience. Then we had to get back down the hill. Had I met the group before their scheduled trip to the Capitol, I would have suggested they skip it because it took us so much time to visit the Capitol that we missed many other items on the list of things they wanted to see and many of the participants were exhausted from the experience.

As an aside, while we were going down the hill another person approached the cart to ask for a ride for her mother who was on the west side of the Capitol by the fountain and couldn't make it any further. The driver said the person would need to come to the kiosk to get a ride because the carts couldn't go to where her mother was waiting. Part of the problem on this day was the heat - people who might have been able to navigate the hill were finding it too difficult in the middle of the experience and then became a bit panicky. More carts on this hot day would have been very helpful.

I hope this helps. Taking the bus up the hill would have been a big help for my group and would have made the carts available to individuals who found themselves in need of their services.

<http://netmail.verizon.net/webmail/driver?nimlet=deggetemail&fn=CBB+Horror+Stor&pa...> 2/20/2010

Thanks for all of your help!
Anne

From: RAPreble@aol.com
Date: Thu, 6 Aug 2009 21:57:02 -0400
Subject: CVC Problems
To: skiefertaber@hotmail.com

Anne,

About a month and a half ago we began to solicit information from guides on CVC access problems. We asked for the following information:

- A. Date of incident.
- B. Problems experienced (handicapped/seniors). Number of tourists involved and city and state group from. (This information will help if we involve additional members of Congress)
- C. Shuttle service (or lack of).
- D. Any additional information that will build our case to remove the tour bus ban on Capitol Hill. Was visit skipped because of access problems?

Would appreciate it if you could provide Carl Saperstein with the above information about your experience last Saturday.

See you on Tuesday!

Russ

P.S. I was flattered by the copious number of notes that you jotted down this afternoon!

=

[Print](#)

Subject: CVC Access Incident
From: <RAPreble@aol.com>
Sent: Aug 6, 2009 09:44:44 PM
To: csaperstein@verizon.net
CC: akiefhaber@hotmail.com

Carl,

Here is one more for the Horror File:

Date of incident: Saturday August 1

Problem experienced: I arrived at the Garfield Circle drop off point at 12:00 with 50 members of the Disabled American Veterans organization. There were two golf car shuttles available with drivers awaiting us. As I recall one vehicle had the capacity for five persons and a wheel chair, the other could accommodate only four passengers. It required a full 45 minutes to shuttle the entire group up to the CVC entrance. We finally were able to get the entire group up to the security check point at 12:45. Fortunately we were the only group that required shuttle service at this time. Had another bus arrived at the same time, the delay could well have extended to 1.5 hours!

Additional information: The group were members of the Disabled American Veterans from southeastern Kentucky. Congressman Harold Rogers had obtained the CVC reservations for a Capitol tour. Lighthouse Tours was the tour company.

Russ


[Print](#)

Subject CVC
 From: <EllenGold4@aol.com>
 Sent: Sep 20, 2009 04:45:54 PM
 To: csaperstein@verizon.net



This is a first-hand reason why I want buses to be able to drive up Capitol Hill. While on tour last year, the amputee/cancer survivor (on back of motorized chair) thought she could make it up the hill.. and after a short distance said, "I can't make it." The girl in the wheelchair, a lifetime paraplegic, said, "Hop on" and drove them both up to the Russell Building. That was before the CVC opened, but is one of my arguments, still.

CVC: I discovered that if you are one minute late because a medical emergency/waiting for an ambulance in the group which resulted in a three-day hospitalization .. caused the reservation to drop out of the computer. A VERY compassionate Information desk person was able to beg, borrow, borrow enough passes for the group of 22 so that was a lovely experience (except for the face plant in front of the White House)

Last week... had to WALK pediatric kidney transplant and dialysis patients up the hill .. with two wheelchairs .. and the guards were very kind at speeding the group through security although there was no other line and no time problem.

I think the film should be shown after 3:20 to people who weren't fortunate enough to have a tour.. because between the film and the exhibition hall, they get a really good experience.

Other than buses being banned, and the earphones not working and a terrible Capitol guide (most have been excellent) last weekend whose name wasn't visible, my experiences have been quite positive. TRANSPORTATION to the facility remains the biggest challenge.. How about 'trolleys' that could stop at all the Olmstead trolley stops on the campus. ?

Ellen
 No reply expected or necessary.

[Print](#)

Subject CVC
From: <friedmanns@aol.com>
Sent: Sep 22, 2009 04:03:35 PM
To: csaperstein@verizon.net
Reply-To: friedmanns@aol.com

On Sept 9 I had a tour group of 23 senior citizens from Pennsylvania. We needed shuttle service for all but a few. I called ahead. I brought the group to the shuttle service then ran up with the few walkers. The shuttle took many trips. 2 seniors were so disturbed by the wait that they decided to walk on their own. They did not know where to go. I waited as each shuttle would arrive then on to the elevator. My back was turned and I missed one shuttle and then had to search to find them. There should be a shuttle service wait here sign and someone appointed from the Capitol to meet these citizens. They are exhausted and embarrassed by the time they get to the line to go in the door! Going out, I again called ahead. 2 little shuttles can only hold so many people and if they are heavy they hold fewer. By the time they got in all they could manage was to sit on a bench and rest up for the "elevator" tour of the Capitol. It takes more than one guide. The group gets broken up into 4 factions due to the tram. With a bus load you have to reconsider going to the Capitol at all! People want to go and then cannot believe how taxing and time consuming the visit really is. With kids it is a walk up the hill- no big deal. With seniors it is humiliating for them to make the visit.

Help!
Debra Friedmann
301-775-8654
Sent from my Verizon Wireless BlackBerry

Ms. WASSERMAN SCHULTZ. Mr. Ruppertsberger.
 Mr. RUPPERSBERGER. You did a good job.
 Ms. WASSERMAN SCHULTZ. Thank you very much.
 Mr. Alvin Hardwick with the GPO police labor committee.

WEDNESDAY, FEBRUARY 24, 2010.

GPO POLICE LABOR COMMITTEE

WITNESS

ALVIN HARDWICK, GPO POLICE LABOR COMMITTEE

OPENING STATEMENT—MR. HARDWICK

Mr. HARDWICK. Morning Madam Chairwoman and Ranking Member Aderholt and distinguished members of the Subcommittee. My name is Alvin Hardwick and I am here as the immediate former chairman of the Government Printing Office Police Labor Committee for the Fraternal Order of Police of DC Lodge 1. The GPO police force is now comprised of 26 rank and file officers who protect the GPO buildings in Washington and Maryland. We have done a fine job protecting the vital and sensitive documents at these locations which are needed for this country to function. They are also charged with the safeguarding HAZMAT vehicles that are stored at the GPO building by the U.S. Capitol Police in case of emergency. The mission of the GPO police force is crucial to the security of Washington, D.C.

Last May I testified before the Subcommittee about the extraordinary gaps in security at the GPO in Washington, D.C. Unfortunately these concerns have largely been unaddressed. For example, the area where the Capitol Police stores a number of HAZMAT vehicles in the GPO building in case of an emergency, there are still no GPO police officers present to provide a modicum of security there.

In some cases, it seems that the GPO management is attempting to roll back recent measures which greatly increase security at the GPO. Currently, the passport building in Washington D.C. is protected by sworn Federal police officers in compliance with the Public Law 110-161 which prohibits the use of contract security guards in the building.

The Public Printer held a meeting with our union in attempt to negotiate and allow the use of contract security to protect the passport building. In doing so, in attempting to replace the sworn Federal officers with contract security guards flies in the face of GPO's management claim that they wish to turn the GPO force into a traditional police department. As a matter of fact, the actions of management over the past few years seems to imply a desire to phase out the GPO police completely. It should be noted that at the meeting mentioned above by the Public Printer made several comments to the officers that they were overpaid. This is quite remarkable when the salary of the GPO police officers are compared to those of Capitol Police. As you can imagine, management's attitude has not been good for the officer morale. Training security guards to do the job of Federally trained officers doesn't save money and weakens security considerably.

The security aides do not have the training or the experience or wherewithal to protect that building. They cannot assist law enforcement agencies in the case of an emergency and have no authority to protect the perimeter GPO complex. The ramifications of this are considerable. There have been attempted rapes and murders outside the complex which GPO officers have assisted in preventing. Furthermore, if there was an attack on an installation within a few blocks of GPO such as the Capitol and Union Station or in a myriad of buildings within a few blocks the GPO, there would be few GPO officers and no security aides to assist.

Officer morale is further lowered by the significant lack of staffing at the GPO. The current number of 26 rank-and-file officers is too low, especially considering the urgings of this Subcommittee in the past to hire more officers. Officers continue to get work back-to-back shifts on any given day without notice. The repeated practice is creating a burnout situation.

The GPO police officers are dedicated to the security of GPO and to personnel. During the recent blizzards officers volunteered to stay on site for days, some even resorted to sleeping in chairs when there were no cots available. GPO officers are willing to extend themselves beyond the call of duty by repeatedly working double shifts. Lack of staffing creates many problems which threatens both security and officer safety. The GPO would need to hire about 17 new officers as it was directed by the Subcommittee in 2007.

This will fill the security gaps when six officers were hired but 7 have since left. There have been at least 400 applicants since 2007, so there is no security for management not to hire more officers. The GPO police force has not received its full financial support the officers deserved in the past few years. The Public Printers have completely ignored your requests and have repeatedly sought to undermine the agency. It is important that the subcommittee provide the funds for the GPO to hire enough officers to fully carry out their missions. Furthermore, the Subcommittee must end the privatization of security at the GPO complex by reducing the amount of funds that are available for contract security guards.

Finally, it is important that the Subcommittee earmark funds for the police department separately for the general funding of GPO. Currently, GPO police budget is part of the entire GPO funding and they are at the whim of whatever the Public Printer seeks to earmark them for. The GPO police budget should be separate from the main GPO budget if we are to ensure proper funding for these officers. Thank you for allowing me to testify.

Ms. WASSERMAN SCHULTZ. Thank you.

[Mr. Hardwick's prepared statement follows:]

Testimony of Alvin Hardwick

Chairman Emeritus

Government Printing Office Police Labor Committee

Fraternal Order of Police

D.C. Young #1

**“Legislative Branch Appropriations: Government
Printing Office Police”**

24 February 2010

Good morning Madam Chairman, Ranking Member Aderholt, and distinguished members of the Subcommittee. My name is Alvin Hardwick, and I am the immediate former Chairman of the Government Printing Office (GPO) police labor committee, for the Fraternal Order of Police DC Lodge #1.

The GPO police force is now comprised of twenty-six (26) rank-and-file officers who protect the GPO buildings in Washington and Maryland. They have done a fine job protecting the vital and sensitive documents at these locations which are needed for this country to function. They are also charged with safeguarding a number of HAZMAT vehicles that are stored at the GPO building by the U.S. Capitol Police in case of an emergency. The mission of the GPO police force is crucial to the security of Washington D.C.

Last May, I testified before this subcommittee about the extraordinary gaps in the security at the GPO building in Washington, D.C. Unfortunately these concerns have largely been unaddressed. For example, the area where Capitol Police stores a number of Hazmat vehicles in the GPO building in case of an emergency, there are still no GPO police officers present to provide even a modicum of security.

In some cases, it seems that the GPO management is attempting to roll back recent measures, which greatly increased security at the GPO. Currently the passport building in Washington, D.C is protected by sworn Federal police officers in compliance with Public Law No: 110-161, which prohibits the use of contract security guards in the building. The Public Printer held a meeting with our Union in an attempt to negotiate and allow the use of contract security to protect port building.

Attempting to replace sworn Federal police officers with contracted security guards flies in the face of GPO's management claim that they wish to turn the GPO police into a traditional police department. As a matter of fact the actions of management over the past few years seem to imply a desire to phase-out the GPO police completely. It should be noted that at the meeting mentioned above the Public Printer made several comments that the officers were overpaid; this is a quite remarkable when the salary of GPO police officers are compared to those of Capitol Police. As you can imagine management's attitude has not been good for officer morale.

Training security guards to do the job of a federally trained officer not only doesn't save money, but also weakens security considerably. These security aides do not have the training, the experience, or the wherewithal to protect that building. They cannot assist other law enforcement agencies in the case of an emergency and have no authority to protect the perimeter of the GPO complex. The ramifications of this are considerable. There have been attempted rapes and murders outside of the complex which GPO officers have assisted in preventing. The security aides can offer no such protection. Furthermore, if there was an attack on an installation within a few blocks of the GPO complex, such as the Capitol, Union Station, or the myriad buildings within a few blocks of the GPO, there would be few GPO officers and no security aides to assist.

Officer morale is further lowered by the significant lack of staffing at the GPO. The current number of 26 rank-and-file officers is too low, especially considering the urgings of this subcommittee in the past to hire more officers. Officers continue to get work back to back shifts on any given day without notice. This repeated practice is creating burn-out situations. GPO police officers are a dedicated to the security of GPO property and personnel. During the recent blizzards, officers volunteered to stay on site for days and some restored to sleeping in chairs when cots were unavailable.

GPO officers are willing to extend themselves well beyond the call of duty, but repeatedly working double shifts due to a lack of staffing creates many problems which threaten both security and officer safety. The GPO would need to hire about seventeen (17) new officers, as it was directed by this subcommittee in 2007, to help fill these security gaps. Six (6) officers were hired, but seven (7) have since left. There have been at least 400 applicants since 2007, so there is no excuse for management not to hire more officers.

The GPO police force has not received the full funding and support the officers deserve in the past few years. The Public Printers have completely ignored their requests and have repeatedly sought to undermine the agency. It is important that this Subcommittee provide the funds for GPO to hire enough officers to fully carry out their missions. Furthermore, the Subcommittee must end the privatization of security at the GPO complex by reducing the amount of funds that are available for contract security guards. Finally, it is important that the subcommittee earmark funds for the GPO police separately from the general funding of the GPO. Currently the GPO police budget is part of the entire GPO funding, and they are at the whim of whatever the Public Printer seeks to earmark for them. The GPO police budget should be separate from the main GPO budget if we are to ensure the proper funding for these officers.

Thank you for allowing me to testify on this important issue. I would now be happy to answer any questions you might have.

USE OF CONTRACT SECURITY AT GPO FACILITIES

Ms. WASSERMAN SCHULTZ. Mr. Hardwick, if you recall the reason that there is a law that says the passport facility can't be guarded by security officers is because this committee insisted that that not happen any longer, and it was from your testimony of this public witness hearing. What additional facilities has GPO proposed swapping Federal officers for contract security officers?

Mr. HARDWICK. Just recently in the past 10 days in the main passport facility here that the public printer proposed.

Ms. WASSERMAN SCHULTZ. But they can't have security officers.

Mr. HARDWICK. I understand that. That didn't stop them from having a meeting and putting on the table before the officers to sign an agreement which they wanted to be presented to this committee as if the union proposed it—

Ms. WASSERMAN SCHULTZ. Oh, I see.

Mr. HARDWICK. To have the contract security take over the passport facility.

Ms. WASSERMAN SCHULTZ. Any other facilities besides that one?

Mr. HARDWICK. Other than that one, the one facility in Mississippi still has contract security there.

FUNDING FOR ADDITIONAL OFFICERS

Ms. WASSERMAN SCHULTZ. Right, that is not part of the law. Are you saying that we funded 17 additional officers for GPO's police force and GPO didn't hire?

Mr. HARDWICK. They dragged their feet, they have created situations where it has become harder and harder to hire officers.

Ms. WASSERMAN SCHULTZ. How so?

Mr. HARDWICK. They raised the bar well beyond what we would consider people would be hired for Capitol Police, Secret Service, deputy marshals or air marshals.

Ms. WASSERMAN SCHULTZ. In terms of qualifications?

Mr. HARDWICK. Yes.

Ms. WASSERMAN SCHULTZ. Aren't the qualifications that they are asking for just the standard—

Mr. HARDWICK. No, they are well above what we require or what anybody else requires compared to any of the other agencies.

Ms. WASSERMAN SCHULTZ. What are they looking for, officers that have previous experience or—

Mr. HARDWICK. We have requested that they look at officers with previous experience working currently with other agencies or new recruits.

Ms. WASSERMAN SCHULTZ. And what are they insisting on?

Mr. HARDWICK. They insist that there is always an issue with background or an issue with work ethic. We think they have instituted this specialized PT program which requires that officers must take it every year and pass it. If not, they will be terminated. No other agency requires such an action to take a PT to get the job, but you certainly don't have it every year to keep your job. We have talked to officers from other agencies—

Ms. WASSERMAN SCHULTZ. Is that in your contract?

Mr. HARDWICK. That is not in our contract, that is in their proposed issue with new hires. We have spoken with people interested

in working but they say they were discouraged by GPO's new mandate.

POTENTIAL MERGER WITH USCP

Ms. WASSERMAN SCHULTZ. Why shouldn't we just absorb GPO's police into the Capitol Police?

Mr. HARDWICK. We think you should.

Ms. WASSERMAN SCHULTZ. Okay. Has that ever been proposed previously?

Mr. HARDWICK. There is currently some talk about it now recently. There was some paperwork—there were some articles in the paper in reference to that by Mr. Brady from Pennsylvania.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. HARDWICK. So we are in the middle of trying to formulate, sit down and find out where that is. We think that a merger would be good for the department. It would eliminate irregularities and the security gaps, everything would be uniform as it is now. Currently we have some Capitol assets at GPO, HAZMAT stuff and equipment, we have internal affairs, a whole supply.

Ms. WASSERMAN SCHULTZ. It seems to me now we now have absorbed the Library of Congress's police force and they are all Capitol Police, and this is the only other police agency in the legislative branch, and I am just not sure why we shouldn't have the Capitol Police covering all the legislative branch agencies where there is a police force necessary.

Mr. HARDWICK. Currently you have a blueprint for that library merger.

SWORN VS. CONTRACT OFFICERS

Ms. WASSERMAN SCHULTZ. We certainly do. The only other question I have is I don't want to knock contract security officers, because I am sure they do a good job and are well intentioned and well qualified, but where there are contract officers or security officers there instead of sworn officers, what risk—what problems have there been that are addressed by the difference between having a sworn officer guard a particular facility at GPO versus—

Mr. HARDWICK. In recent past?

Ms. WASSERMAN SCHULTZ. Recent.

Mr. HARDWICK. Recent past we have had some officers, some of the security officers have been involved with government service, parking on the parking lots for free, parking here in the government area.

Ms. WASSERMAN SCHULTZ. The security officers themselves?

Mr. HARDWICK. Yes, to include the project manager. We have issues with their backgrounds.

Ms. WASSERMAN SCHULTZ. Their own backgrounds?

Mr. HARDWICK. Yes.

Ms. WASSERMAN SCHULTZ. But have there been any crimes? You made reference to attempted rapes and murders.

Mr. HARDWICK. Those were perpetrated by citizens in the street.

Ms. WASSERMAN SCHULTZ. Were sworn officers too far away from security officers?

Mr. HARDWICK. The security officers couldn't respond to it, but our GPO officers—

Ms. WASSERMAN SCHULTZ. Are they armed?

Mr. HARDWICK. Yes, but they can't go in public space. We had recent issues where one of the security guards was involved in a theft, theft of a visitor's property coming through the Visitor's Center.

Ms. WASSERMAN SCHULTZ. Has there been any jeopardy to the GPO property as a result of security officers?

Mr. HARDWICK. Not this year.

Ms. WASSERMAN SCHULTZ. How long ago?

Mr. HARDWICK. I would say 3 years ago.

Ms. WASSERMAN SCHULTZ. And what was that?

Mr. HARDWICK. That is where they had lost their weapons in bathrooms and whatnot. We had one of them involved with drug dealing outside the agency and they worked at GPO as well as contract security.

Ms. WASSERMAN SCHULTZ. Okay. Mr. Aderholt.

NEW OFFICERS

Mr. ADERHOLT. Your proposal would be for 17 new officers?

Mr. HARDWICK. Well, the Subcommittee proposed that they hire 17 people, and it is now close to 3 years and 17 people have not been hired. That is a clear indication to us that they have been dragging their feet. And I think because they were not given a deadline to hire those people, they felt that they could do that when they wanted to. If they were asked questions they could say we are in the process of doing it.

Mr. ADERHOLT. But 17 would still be sufficient?

Mr. HARDWICK. Well, right now, no, it would only replace the people we have lost by retirement or attrition to other agencies.

Mr. ADERHOLT. Thank you.

STANDARD FOR USCP AND GPO POLICE

Mr. RUPPERSBERGER. Is there a standards issue between the two police departments? Is there a standard for the Capitol Police than the others, is that why—

Mr. HARDWICK. The standard is pretty much the same, we attend the same schools in the same classrooms. The standard is no different. GPO, the new management has implemented a new standard where the officers are required to be better qualified. We have even had some officers who wanted to leave Capitol and transfer over to GPO and they were told that they were not eligible to apply, and that is because of retirement issues. And we think that it is on purpose.

Mr. RUPPERSBERGER. To save money?

Mr. HARDWICK. To either save money or not hire. If you look every day, you have more security personnel on the list than you have police officers.

Ms. WASSERMAN SCHULTZ. Mr. Cole.

Mr. COLE. No questions.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Hardwick, we will spend some time addressing your concerns and at this point, we have a couple of minutes to vote and there are three votes on the floor so with that, the Subcommittee stands in recess subject to the call of the Chair.

[Recess.]

Ms. WASSERMAN SCHULTZ. I call the Subcommittee back to order. At this time, I would like to recognize Jesse Hartle with the National Federation of the Blind. You can proceed with a 5-minute summary of your statement and your full statement will be entered into the record. Welcome.

WEDNESDAY, FEBRUARY 24, 2010.

NATIONAL FEDERATION OF THE BLIND

WITNESS

JESSE HARTLE, NATIONAL FEDERATION OF THE BLIND

OPENING REMARKS—MR. HARTLE

Mr. HARTLE. Thank you, Madam Chair. My name is Jesse Hartle and I work in the Department of Governmental Affairs at the National Federation of the Blind. And I am a patron of the National Library Service for the Blind and Physically Handicapped. I want to thank you and the Ranking Member and other members of the Subcommittee for two things: first, for allowing me to testify today concerning the importance of the Digital Talking Book Program of the National Library Service for the Blind and Physically Handicapped and for the work that you have done to ensure that this transition occurs without interrupting the service of the Talking Books Program for the 800,000 patrons who rely on this service as their primary source of reading material.

One of the greatest problems facing blind Americans today is not the blindness itself, but it is the misunderstanding of the capabilities of blind people which lead to low expectations by society for us to participate on terms of equality with our sighted counterparts. The Digital Talking Book Program helps to level of playing field by providing access to information for blind people. If you were reading a book in print, on the American Revolution, and I was reading the same book by using audio we would both find that Lord Cornwallis surrendered at Yorktown. The information contained in books is the same regardless of whether it is in print or on audio. The NLS has done a remarkable job of providing a wide variety of materials for use by its patrons. I have come across blind people who are reading books on many topics from best practices of barbecuing, the latest science fiction bestsellers, information on famous air battles of World War II and books on parenting.

Because blind people are a cross section of society, our library needs to be able to provide a diverse collection of materials. Part of the digital transition has allowed the patrons of the NLS program in several pilot States to download books onto blank cartridges, which they would use in their digital Talking Book player. This allows blind patrons on-demand access to information making our Library even more effective. The rollout of the new digital Talking Book players continues as 20,000 new machines are produced each month.

And currently over 85,000 new machines are now being used by library patrons. On behalf of America's blind, I want to take this opportunity to thank you and this Committee for all of the work

you have done to make sure that this transition is adequately funded. We believe that knowledge is power. And your work on this project is protecting the right of blind Americans to access that power. I also want to take the opportunity to commend the Librarian of Congress, Dr. James Billington and the director of the NLS program, Frank Kurt Cylke, for their hard work and commitment to providing quality digital talking books to NLS patrons and for bringing this transition to fruition so that the viability of this program is assured throughout the 21st century. All that is needed for the transition to be completed on schedule in 2013 is for the fiscal year 2011 appropriation of 12.5 million to be included, as I said, in fiscal year 2011, 2012 and 2013. On behalf of blind Americans served by this critically important program, I urge this subcommittee to make sure that this happens so that there will be no disruption in service for any NLS patron. Thank you very much.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Hartle.
[Mr. Hartle's prepared statement follows:]

**Statement of the National Federation of the Blind
Before the Subcommittee on the Legislative Branch
Committee on Appropriations
United States House of Representatives
Washington, D.C.
February 24, 2010**

Madam Chair, my name is Jesse Hartle. I am the person at the National Federation of the Blind responsible for monitoring and tracking the National Library Service for the Blind and Physically Handicapped (NLS) of the Library of Congress Digital Talking Book Program. My address is 200 East Wells Street, Baltimore, Maryland 21230; my telephone is (410) 659-9314, extension 2233.

I am testifying here today on behalf of the National Federation of the Blind. I appreciate the opportunity to appear before this committee and to comment on the NLS Talking Book Program.

The National Federation of the Blind is the largest and most influential organization of blind people in the United States. Founded in 1940, the Federation has over 50,000 members representing a cross-section of the blind of America from all fifty states, the District of Columbia, and Puerto Rico. All of our leaders and the vast majority of our members are blind, and we are known as the voice of the nation's blind. We are consumers of the NLS program.

The National Library Service for the Blind and Physically Handicapped of the Library of Congress is the primary provider of reading material for over 800,000 Americans who are blind or have physical limitations that make it impossible for them to read print. For only the third time in its seventy-six-year history of exemplary service, the NLS is undergoing a transition in the technology it uses to provide Talking Books to people who cannot read print. These books were originally produced on long-playing records and then on cassette tapes. Both of these technologies are now obsolete. For this nation's Talking Book readers, the digital age has begun. The extremely successful pilot project allowing patrons to download selected Talking Books has shown great progress, gaining universal acceptance among patrons. New digital Talking Book machines and book cartridges continue to be manufactured, and many NLS patrons have received digital books and machines in the last year.

At this time, 100,376 of the new Talking Book machines have been distributed to Talking Book libraries throughout the country for delivery to patrons. Machines continue to be produced at a rate of 20,000 per month. Over 15,100 titles are currently in the digital download database, with new books being added as they are produced. There are 1,504 titles now available via cartridge for use with the new player. The NLS is also implementing a system to permit individuals to download materials directly from their state library. California, Florida, Massachusetts, and Missouri are already engaged in this program.

As a user of the Talking Book player, I cannot express strongly enough what a difference this technology makes in the lives of blind Americans. Access to the printed word has historically been one of the greatest challenges faced by the blind. With this service, hundreds of thousands of Americans have improved their ability to learn from and enjoy printed material and, therefore, have improved their opportunity for education, employment, and entertainment.

In short, Madame Chair, I am happy to report that the NLS digital transition is on track. On behalf of America's blind, I want to take this opportunity to thank you and this committee for all of the work you have done to make sure that this transition is adequately funded. Also, let me take this opportunity to commend the Librarian of Congress, Dr. James H. Billington, and the NLS Director, Frank Kurt Cylke, for their hard work and commitment to providing quality digital Talking Books to NLS patrons and for bringing this transition to fruition so that the viability of this program is assured throughout the twenty-first century. All that is needed for the transition to be completed on schedule in 2013 is for the 2011 appropriation of \$12.5 million to be included in each of the remaining three years of the transition. On behalf of the blind Americans served by this critically important program, I urge this committee to make sure that this happens so that there will be no disruptions in service for any NLS patron.

Thank you, Madame Chair, for allowing me to address this committee, and thank you for your continued support of the National Library Service and its Talking Book Program.

CONVERSION OF NON-NLS MATERIALS

Ms. WASSERMAN SCHULTZ. This entire Subcommittee appreciates your testimony and also appreciates the efforts of your organization. They would be hard pressed to find an organization with more passionate advocates than those of the National Federation of the Blind, and you always make sure that we understand the issues that are important to blind Americans. And I can assure you that over the next 2 fiscal years, as long as I chair the subcommittee, that we will be focused on making sure that we can complete our commitment to making sure that we can fully fund the transition for digital books for the blind.

I do have one question, though. And that is, it has come to my attention recently that not all reading material is—that there are materials that serve blind Americans that are not covered by the NLS. And I am wondering if the Federation has a plan for ensuring that those materials are accounted for in the conversion?

Mr. HARTLE. And the—

Ms. WASSERMAN SCHULTZ. For example, there are Jewish—there are Jewish documents that are not part of the NLS that I am concerned are not going to make the transition.

Mr. HARTLE. The National Federation of the Blind has also run into this problem as far as providing materials. We, like many other organizations, piggy-backed on the cassette technology that was used by NLS because the idea was that this technology has been used for the past 43 years for the Talking Books Program, cassette technology. So the belief was that if you want to get information to blind people, most blind people have cassette players and so you kind of use the same technology. And now that that has come to an end, we have had to adapt our delivery system to—we have moved to kind of a downloadable format from the Internet. You can also—some of the things we have also done are e-mailed audio files. For Braille materials that are in hardback, or even—as technology has advanced, it is possible, and I don't know the technical parameters of how they do this, but the NLS does have a format in which you can get a Braille file in an electronic format which is called a BRF file. And a user could download that to a note taker and it would be up here on a refreshable Braille display so they could still have the material in Braille, but that PDA type device would also be able to read it in an electronic synthesized voice.

So this is another way that we are working to ensure that materials are still being provided and that nothing is left behind. And the National Federation of the Blind would be happy to work with any organization to work out ways of providing that information.

Ms. WASSERMAN SCHULTZ. I would like to help encourage that and make sure that while we are trying to—because the whole goal is to get all of these materials converted. And if we leave some folks behind, then obviously they are not going to have access to those materials and may never. This is our one shot. So I just want to make sure that we get those, that everything is coordinated. Mr. Aderholt.

DIGITAL TALKING BOOK

Mr. ADERHOLT. In doing this transition, is the latest version what is called the Talking Book?

Mr. HARTLE. The book would be on a cartridge which then goes into the player. So we are replacing the old format which was the book on a cassette tape and now it is on a cartridge. There are two things that can happen. One, you would contact your local library for the blind, physically handicapped and request the book and it would still be sent to you through the mail as was done in the old Talking Book program. But you could also receive a blank cartridge which then you could download the book through your computer onto that cartridge. You would have that book on that blank cartridge. Then when you finished that book and wanted another book, you could go download it to that cartridge and the new book would take the place of the old.

Mr. ADERHOLT. It would be erased?

Mr. HARTLE. Yes.

USE OF AUDIO BOOKS

Mr. ADERHOLT. Of course, I know now it is very common for people who actually have 20/20 vision to use audio books. Has there been a discussion of a way to try to provide audio books for the blind that could serve both purposes?

Mr. HARTLE. Some commercial audio books are part of the Talking Book program, not—certainly not all. And I am not sure how those decisions are made of which comes into the program and which is not.

Mr. ADERHOLT. I just wondered—because like I said, it is very popular now to do audio books for people who can see 20/20. So I just wondered if there was a way that would even be a way to produce even more. Like I said, I don't know how that works either, but that may be something to look into as far as actually checking with the Library of Congress when they come to testify before us. Thank you for your testimony today.

Mr. HARTLE. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Hartle. Thank you. You did a great job. Next, Mr. Saul Schniderman, President of the Library of Congress Professional Guild. You can proceed with a summary of your statement and your full statement will be entered into the record. Welcome.

WEDNESDAY, FEBRUARY 24, 2010.

LIBRARY OF CONGRESS PROFESSIONAL GUILD**WITNESS**

SAUL SCHNIDERMAN, PRESIDENT, LIBRARY OF CONGRESS PROFESSIONAL GUILD

OPENING REMARKS—MR. SCHNIDERMAN

Mr. SCHNIDERMAN. Thank you, Chairwoman Wasserman Schultz and Ranking Member Aderholt and Members of the Subcommittee, my name is Saul Schniderman, and I am President of the Library

of Congress Professional Guild, AFSCME Local 2910. And I am testifying this morning on behalf of over 1,500 professionals at the Library of Congress, excluding CRS who thank you for your support of the Library and of their work to help make the Library of Congress a great institution. I am here this morning with our chief steward, Nan Ernst, who is an archivist at the Library, and our chief negotiator, Ken Dunlap, who is an attorney advisor in the Copyright Office.

Last May when I testified before you, I reported that the EEO and the dispute resolution program at the Library was in administrative turmoil. Today I am pleased to report that the OIC, the Office of Opportunity and Inclusiveness and Compliance is being restructured. And to date, we are pleased with the results. Last summer a new director of OIC was appointed and we can attest that she is committed to fairness, diversity and resolution of disputes and EEO complaints. She has hired competent contract mediators, she has met with the Deaf and Hard of Hearing Staff and has initiated a series of educational brown bag teaching sessions.

I want to make it clear that the OIC is in a rebuilding phase right now and its programs—the success of its programs is dependent upon the level of institutional support needed to address discrimination in the workplace. We think it is important that the OIC succeeds and we ask that this subcommittee also take a look at it and urge it in the right direction. And here is why.

EEO at the Library of Congress is different from almost anywhere else in the Federal Government. It is peculiar because at the Library, employees are not subject to the jurisdiction of the EEOC, the Equal Employment Opportunity Commission. For most Federal agencies, the EEOC is responsible for enforcing the EEO laws. This makes sense as it would be foolish for an agency to enforce EEO laws against itself, but this is exactly the case at the Library of Congress where the Librarian is both the employer respondent and the administrative official charged with making the final decision on an EEO complaint against the Library. In short, its roles are in conflict. For the very same reason, the Library's EEO process is neither impartial nor fair because the Librarian rarely, if ever, rules in the employee's favor.

Regarding EEO, we at the Library always try to contrast ourselves with our colleagues in the legislative branch who come under the Congressional Accountability Act and have the right to counseling and mediation and procedures that are administered by the Office of Compliance, which is independent of those leg branch agencies.

We would like to see the law changed and we would like to have those same rights of independent review that our colleagues in the legislative branch have. Madam Chairwoman and Mr. Aderholt, we only recently were able to review the budget, Dr. Billington's fiscal year 2011 budget, and we have not yet been provided with a briefing on that. But we are generally supportive of his request, except for one in particular and that is the establishment of a more centralized workforce performance management program in human resources, particularly the 2 FTEs which the library's human resources office has requested to manage staff performance. And the reason why we don't support this, we believe that maintaining high

performance for professionals at the Library of Congress begins and ends on the shop floor where the work is done, not on the sixth floor of the Madison Building.

Ms. Young asked me what do I mean by the sixth floor. Here we refer to that as being the sixth floor. That is where all the top management has their offices in the Madison building. On that shop floor where we work, if the supervision is good, performance tends to be excellent. If it is poor, performance tends to be spotty. And now my colleague and fellow President, Dennis Roth, made mention of these 2 FTEs in his testimony, so I wanted to be clear. If these FTEs are designed for career development or staff development or supervisory training, that is terrific and we can support it. But if it is only to lead to a greater bureaucracy centralized on the sixth floor with somebody pushing paper from here to there, we are not supportive of it.

I want to very quickly comment on the crisis in the Copyright Office. To management's credit, a more realistic view has been emerging regarding the shortcoming of the electronic system which was implemented in August of 2007. Currently, the Copyright Office has approximately 500,000 claims waiting for processing and this is down from approximately 545,000 a couple of months ago. These reductions stem from the temporary reassignment of supernumerary staff rather than a clear improvement in the system.

In December of 2009, 20 staffers were detailed to the registration program of the Copyright Office. And in January, 50 additional employees were detailed for a 2-month period. These additional workers have increased registrations a few thousand per week. And for the first time since implementation of the new system, the backlog is declining, but it remains to be seen whether this progress can continue once the 70 workers return to their normal duties.

And finally, I would like to just end my testimony with two other matters which we believe merit support from the Subcommittee. If you remember, the guild has testified in the past—we were in favor of the recently completed merger of the LOC and the Capitol Police to better coordinate campus-wide security. But staffing shortages are causing delays for Library employees coming to work, especially at the C Street entrance to the Madison Building where long lines on the sidewalk are all too common.

So more police are needed to provide access to Library buildings. And also, as I am sure you are aware, the Library has run out of space for its collections on Capitol Hill. We support funding for Collection Storage Module 5 at Fort Meade, because there is, frankly, no place for hundreds of thousands of books that are on the floor today and we feel that number will grow. This ends my testimony. I do hope to be able to submit something in write later on. I thank you for this opportunity.

[Mr. Schniderman's prepared statement follows:]

**Oral Testimony of
Saul Schniderman, President
Library of Congress Professional Guild
AFSCME Local 2910
Before the Committee on Appropriations
Subcommittee on Legislative Branch Appropriations
U.S. House of Representatives
February 24, 2010**

Chairwoman Wasserman Schultz, Ranking Member Aderholt and Members of the Subcommittee:

My name is Saul Schniderman and I am president of the Library of Congress Professional Guild, AFSCME Local 2910 and I am testifying on behalf of the over 1500 professionals at the Library - excluding employees of CRS - who thank you for your support of their work to make the Library of Congress a truly great institution.

I shall try to be brief this morning.

Last May when I testified before you I reported that the **EEO and Dispute Resolution** program at the Library was in administrative turmoil. Today, I am pleased to report that the OIC - Office of Opportunity, Inclusiveness and Compliance - is being restructured and, to date, we are pleased with the results.

Last summer a new director of OIC was appointed and, even though she has been here less than a year, we can attest that she is committed to fairness, diversity and resolution of disputes and EEO complaints. She has hired competent contract mediators, met with the deaf and hard of hearing staff to discuss their request for a staff interpreter, and initiated a series of educational brown bag teach-in sessions. OIC is rebuilding its programs but success is also dependent upon the level of institutional support for mediation, effective accommodation of disabilities, and the means to address discrimination in the workplace. We cannot say for certain that support is assured.

In regards to EEO (42 USC §2000e-16) the Library of Congress is peculiar because it is not subject to the jurisdiction of the Equal Employment Opportunity Commission (EEOC). For most federal agencies the EEOC is responsible for enforcing EEO laws. This makes sense as it would be foolish to expect an agency to enforce EEO laws against itself. But this is exactly the case at the Library of Congress where the Librarian is both the employer/respondent and the administrative official charged with making the final decision on an EEO complaint against the Library. In short, his roles are in conflict. For the same reason, the Library's EEO process is neither impartial nor fair because the Librarian rarely, if ever, rules in the employee's favor.

Compare the situation of Library employees to other legislative branch employees. For example, legislative branch employees who are covered by the Congressional Accountability Act have the right to counseling, mediation, and adjudicatory procedures administered by the independent Office of Compliance, and may appeal to the Board of Directors of the Office of Compliance, a tribunal independent of their employing agencies. The Guild supports statutory changes in the EEO law which would establish independent review processes similar to other government agencies.

While the unions have not yet been briefed on the Librarian's proposed FY 2011 budget, we have been provided with an advance copy for our review. While we are generally supportive of Dr. Billington's request, one item we cannot support is the request for the establishment of a more **centralized workforce performance management program** in Human Resources, particularly the 2 FTEs requested to "manage" staff performance.

The Guild believes that maintaining high performance begins and ends on the shop floor where the work is done. The best assurance of high performance is timely supervision and feedback on assignments given and completed. In areas of the Library where supervision is good, performance tends to be excellent. The converse is also true. Where supervision is poor, performance tends to be spotty.

Regarding improvements in work performance, we support Dr. Billington's funding request for supervisory and staff development, but we are skeptical about the request for more positions on the sixth floor of the Madison Building which move paper from here to there. Respectfully, we request that the Subcommittee question the Library on what it means by words such as "guide staff to high-performance that aligns their daily work with the accomplishment of the strategic goals of the Library." (Workforce Performance Management at www.loc.gov/staff)

The Library's current regulations and the provisions of the Collective Bargaining Agreement provide for a continuous process of observation and evaluation of employee performance, a process that encourages communication between supervisors and employees. The last thing the Library needs is a greater bureaucracy centralized on its sixth floor.

This past year has been a difficult one for the **Copyright Office**. To management's credit, a more realistic view has begun emerging regarding the shortcoming of the electronic system which was implemented in August, 2007. Currently, the Office has approximately 500,000 claims waiting for processing. This is down from approximately 545,000 a couple of months ago. The reductions stem from the temporary reassignment of supernumerary staff, rather than a clear improvement of the system. In December, 2009, approximately 20 staffers were detailed to the Registration Program and in January 50 additional employees were detailed from Library Services for a two month period. These additional workers have increased registrations a few thousands per week, and for the first time since implementation of the new system, the backlog is declining. It remains to be seen whether this progress can continue once the 70 workers return to their normal duties.

Recently, management initiated a project to digitize pre-1978 catalog records, and place the records on the internet. Many works registered and cataloged before 1978 are still under copyright protection, and making these records widely accessible would perform a great public service. We request the Subcommittee to support this initiative.

I would like to touch upon two other matters which merit support from the Subcommittee. The Guild was in favor of the recently completed merger of the LOC and Capitol Police to better coordinate campus-wide security. But staffing shortages and new procedures are causing delays for employees coming to work, especially at the C Street entrance to the Madison Building where lines down the sidewalk are all too common. **More police** are needed to provide adequate access to Library Buildings.

The Library is also out of space for collections on Capitol Hill. The Fort Meade facility provides appropriate and necessary off-site storage for the book collection and special format materials such as manuscripts and maps. Collections grow day by day, and without support for **Collection Storage Module 5** there will be no place for hundreds of thousands of books that are on the floor, a number that will grow.

This ends my oral testimony. I do request the ability to submit, at a later date, more detailed written testimony. Thank you.

Library of Congress Professional Guild
AFSCME Local 2910
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COPYRIGHT REGISTRATION BACKLOG

Ms. WASSERMAN SCHULTZ. Thank you very much. Mr. Schniderman. The progress that has been made in the Copyright Office, I am pretty happy about it as well. We, as you know, pushed for there to be a very specific commitment on the part of the Library to address the backlog. I get a weekly report now on their progress, making sure that we hold their feet to the fire so that we can get that backlog cleared out is important, and I think it is part of the reason that they have now shifted those 50 employees, is to get that job done. I did not hear in your testimony, which you did complain about last year, about the electronic processing process. Are you still uncomfortable with that process? Or have those concerns subsided?

Mr. SCHNIDERMAN. No, we are still uncomfortable with it.

Ms. WASSERMAN SCHULTZ. But it is what it is.

Mr. SCHNIDERMAN. It is what it is. We are going to have this problem in the Copyright Office for the next few years. The electronic system which they purchased again was designed to help the workers do a more efficient job and there have been some small improvements, but when you have a backlog this size it is going to be a long time before it is worked out.

Ms. WASSERMAN SCHULTZ. What is the Guild's estimate as to how long realistically it would take to clear the backlog?

Mr. SCHNIDERMAN. We are not experts in that, but it is going to be years. But we do know to put a human face on this, these are American citizens who are registering their works with the Copyright Office and sometimes have to wait up to 2 years in order to get a certificate. Our support for the Copyright Office is to support the copyright industries and small authors. So you can imagine the frustration that is out there in the land. I think we are going to be living with this crisis for quite a while, Ms. Wasserman Schultz.

EEO ISSUES

Ms. WASSERMAN SCHULTZ. This is on the EEO issues. Do you have the same concerns that your colleagues at CRS have about the small number of employees in the office and their inability to address the EEO problems with that small of a shop?

Mr. SCHNIDERMAN. That office was basically abolished last year and it is now in a state of reconstruction. So in that process, there are bound to be different experiences. And I want to say that we actually have had to file grievances in order to make sure that mediation services were provided. We are pleased with the director and I understand they have recently hired a GS-15 on staff. But we have not yet met her. So we have the same concerns. The story isn't over yet.

Ms. WASSERMAN SCHULTZ. But you are willing to give it a little more time?

Mr. SCHNIDERMAN. Yeah, in the sense it is going through a reconstruction phase. And I hope you will look into this and prod them in the right direction.

Ms. WASSERMAN SCHULTZ. Thank you. Mr. Aderholt.

LIBRARY ENTRANCES

Mr. ADERHOLT. The interesting thing that you mentioned as far as the long lines out on the sidewalk in your testimony—has there been such discussions about in the mornings to—well first, is it basically in the mornings where this is the problem?

Mr. SCHNIDERMAN. Yes.

Mr. ADERHOLT. Have there been discussions about opening up alternative doors?

Mr. SCHNIDERMAN. Yes. On our part. Yes, there have been.

Mr. ADERHOLT. What has been the—

Mr. SCHNIDERMAN. In fact, we met with an official from the police, Inspector Morse, 2 weeks ago about this. As you know for the Madison Building, there are only 2 entrances. There is the C Street entrance and the Independence Avenue entrance. And we have spoken over the last couple of years and convinced the Library to open up a door on the First Street side of the Madison building for staff only, only in the morning and at lunchtime on the Second Street door, which some people call the Pete door, because it is right across from Pete's, if you know that little shop there. Again, for staff. Because what happens is—this is an access issue for us. You have the staff and the public trying to get into the building at the same time, especially off the subway.

So we have been trying—and he has responded. But it is iffy. Sometimes it is open and sometimes it is not. But that is the key to the solution is to open up the two side doors just for staff.

Mr. ADERHOLT. For staff only. So what is the current feedback did you get when you—

Mr. SCHNIDERMAN. Here is the feedback. They put a sign—if it is closed, specifically for people to come down out of Capitol South so they can look up the Hill and see whether it is open. Today it was open. Yesterday it was open. But tomorrow it might be closed. What has happened is it depends on the supply of officers because now that we have merged—now that the police have merged with the Capitol Police, those staffing problems have gotten larger. So he is aware of our concerns and it has to do with exactly the matter you brought up, the side door.

Mr. ADERHOLT. Okay. Thank you. Thank you for your testimony.

Ms. WASSERMAN SCHULTZ. Thank you very much. And again, please, also send our thanks to your fellow employees for all the work they do.

Mr. SCHNIDERMAN. I will certainly do that.

Ms. WASSERMAN SCHULTZ. Last but not least, Mr. Jim Konczos, chairman of the Fraternal Order of the Police Labor Committee. Welcome to the Committee and you can proceed with a 5-minute summary of your statement and your full statement will be entered into the record.

WEDNESDAY, FEBRUARY 24, 2010.

UNITED STATES CAPITOL POLICE LABOR COMMITTEE**WITNESS****JAMES KONCZOS, FRATERNAL ORDER OF POLICE LABOR COMMITTEE**

OPENING STATEMENT—MR. KONCZOS

Mr. KONCZOS. Good afternoon. I want to thank the distinguished members of this Committee for allowing me this opportunity. My name is James Konczos and I represent the United States Capitol Police Labor Committee and I serve as the chairman. Our union represents the men and women of the Capitol Police. These are the officers you see on a daily basis who provide a safe environment in which the legislative branch can function without interruption. On behalf of these officers, I am here to discuss our current retirement system. As most Federal employees, we are covered under the Federal Employees Retirement System known as FERS.

FERS is a three-tiered system based on a government pension, Thrift Savings Plan, and Social Security. This system would allow an officer to retire after 25 years of covered service at any age. This officer would be eligible for 39 percent pension based on the average of his 3 highest years of his basic pay. This system also subjects an officer to mandatory retirement at age 57, as long as they have completed their 20 years of covered service. If an officer can only complete 20 years of service due to age, they would receive approximately 34 percent of their salary as pension. Again, based on the formula, the 3 highest years of basic pay.

You start to see the effects of this system regarding pension. Officers who are now eligible to retire choose not to because the pension percentage is so low. And it has come to the union's attention that at least one officer forced to retire at age 57, because of his low pension percentages, has submitted for unemployment benefits and has been approved. The Thrift Savings Plan, while a good idea, also has its drawbacks. Many of our new officers begin their career with outstanding student loans which prevents them from contributing the maximum amount into the system. Other officers are coming to terms with their first mortgage and school-aged children. They face the same dilemma.

At what time can you contribute the maximum to Thrift Savings? For most the answer is never. While Social Security under FERS is designed to bridge the gap from the time you separate from the agency, you receive your full Social Security benefits at age 62. Because of the low pension percentages and the Thrift Savings uncertainty, it is not meeting its intended goals. While we are aware that the pensions were designed to be less than individual's annual compensation when they retire, we have officers retiring at age 57 needing full-time employment at an age when most employers want a younger workforce. I know my time is limited here today, so if possible, I would like for my executive board and myself to meet at a future date and discuss some options.

[Mr. Konczos' prepared statement follows:]

Good morning. I want to thank the distinguished Members of this Committee for allowing me this opportunity.

My name is James Konczos. I serve as Chairman of the United States Capitol Police Labor Committee. Our Union represents the men and woman of the Capitol Police. These are the officers you see on a daily basis who provide a safe environment in which the Legislative Branch can function without interruption. On behalf of these officers I am here to discuss our current retirement system.

As with most federal employees we are covered under the Federal Employees Retirement System know as FERS. FERS is a three (3) tiered system based on:

- Government pension
- Thrift Savings Plan
- Social Security

This system would allow an officer to retire after twenty-five (25) years of covered service at any age. This officer would be eligible for a 39% pension based on an average of their three (3) highest earning years of basic pay. This system also subjects an officer into mandatory retirement at age fifty-seven (57) as long as they have completed twenty (20) years of covered service. If an officer could only complete twenty (20) years of service due to age they would receive approximately a 34% pension again with a formula based on an average of their three (3) highest earning years of basic pay.

We have started to see the effects of this system regarding the pension. Officers who are now eligible to retire choose not to because the pension percentages are to low. It has come to the Unions attention of at least one (1) officer forced to retire at age fifty-seven (57) who because of his low pension percentages submitted for unemployment benefits and was approved.

The Thrift Savings Plan while a good idea also has its drawbacks. Many of our new officers begin their career with outstanding student loans which prevents them from contributing the maximum amount into this system. Other officers are coming to terms with their 1st mortgage and school age children, they face the same dilemma. At what time can you contribute the maximum amount into Thrift Savings? For most the answer is never.

While Social Security under FERS is designed to bridge the gap from the time you separate from the agency until you receive your full Social security benefits at age sixty-two (62) but because of the low pension percentages and thrift savings uncertainty its not meeting its intended goals.

While we are aware that pensions are designed to be less then an individuals annual compensation when they retire. We have officer retiring at age fifty-seven (57) needing to find full time employment at an age when employers want a younger work force.

I know my time is limited here today so if possible I would like for my Executive Board and I to meet with each of you in the near future in an effort to better this system for the Capitol Police.

At this time I would be happy to answer any questions you may have.

RETIREMENT SYSTEM

Ms. WASSERMAN SCHULTZ. Absolutely. We would be glad to do that. And we thank you for your testimony. The concerns you expressed over the retirement system, I mean, it is designed so that police officers who obviously face a particularly gruelling job and particularly gruelling job conditions have an opportunity to retire when physically they may be deteriorating, differently than someone who isn't working in law enforcement. Is there a model in the Federal Government that—a model retirement system that you think is more appropriate?

Mr. KONCZOS. Basically, two of the options we have looked at is either have the officers contribute more on our end and maybe have the department add a little bit more. We have——

Ms. WASSERMAN SCHULTZ. More contribution from the officers and more——

Mr. KONCZOS. Yes. We have also had a meeting with Terry Gainer this morning and we discussed maybe the possibility of compressing our pay scale. At its current rate right now, at year 21 and 26 we get a substantial increase. But if this pay scale can be compressed, say just off of the top to, say, 15 to 20, this would give officers more time to invest in the Thrift Savings Plan and other options they may have. And there are other current retirement systems called the LEAP, which is Law Enforcement Availability Pay. And with that, 25 percent of our basic salary is added in their retirement. It reduces overtime and that 25 percent is actually included in the retirement.

Ms. WASSERMAN SCHULTZ. Thank you. Chief Morse is going to testify in front of the Subcommittee in the next 2 weeks. Are there any issues that you think from a workforce perspective are important for us to raise with him?

Mr. KONCZOS. We have had a few wishes which we believe that the department might not be using the resources to the best advantage.

Ms. WASSERMAN SCHULTZ. And those are issues that you prefer to raise——

Mr. KONCZOS. I would rather raise them privately because they deal with security issues.

LIBRARY OF CONGRESS POLICE MERGES

Ms. WASSERMAN SCHULTZ. No problem. We can do that. And just lastly, how does your union and your fellow officers assess the transition of the Library of Congress officers and——

Mr. KONCZOS. For the most part, I have gotten positive feedback.

Ms. WASSERMAN SCHULTZ. From the Capitol Police officers?

Mr. KONCZOS. Yes.

Ms. WASSERMAN SCHULTZ. And the former LOC officers as well?

Mr. KONCZOS. Yes, except for the ones that were forced out due to age limitation restrictions.

Ms. WASSERMAN SCHULTZ. Right, right. Obviously they wouldn't be very happy.

Mr. KONCZOS. No. And one of the things too, the gentleman that testified before me raised the issue of manpower, and we have been

addressing that over at the Library of Congress and we have hit a stalemate with that too.

Ms. WASSERMAN SCHULTZ. Okay. Well, I look forward to spending some time with you on those issues. Maybe we can even do that with Mr. Aderholt together so we can try to—Mr. Aderholt?

RETIREMENT BENEFITS

Mr. ADERHOLT. You mention in your testimony about the Thrift Savings Plan and some drawbacks on that and you mentioned in your testimony about the fact that a lot of people, or a lot of the officers coming in have student loans. What is it about the Thrift Savings Plan that you would like to see changed? I need to clearly understand what the problem is.

Mr. KONCZOS. I believe the problem is if I was hired under the civil service plan, I would be putting—I believe it is 7½ percent of my retirement. New employees under FERS only put in 1.7. So I don't believe that there is enough funds being contributed by the employers and the employees.

Mr. ADERHOLT. Under the current—

Mr. KONCZOS. Under the current system.

Mr. ADERHOLT. Does this apply just to you all or does this pretty much—

Mr. KONCZOS. I believe it is most Federal agencies. Like I said, we did invite the officer to come here today just to stand witness to this, but we have one of the officers who apparently has applied for employment benefits and they won't accept it because he was forced out at age 57 and had a drop in his salary.

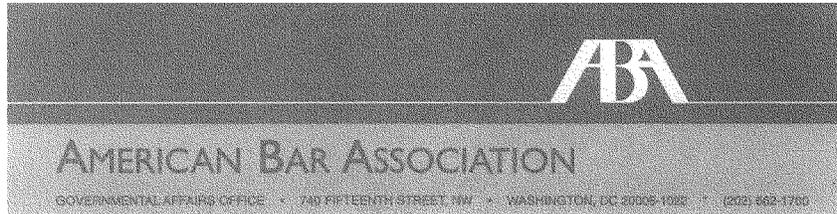
Mr. ADERHOLT. That is all I have.

Ms. WASSERMAN SCHULTZ. Well, thank you very much. And thank your fellow officers for your service to the Congress and to the American people. Thank you very much.

Mr. KONCZOS. Thanks for your time.

Ms. WASSERMAN SCHULTZ. With that, we don't have any additional witnesses to testify. And the Subcommittee stands adjourned.

[CLERK'S NOTE.—The following statement was submitted for the record by the American Bar Association:]



Statement of

M. ELIZABETH MEDAGLIA

on behalf of the

AMERICAN BAR ASSOCIATION

submitted to the

SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

COMMITTEE ON APPROPRIATIONS

of the

UNITED STATES HOUSE OF REPRESENTATIVES

on the subject of

THE LAW LIBRARY OF CONGRESS

March 3, 2010

Madam Chairwoman, Ranking Member Aderholt, Members of the Subcommittee:

On behalf of the American Bar Association, I am privileged to submit this statement for the hearing record of February 25, 2010, concerning the Library and Law Library of Congress. I am M. Elizabeth Medaglia, Chair of the American Bar Association Standing Committee on the Law Library of Congress, and I am an attorney with more than 30 years of experience in the private and public sectors including the White House, U.S. Agency for International Development and the Department of Labor. For the purposes of this statement, I have been designated by ABA President Carolyn B. Lamm to express these views on behalf of the Association and I respectfully request that this statement be included in the hearing record.

Preliminarily, the ABA urges full and adequate funding for the Library of Congress sufficient that the Librarian of Congress need not engage in unenviable budget rationing among its many responsibilities. As we appreciate that the Law Library remains part of the Library's overall budget, the most direct way to ensure the successful funding of the Law Library is to ensure full and adequate funding for the Library of Congress.

We do want to make particular note of our appreciation of the Librarian's real and ongoing commitment beyond core funding for the Law Library to dedicate end-of-year surplus funds towards Law Library projects such as those mentioned below. As you will see, however, this vital support is unfortunately insufficient to address the scope of the need.

Similarly, we recognize that this Subcommittee must engage in difficult funding decisions, itself, given limited federal dollars with which to work. However, unlike other programs within the Library, the Law Library was established by an independent act of Congress, representing in our view a countervailing responsibility to appropriators. We urge your consideration of this when considering the funding request for the Library of Congress versus other programs under your jurisdiction.

In this light, the ABA urges your support for the following two projects for which the chronic lack of adequate funding continues to erode the quality of the Law Library's vast collection. If not adequately funded now, there will be an increasingly more expensive problem to fix in the future.

First, the ABA urges your support for eliminating the backlog of nearly 600,000 volumes that remain unclassified and out of reach to all but expert staff. With over 2.65 million volumes, the Law Library of Congress is the pre-eminent collection of law in the world. To manage such a vast and exacting collection, the Law Library had helped develop the model K classification – a system in use in law libraries worldwide as the standard for the efficient organization of legal knowledge. However, this system has yet to be fully implemented in the Law Library of Congress, itself. Given the size and complexity of the collection, this represents an issue of substance, not merely form. Until the volumes are properly classified, they can only be accessed effectively by specialized staff. As these staff may leave or retire, these volumes become increasingly out of reach.

Despite ongoing work and a substantial reduction in the backlog over the past several years,

some 590,000 volumes remain unclassified under the K system. In FY 2009, \$250,000 was dedicated to this project by the Librarian of Congress from funds remaining at year's end. This support will help the work continue through September 30, 2010. However, even if this support were made available annually and the rate of progress remains steady, it is estimated to take *twenty years* to complete.

Accordingly, the ABA and the Library of Congress have been discussing other strategies to address the backlog, including the prospects of raising private funds. Another proposal, which we support, is included as part of the William Orton Library Modernization and Improvement Act, H.R. 2728. If enacted, the bill would authorize a special appropriation of \$3.5 million to provide the staffing necessary to complete the classification project in just 10 years. This legislation was approved by the House July 30, 2009 and awaits action in the Senate. We look forward to the possibility of testifying next year in support of this appropriation.

Second, the ABA urges your support for converting the deteriorating backlog of 5.3 million pages of official legal gazettes to more durable microfilm. When governments make formal announcements and declarations of law, they publish them in a legal gazette. Recognizing that these publications have a legal significance that will last for decades but are printed on a medium that only lasts a limited number of years, the Law Library of Congress in 1970 adopted microfilming as the preferred method of their preservation and archival. After a 24-year partnership with the New York Public Library to microfilm international legal gazettes, New York withdrew public funding for this project in 1994 in light of the then-troubled state economy. Consequently, a backlog of gazettes grew. Despite the conversion of some 6 million pages for microfilming by the Law Library over the past three years, and another 2 million new pages converted thanks to Library Services' assistance, some 5.3 million pages of legal gazette backlog remains. The state of many of these publications is cause for serious concern as they can literally crumble in the hand. The Law Library estimates that just over \$2.2 million will be required to eliminate this backlog within three years. Again, the Library of Congress recognized the importance of this project and committed \$210,000 of end-of-year surplus funds, which should help reduce the backlog by as many as some 400,000 pages. Clearly, this is an unacceptable pace to resolve this issue before the loss of these important publications. Given the state of the gazettes, this project only becomes more serious and expensive in time. It is necessary that Congress appropriate sufficient funding to the Library of Congress to allow it to commit the necessary resources to this project while still respecting other needs.

The ABA Standing Committee has been a proud supporter of the Law Library during our formal relationship of the past 78 years. That support has not been limited to the use of the Law Library by lawyers, but rather the education that the Law Library provides all as to the rules and laws which govern American life. Of course, as the Law Library collection has grown to the benefit of the Congress it serves, it has become an unparalleled collection of legal treatises and publications, worldwide. The magnitude of these priceless collections in both size and significance to our nation and to the world cannot be overstated. Their scope renders the challenges posed in their daily growth and administration unique. These are our national treasures and the funding required to keep them running at full capacity is a wise investment of

taxpayer dollars.

We remain committed to service the needs of the Law Library of Congress, in seeking assistance for the challenges it faces, as well as in exploring solutions. Again, we urge your support for full and adequate funding for the Library and of the Law Library of Congress.

WEDNESDAY, MARCH 10, 2010.

U.S. HOUSE OF REPRESENTATIVES

WITNESSES

HON. LORRAINE C. MILLER, CLERK OF THE HOUSE

HON. DANIEL P. BEARD, CHIEF ADMINISTRATIVE OFFICER

HON. WILSON S. LIVINGOOD, SERGEANT AT ARMS

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Okay, good morning. I would like to call the meeting of the Legislative Branch Subcommittee of the House Committee on Appropriations, which is a really long name.

This is our hearing on the House of Representatives, and each of the officers will read an opening statement. And this is our opportunity to review each of your proposed budgets for this year for the House of Representatives.

I appreciate the effort, given the tight economic situation that we are facing and the difficult fiscal year, that, at least in most cases, there was an effort to rein in the budgets and even not ask for as much as there was last year. So that is really incredibly helpful.

We will have a number of questions for you after your statements. We are, you know, yet again facing a tight year, and we always face a tight year, particularly in the Legislative Branch because this is a gotta-have type budget as opposed to a nice-to-have. And, you know, I have consistently been focused on trying to make sure that we deal with the life safety and security issues; that we make sure, in the case of your budgets, that we take care of our staff, who are our most important assets.

So we look forward to hearing from you this morning, and your full statements will be entered into the record. And after Mr. Aderholt, you can proceed with a 5-minute summary.

Mr. Aderholt.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Thank you. Thank you, Madam Chair. Once again, it is an honor and a pleasure to be with you here this morning for this hearing. I look forward to continue working in a bipartisan manner with this subcommittee, with you and the other members, to make sure we get the work of the House done.

We certainly have our work cut out this year for us. As we go through this hearing process and begin to mark up the House bill, we will have challenges. And that will be, of course, very difficult as we try to fit all of the needs that are demanded by the House of Representatives and by the budget. But we will work through that.

That being said, I would like to join you in welcoming the officers of the House this morning. I look forward to hearing the progress that has been made over the past year since our hearing a year ago about their plans for the up and coming fiscal year.

So, again, thanks for calling this hearing this morning, and we look forward to hearing our guests.

Ms. WASSERMAN SCHULTZ. Thank you.

And just to give a couple brief highlights: The Office of the Clerk is requesting \$29.2 million, which is 2.26 percent below fiscal year 2010. The Chief Administrative Officer is requesting \$133 million, which is 1.9 percent above fiscal year 2010. And the Sergeant at Arms is requesting \$19.6 million, which is a \$10 million increase above fiscal year 2010, but that is reflective of the fact that the Office of Emergency Planning, Preparedness, and Operations is finally being moved over to the Office of the Sergeant at Arms, where it is more appropriately housed. And so \$4.5 million of Mr. Livingood's budget request is due to the absorption of that office.

So, Ms. Miller, welcome. You can proceed with a 5-minute summary of your statement.

OPENING STATEMENT—LORRAINE MILLER

Ms. MILLER. Madam Chair, Ranking Member Aderholt, and Subcommittee Member Mr. Honda, it is always a pleasure to come before you to give you an overview of our cumulative legislative work of the House and to give the subcommittee our justification for the fiscal year 2011 budget request.

We have some ongoing and upcoming projects that I want to report on. For the 111th Congress, as of March 5th, legislatively we held 2,190 hearings. We had 991 roll call votes. In the second session of the 111th, we had 255 hearings so far, with 91 roll call votes. We have in the 111th bills and resolutions that were introduced, 6,254; bills that were passed in the 111th, 1,085. And public laws, we have 145 bills that were enacted into law; 103 of those bills were initiated by the House. So the Office of the Clerk supports your legislative activities.

As to the fiscal year 2011 budget request, our budget reflects the growing demand of the services provided by the Office of the Clerk. For fiscal year 2011, the Office of the Clerk is requesting a total of \$29,299,000, a 6.6 percent increase over our fiscal year 2010 operational budget.

On the personnel side, we are requesting \$23,284,000, which is a 5.4 percent increase over our fiscal year 2010 budget request. This includes a request for two new FTEs, which will be software development specialists that will help bring our FTE total to 263.

On the non-personnel side, our request is \$6,015,000, a 2.5 increase over last year. This will support some of our ongoing projects, which will include the electronic voting system, lobbying disclosure, record storage, and the House Library.

As to our electronic voting system, I would like to thank the subcommittee for your generous support of our electronic voting system, EVS, upgrade project. As you will remember, in August of 2009 our summary board displays were replaced with a denser, higher-resolution LED technology. We are moving forward with the replacement of the main display using the same vendor that in-

stalled the new summary boards. We anticipate the installation to take place later this year, contingent upon the House schedule. And we will continue to work with the subcommittee and the staff on the logistics and details of the installation.

As to lobbying disclosure and electronic records, as a result of the Honest Leadership and Open Government Act, the Office of the Clerk implemented a new disclosure system. There are approximately 5,000 lobbying registrant entities representing some 20,000 clients currently registered with the Office of the Clerk. Furthermore, there are about 15,000 individual lobbyists now registered in the Office of the Clerk's new lobbying contribution system.

The new law requires that each lobbying registrant, as well as each individual lobbyist, file a quarterly report with the Office of the Clerk disclosing certain contributions. In the second half of 2009, we received over 50,000 electronically filed forms submitted to our contribution and reporting system. As a result, our office has added, with the subcommittee's support, additional servers and one additional FTE to manage these additional responsibilities.

Secondly, we are consulting with the Committee on Standards and hope to implement full electronic reporting of financial disclosure and gift travel reporting during the 112th Congress.

Records of the House: In 2009, the archival staff processed 3,150,400 official House records. In addition, the first large-scale transfer of electronic records was completed in 2009, and we had a committee that transferred all of those records of the 110th Congress, some 19.7 gigabytes, electronically.

The Office of the Clerk is working with the AOC to find a suitable space for a full and functioning library reading room. When the space is acquired, it will need to be retrofitted in order to function as a state-of-the-art digital library.

Our new projects: The Clerk's Office has three new projects in fiscal year 2011 we would like to bring to the subcommittee's attention: HouseLive; Document Room shelving; and our Legislative Computer Systems server farm improvements.

HouseLive is a new service the Office of the Clerk will be offering to the House community and general public. This new Web streaming video service will offer an online realtime video of the sessions of the House of Representatives. We started purchasing the equipment and software in fiscal year 2009, and the live service will begin as a beta project.

Document Room shelving: During fiscal year 2011, the first of a two-phase project is planned to purchase and install a high-density mobile shelving system for the House Document Room. This new shelving is needed to help us increase existing storage capacity in the House Document Room, and the new shelving will help us provide additional space to accommodate the increased materials in the House Library. The first phase will cost approximately \$260,000.

As to our Legislative Computer Systems server farm improvements, the funds will be used to purchase additional hardware and software to meet the increased demands on the Clerk's server farm. More than ever, people rely upon the Clerk's Web site for legislative information and updates. Our Web site currently averages between 300,000 to 500,000 hits per week, depending on the legisla-

tive schedule. This number will certainly increase. And with that increased traffic and expanded information of the new services we are making available, we must work to ensure that our hardware and software meet the sufficient need.

In closing, although our expenses have increased marginally, we continue to work diligently to contain the costs and to be wise stewards of the taxpayers' dollars. We make every possible effort to negotiate the best price for the services and contracts by combining services and, when possible, looking inside, in-house to control our costs. And please be assured that we will be vigorous in our efforts to control spending.

In conclusion, I want to offer the Clerk's semiannual report for your review of our entire operation. I thank the subcommittee for allowing me to testify and welcome your questions.

[Ms. Miller's prepared statement follows:]

The Honorable Lorraine C. Miller
Clerk of the House

Statement before the House Appropriations Subcommittee
on the Legislative Branch

March 10, 2010

Madam Chair, Ranking Member Aderholt, and Members of the Subcommittee, I appreciate having an opportunity to provide testimony related to the operations and FY2011 funding request for the Office of the Clerk.

The Office of the Clerk has served the House effectively due in large part to the support and guidance of the Appropriations Committee. We have not only received the resources to meet its responsibilities to the House, but we have been entrusted to implement initiatives that will improve and positively impact the way business is conducted for many years to come. On behalf of the Office of the Clerk, I would like to thank the Subcommittee for its support over the past year.

The Office of the Clerk oversees the operations of the House Floor and the support functions necessary to carry out legislative processes – duties this office has discharged faithfully and competently for more than two hundred years. As Clerk of the House for the past three years, I believe there is no higher calling than the support of the Members of the House and the day-to-day business operations of the U.S. House of Representatives.

Please allow me to take this opportunity to highlight a few on-going projects and significant accomplishments of the Office of the Clerk.

ELECTRONIC VOTING SYSTEM

I would like to thank the Subcommittee for your generous inclusion in the FY2010 appropriation of \$2,600,000 to upgrade the Electronic Voting System (EVS). As you know, the main display in the House Chamber was originally installed in 1976. In August 1987, the doors and wiring harnesses were replaced. In 2003, the vote indicator lights were upgraded to Light-Emitting Diode (LED) technology. Finally in December 2008, the main voting displays were upgraded to add 20 new slots. As with any technology, age plays a major role in the increased risk of failure.

In the current main display, Member nameplates located in the doors need to be manually rearranged whenever there is a change in membership. This is a time-consuming process and puts additional stress on the doors. As a result, the Legislative Computer Systems (LCS) group within the Office of the Clerk found an excellent alternative to upgrade existing display technologies.

In August 2009, we replaced the summary displays in the House Chamber with denser, higher resolution LED technology. This will permit more descriptive information to be displayed on votes in progress. We are working with the Parliamentarian's office to determine what appropriate language should be put on these new displays.

We are moving forward with the replacement of the main displays in the House Chamber. The same vendor that supplied the new summary displays is manufacturing the modules for the new main displays, and we anticipate that installation will take place later this year. We will continue to work with the Subcommittee and staff on the logistics and details of this request.

HOUSELIVE

HouseLive is a new service the Office of the Clerk will be offering to the House community and the general public. This web streaming service will offer an online, real time video of sessions of the House of Representatives. In addition, video archives of the 111th Congress will be available that are searchable by keyword. The live service will begin as a Beta project on March 15.

HouseLive will provide many new options for Members, including access to tools for creating video clips from House Floor speeches (such as video for use on other platforms such as their own website, web video player, YouTube, etc.). The service will include an automated podcasting service to turn video into audio. In addition, it will be possible to dynamically link items of legislation in a document to the related video. The new House Floor video services will be integrated with our current legislative systems and management process avoiding the need for additional resources or a prolonged learning curve.

This service will maximize transparency and will increase public awareness of legislative proceedings. In 1979, CSPAN created a new era of increased access to the House of Representatives through cable television. In the same way, HouseLive will provide broader access to the House of Representatives using current popular technology. The applications of the service will allow Members to use innovative options to provide legislative information to constituents and the general public.

LEGISLATIVE INFORMATION MANAGEMENT SYSTEM (LIMS)

The Legislative Information Management System (LIMS) is critical to the legislative operations of the Office of the Clerk. Major enhancements and improvements continued in this program in 2009. Major improvements were made to allow more efficient production and distribution of the Legislative Activity Guide (LAG). Additionally, substantial software enhancements were installed on the LIMS system which will allow us to proceed with the upgrade of major LIMS components. This will include modernizing the LIMS user interfaces and increased use of eXtensible Markup Language (XML) for data exchange with other legislative entities. Finally, major enhancements to the Executive Communications reports were completed.

We will continue to enhance the LIMS system. We are entering into a contract with an outside firm to make needed changes to several critical LIMS components used by our Legislative Resource Center (LRC). Because of its wide use across the divisions of the Office of the Clerk and the House community, we plan additional improvements including an upgrade of development software used by LIMS and an increase of the capacity of systems that process and store legislative information. This is an on-going process that is beginning now and will continue into 2011.

ELECTRONIC FILING SYSTEMS

Implementation of the Honest Leadership and Open Government Act of 2007 (S.1) continued to be a major focus of the Office of the Clerk in 2009. The new lobbying disclosure system was developed to allow individual lobbyists to file contribution reports. As a result, there are approximately 5000 lobbying registrant entities representing some 20,000 clients currently registered with the Office of the Clerk. Furthermore, there are approximately 15,000 individual lobbyists now registered in the Office of the Clerk's new lobbying contribution system. Additional servers and one additional FTE have been added to manage the additional responsibilities. Lobbying reports are due on a quarterly basis as opposed to the previous semi-annual reporting periods. The new law requires that each lobbying registrant, as well as each individual lobbyist, file a report with the Office of the Clerk disclosing certain contributions. Federal Election Campaign Act (FECA) contributions as well as contributions to presidential libraries, inaugural committees, and other funds used to pay for events for Members of Congress must be reported. In the second half of 2009 alone we received over 50,000 electronically filed forms submitted to the Contribution and Reporting systems.

In addition to the success of the systems above, full electronic reporting of financial disclosure and gift travel reporting should be implemented hopefully at the beginning of the 112th Congress. We are consulting with the Committee on Standards to determine what additional resources may be needed to implement this plan.

LEGISLATIVE COMPUTER OPERATIONS

In 2009 we procured a network data archiving solution in response to vastly increased data storage requirements. This will allow files that are not being actively used to be moved to an online archive area that is not associated with our primary network storage. This solution is scheduled to be brought online in the first quarter of 2010.

We also began the process of replacing all of the computer workstations in the Clerk's office as part of our regular 3-year replacement cycle. Additionally, we procured, configured, and deployed laptops to critical Clerk personnel to be used in the event of a campus-wide outbreak of the H1N1 virus and emergency preparedness. The laptops will help to ensure that our business functions can continue by providing remote access to those staff most needed to support legislative business.

HOUSE PAGE PROGRAM

The Page Program is a sacred responsibility of the Office of the Clerk. I am pleased to introduce Ms. Maria Lopez, the new Deputy Clerk of the Page Program, to the Subcommittee. Ms. Lopez comes to us from the Langley School in Virginia, and came aboard in August 2009.

During last year's summer session, the Page School developed an academic component. The initial effort was successful last year and we plan a more expanded version for the upcoming summer Page program. Under Ms. Lopez's leadership and with the direction of the Page Board, we are setting a strategic course for the Page Program for the 21st Century.

EMERGENCY PREPAREDNESS

The Office of the Clerk has continued to highlight the importance of Emergency Planning activities by working with staff from the House Sergeant At Arms and Chief Administrative Office to conduct alternative-chamber relocation exercises. In 2009, the Office of the Clerk participated in two successful off-site alternate chamber exercises that included the testing of our interfaces with the Secretary of the Senate and Government Printing Office. We also participated in the Eagle Horizon Exercise in May with the White House. The Office of the Clerk participates in periodic House and Senate Officer Meetings as well as the Monthly Hill Emergency Planners Meeting that include representatives from the Architect of the Capitol, the Government Accountability Office, the Government Printing Office, the Library of Congress, the Office of the Attending Physician, and the U.S. Capitol Police. Together this group has developed a Master Congressional Exercise Calendar for 2010.

VACANT CONGRESSIONAL OFFICES

During the 111th Congress, the House experienced eight vacancies (Illinois 5th, New York 20th, California 32nd, California 10th, New York 23rd Florida 19th, Pennsylvania 12th and Hawaii 1st). In the 110th Congress, there were 14 vacancies due to the resignation or death of a Member. The administration of these offices is a statutory responsibility of the Clerk, requiring time and resources of the Office of the Clerk to ensure the appropriate operation and management consistent with public law and the Rules of the House.

HISTORICAL SERVICES

The Office of the Clerk, with the support of this Subcommittee, continues to make tremendous progress in fulfilling our support of the House's archival, historical and curatorial needs. We are experiencing more committee and Member needs and responding to more inquiries and calls for assistance than in any previous year. The requests range from archival assistance to questions of historical precedence. I anticipate

our level of contact to grow in FY2011, as we aggressively provide more historical and preservation services to Member offices.

Official records of the House, under the Clerk's care since 1789, continue to grow in size and complexity. Part of the FY2011 request supports this important documentation of the House's activities. In 2009, the archival staff processed 3,150,400 official House records. This is the largest number ever processed in a congressional first session. In a harbinger of changes to come, this year the Clerk received the first large-scale electronic transfer of committee records. We have been preparing for this expansion for some time. The House Archivist and staff of the Center for Legislative Archives spent over a year in close collaboration with House committee staff to craft recommendations of organizing, transferring and preserving electronic records. These recommendations are flexible enough to accommodate the needs of different committees, and robust enough to ensure that these official papers will be available whenever they are needed by the committees and public for decades to come.

Paper records are increasing, too, as the number processed this session attests. To provide for their care, we have undertaken the first expansion of the House's archival storage in three decades. We are engaging in a major renovation of existing space will double our capacity to store recent records on site, while we are working with the National Archives to ensure that our long-term storage there keeps pace with the needs of Congress. To support this growth, in 2009 we hired a third professionally-trained archivist in the Office of History and Preservation.

The Office of the Clerk provides guidance to Members about their records management, as well, following the dictates of H.Con.Res. 307, passed in 110th Congress. This resolution expresses the sense of the Congress encouraging Members to take all necessary measures to manage and preserve their congressional papers. As part of outreach efforts to assist Members, the archival staff consulted with 29 Representatives in 2009, and anticipates that we will double that number in 2010.

Demand for historical information, from House Members, committees, and the general public, continues to grow. The Office of History and Preservation published over 125 new pieces of historical material in print and on the web in 2009. Thus far, we received over a million visits to our history web pages. Additionally, the staff responded to over 900 history questions from Members and constituents, more than in any previous year. Furthermore, 2009 marked the largest number of requests for historical presentations ever received by the Clerk, some 140 presentations. These requests are more than the previous four years combined. To accommodate the growth of historical presentations, we added an additional historian to our staff.

Most prominent among the Office of History and Preservation's recent historical projects is the 2009 launch of the House's official oral history website. The oral history project is the fruit of an oral history program that began in 2005 and has over 100 hours of interviews with long-time staff. Some of the memories we've recorded are from House Pages from the 1930s and 1950s; former Clerk of the House Donald Anderson; Irving

Swanson, the reading Clerk who took the roll call votes to declare war against Japan, Germany and Italy in 1941; and ABC news consultant, Cokie Roberts, a child of two former Members of Congress. The site features full text interviews; audio and video clips; biographies; images; and lesson plans. In its first month, it was the most popular history web site in the House. Four additional interviews are planned for publication in the next few months.

The Clerk is the custodian of art and historical artifacts in the House. In that capacity, the curatorial staff coordinated close to 800 moves of artwork in 2009, the most ever in a first session of Congress. Five official portraits entered the House Collection in 2009: former Speaker J. Dennis Hastert, former Appropriations Chairman Jerry Lewis of California, former Armed Services Committee Chairman Duncan Hunter of California, former Representative Shirley Chisholm of New York.

The fifth official portrait of 2009 commemorates the service of Congresswoman Florence Kahn, a giant among the first generation of women in Congress. Representative Kahn represented San Francisco for over a decade in the 1920s and '30s and achieved a number of firsts: the first woman to serve on the Appropriations Committee, the first woman to serve on the Military Affairs Committee and the first Jewish woman to serve in Congress. This important addition to the collection was unveiled in April, in collaboration with your office, Madam Chair, and that of the Speaker. The portrait hangs in the second floor of the United States Capitol for all our visitors to see. To further inform the public about Congresswoman Kahn, the history staff launched a multimedia website about her heritage, life and career.

CAPITOL VISITOR CENTER

December 2, 2009, the Capitol Visitor Center (CVC) completed its first year of operation. It is the culmination of many years of oversight and support from this Subcommittee. The Office of the Clerk's role in the CVC included Co-Chairmanship of the Capitol Preservation Commission, work on the exhibition and other educational elements, as well as scholarly review of all products being considered for the gift shops. With our counterparts in the Secretary of the Senate's office, the curatorial staff has reviewed over 1,000 books and products, culling the appropriate from the questionable. Historical and curatorial staff in the office of the Clerk helped the CVC educators craft programming goals, informational brochures and educational materials. As the CVC staff moved from planning to operations in 2009, our involvement in providing advice and support for CVC exhibit and program staff has continued. The Clerk's Office of History and Preservation staff continue to be the House's experts on historical and artistic content, shaping the new material presented in the exhibit and the educational materials presented to congressional staff, teachers and students visiting the CVC. Working with CVC staff, seminars and training sessions were held for over 4,000 congressional staff and interns in 2009. We anticipate and welcome our continued support of the CVC.

SLAVE LABOR TASK FORCE

During the 111th Congress, the Office of the Clerk was instrumental in working with the House and Senate's Slave Labor Task Force to make recommendations to the Congress on how best to recognize the contributions of enslaved African Americans who built the U.S. Capitol.

The task force convened in November 2007 and adopted recommendations that will ensure that every visitor to the Capitol will be made aware of the sweat African-American slaves put into the construction of the building. With the support of this Subcommittee, many of these measures have been adopted already, and others are in the works for FY2011. Commemorative actions include the installation of one of the original building stones quarried by slaves, in or near the CVC and Capitol. In addition, we will continue our educational on-line exhibitions and teaching materials. Of particular note, staff anticipates the installation of commemorative plaques, to be placed on portions of the original Capitol walls on the House and Senate sides, where enslaved African Americans quarried them over two centuries ago.

HOUSE LIBRARY UPDATE

Under Rule II of the Rules of the U.S. House of Representatives, the Clerk of the House is charged with the responsibility of maintaining two copies of printed documents of the House, and the House Journal in the library for use by Members and staff. Historically, the Clerk has maintained a legislative and legal reference library since the Second Congress in 1792. Since the 104th Congress, library services are provided under the Legislative Resource Center (LRC). The House Library collections are located in three locations, the Cannon House Office Building, the Madison and Adams buildings of the Library of Congress. Presently, the House Library is a legislative, law and general reference library that provides information services to House Members and staff, the House Parliamentarian, House committees, legislative and general counsel, constituents and other government entities.

The Office of the Clerk has a detailed recommendation for modernizing the library. First, the library needs to improve and preserve the collections located in the Cannon, Madison and Adams buildings. The book collections in all three buildings need to be evaluated for re-binding or digitizing. Currently the House Library is starting to digitize the House Calendar. Second, the Cannon and Madison libraries need an adequate ventilation system. A preliminary report has already been written on the Madison library with in-depth analysis on what books need to be preserved and what needs to be accomplished to make the environment healthier. The Architect of the Capitol (AoC) will work on the ventilation system at the Cannon and Madison locations.

Third, the Office of the Clerk is working with the AoC to find a suitable space for a full functioning House Library Reading Room. When the space is acquired, it will need to be retrofitted in order to function as a state-of the art digital library. The Library will

need more databases, books, computer hardware and software in order to function as an admirable and valuable one-stop research facility that has its total focus on the U.S. House of Representatives. We are in the initial stages of development and in cooperation with the Architect of the Capitol will keep the Subcommittee apprised of progress and any future funding requests.

FY2011 BUDGET REQUEST

For fiscal year 2011, the Office of the Clerk is requesting a total of \$29,299,000, as modified to conform to the estimated cost-of-living adjustments. This is a 6.6 percent increase over last year's operating budget allocation (not including the separate \$2,600,000 EVS no-year allocation).

Of this total, \$23,284,000 is allocated for personnel costs and includes a request for two additional FTEs. This addition will bring our total FTE number to 263. The personnel increase includes annualization of the FY2009 cost-of-living adjustments, prorated FY2011 cost-of-living adjustments, FY2011 overtime costs, temporary positions, longevity and meritorious increases. This is a 5.8 percent increase over our FY2010 request.

We are requesting two new software development positions within the Legislative Computer Systems division. Both positions requested are at the HS-10 step one level. As more of the applications designed and created in LCS are geared toward Web display and interaction, it is important to add developers who are strongly versed in web presentation, formal application development, and Internet security. Our current developers are acquiring more training in the areas of web presentation and security, but the workload in this area is only going to increase as more and more information is distributed and new technologies for reaching out to the public are implemented.

The Office of the Clerk non-personnel request is \$6,015,000. Within our non-personnel request, there are two major new expenses related to the increased need for document storage and archiving. During FY2011, the first of a two phase project is planned to purchase and install a high density mobile shelving system for the House Document Room. This new shelving system is needed to: increase the existing storage capacity in the House Document Room; update the cumbersome and antiquated metal box system currently used; and address safety issues related to the height of the existing shelves. In addition, the new shelving would provide the House Library with additional space to accommodate their increased materials acquisition. Phase One of this project is anticipated to cost \$260,000.

The second major request is from the Legislative Computer Systems (LCS) division. LCS has requested funds to purchase additional hardware and software to meet increased demands on the Clerk's server farm. More people than ever before rely on the Clerk's web site for legislative information and updates. With the increased traffic and the expanded information and new services that are available on the Clerk's web site, we

must work to ensure that our hardware and software are sufficient to meet the need. This is in addition to increased storage and archiving requirements. Storage needs are critical due to statutory requirements of public disclosure laws. Efforts are underway to make more use of electronic documents to mitigate the increasing physical storage requirements of paper documents. We are making progress on our storage capability, but may need to step up our efforts as the needs of the House become more demanding. These demands on our hardware and software are increasing at a much greater rate than we had previously anticipated so we must move forward to supplement our existing equipment and software. Overall, for equipment, LCS is requesting a \$604,000 increase over the FY2010 request for all these items.

Other major requests include:

- \$1,000,000 for supplemental stenographic reporting; and
- \$747,000 for closed captioning for the House Floor proceedings.

Although our expenses have increased, we continue to work diligently to contain costs and to be wise stewards of taxpayer dollars. We make every possible effort to negotiate the best price for services and contracts by combining services; finding every possible discount; and looking for tasks which can be performed in house to control costs. Please be assured we will be vigorous in our efforts to control spending.

In conclusion, I want to offer the Office of the Clerk's semi-annual report as an overview of our operations.

As the Subcommittee reviews the projected FY2011 budget request of the Office of the Clerk, please be assured that the increases are based on actual costs of providing the services needed to fulfill our statutory obligation to the House. The Subcommittee can rest assured that the Office of the Clerk will continue to fulfill its obligations to the House.

It is always a pleasure to appear before you to make the case for legislative operational support for the House. As you move forward, please know that the Clerk's office is a cooperative, willing partner. I would welcome any questions you may have.

Ms. WASSERMAN SCHULTZ. Thank you very much, Ms. Miller. And really, all the Members thank you for your commitment to the institution, as well as the individual Members and staff.

Mr. Beard, you can proceed with a 5-minute summary of your statement.

OPENING STATEMENT—DAN BEARD

Mr. BEARD. Thank you.

Madam Chair, Mr. Aderholt, Mr. Honda, I am pleased to appear before you to discuss the budget for the Office of the CAO.

As the Chair mentioned, the budget request for the CAO for next year is \$133 million, which is a 1.9 percent increase over last year. We are not asking for any increase in employee positions. Our budget reflects a commitment to enhancing information technology applications in security, increasing transparency, and a commitment to improving services to the Members.

I would like to go through some of the highlights for you. First and foremost is in the area of information technology. We are requesting \$4.2 million to undertake a series of improvements in our information systems security efforts, as directed by the Speaker and the Republican leader. These improvements include enhancing our centralized patch management and improving laptop and data encryption. We are now scanning devices before and after international travel. And we have blocked peer-to-peer software intrusions into the system.

In addition, the joint leadership will direct us to undertake a series of actions to tighten cybersecurity protections over House public Web sites. We will be briefing the subcommittee next week on the actions that we will be taking as a result of the directive.

On November 30, 2009, we posted the third-quarter statement of disbursements by the House, which is a document that consists of three volumes on house.gov. Subsequent copies, on a quarterly basis, of the statement of disbursements will also be put up on the Web. This action was taken to increase transparency of House activities and also to reduce the number of printed copies that we make of this document.

The government contributions account for the House provides the funding for the House's portion of current employees benefits, as well as benefit enhancement. In 2011, our request will fund programs for the student loan repayment program, child care affordability assistance, and the tuition and professional dues reimbursement programs. The last two, we are working with CHA now to work out the final regulations for implementing these programs.

We are requesting \$2.5 million for the Speaker's Wounded Warrior program. To date, the House Members have hired 30 wounded veterans. There are currently 50 funded fellowships, and 28 are filled and 22 are in process. The success of the program can be pointed out by two fellows who have moved on from the program. Scott MacDonald was hired originally by former Congressman Chris Shays in Bridgeport, Connecticut, and then subsequently rehired by Jim Himes. He has now found a position with the Department of Veterans Affairs. And Ismael Vazquez, with Congressman Ciro Rodriguez, left the fellowship program in January to accept a position with the Department of Defense.

We are requesting \$5.5 million to continue the next phase of House committee room upgrades for audio and videotape capabilities. To date, we have done 15 committee hearing rooms. The five remaining are currently in the design phase, with installation dates determined by the Chairs of the committees and by the availability of funds.

Our request for business continuity and disaster recovery includes \$1.8 million—and I wanted to highlight—to purchase software and hardware required to meet the directives of the joint leadership to improve the reliability of our IT systems. These funds will allow us to replace some aging equipment in our alternate computing center.

Along with the Architect of the Capitol, we have been working to implement the Speaker's Green the Capitol program. The program seeks to reduce our energy consumption by 50 percent over 10 years. This is an aggressive goal, but we are pleased to report we have exceeded our 5 percent annual reduction in energy consumption each year for the past 3 years.

We also have under way a House-wide effort to consolidate computer servers that has dramatically altered our main data center by consolidating 300 CAO servers into 30 high-capacity servers. Energy consumption has been dramatically reduced in the data center. These energy savings have enabled us to provide a new computer server hosting program for 162 Member offices.

In the past year, my staff, along with the Architect of the Capitol, has conducted more than 225 My Green Office consultations on the House campus and 130 district office consultations across the country. The goal of these consultations is to have every office commit by the end of this Congress to implement 15 recommended best practices to save energy, water, and promote reuse.

We have moved forward with our demonstration project effort in cooperation with the Architect of the Capitol, Lawrence Berkeley National Lab, and the Department of Energy. We have reviewed and ranked 40 proposals to demonstrate innovative energy efficiency and conservation technologies on the House campus. We are now awaiting authorizing legislation. No year funding provided during FY 2010 will cover the majority of the anticipated costs for fiscal year 2011.

The budget request for 2011 will ensure we remain committed to our mission of providing sustainable solutions and maintain a level of commitment to providing Members with the quality service support and business continuity that they deserve.

I would be happy to answer any questions at the appropriate point.

[Mr. Beard's prepared statement follows:]



Chief Administrative Officer Budget Request — Fiscal Year 2011

Testimony

Daniel P. Beard

Chief Administrative Officer

U.S. House of Representatives

Before the

Subcommittee on Legislative Branch

Committee on Appropriations

March 10, 2010

Summary

Madam Chair and Members of the Subcommittee: I am pleased to appear before you to discuss the budget request for the Office of the Chief Administrative Officer (CAO).

Let me begin by expressing my gratitude for your continuing support of the CAO's office. We appreciate the Subcommittee's efforts and look forward to working with you.

Information Technology

Last summer, the Speaker and Republican Leader directed my office to undertake a series of improvements in our information systems security efforts. We are requesting \$4.2 million in the FY'11 budget for information systems security. These funds will



enable us to implement the changes directed by Leadership. These improvements include enhancing a centralized patch management system that has closed almost three million vulnerabilities, and improving our laptop and data encryption program to better protect mobile data from unauthorized access.

We have further enhanced our security program by implementing a secure configuration management program. This program improves protection of the House computer network by validating that each computer, server and printer is compliant with House security policy and technical standards. Currently, 85 percent of Member Offices are participating in this program. In addition, we improved security for the 8,500 BlackBerry devices in use at the House by instituting a password policy, and scanning the devices before and after international travel to determine if changes have been made. Upgrades to House firewalls have assisted in blocking peer to peer (P2P) software intrusions. In 2010, these efforts will extend beyond the House campus with security awareness training for District Office staff.

These enhancements have significantly improved our security posture against increasingly bold and sophisticated hackers and other malicious users.

In response to a January 2010 joint Leadership request to assess security for public-facing web sites, we developed additional security measures for Member and other House public web sites. We expanded the number of available web vendors and reduced the time required for development and publication of web sites. We will invest \$1.2 million in FY'10 to execute this plan. Our FY'11 request will continue this initiative.



In addition to providing support for House web sites, CAO has been centrally funding the acquisition of news and information services for Member and Committee use on the web and in print. We have an initiative underway to identify and contract for a range of optional news and information services for Members and Committees. We are requesting \$1.1 million for the acquisition of these news services and for various web support initiatives, including the support and improvement of House.gov, HouseNet and other web sites as tools for the public and House staff.

We are continuing to work on campus-wide wireless access. Wireless access is now available to House employees and guests in the Longworth cafeteria and will soon be available in the Rayburn cafeteria. We anticipate installing as many as 750 wireless access points in Member and Committee offices over the next three years. These installations will make the current infrastructure more robust and accessible.

Last fall, CAO launched Employee Express, a convenient online system that allows staff to make changes to health insurance, Thrift Savings Plan (TSP), TSP Catch-Up and Combined Federal Campaign contributions. Employee Express is a self-service option that eliminates paper processing, making it a more accurate and sustainable method for benefits processing. The next phase of this program will allow new House staff to make their initial benefit elections through Employee Express.

In 2009, the Speaker issued broad instructions to improve the transparency and full disclosure of financial information to the public. On November 30, we posted the third quarter Statement of Disbursements (SOD) on House.gov, the first SOD to be



provided electronically. This has allowed us to reduce the printed copies of the SOD by approximately 220 sets. Additionally, as of October, all Member offices and Committees can now receive their Monthly Financial Statements electronically. The electronic delivery mechanism saves staff time and resources as well as more than 85,000 sheets of paper each month.

FinMart Financial Reports, a new web-based system allows offices to view and analyze financial and inventory reports as well as monthly payroll certifications. Information is available upon demand and can be downloaded and sorted in Excel. Training sessions for financial points of contact began in November through the House Learning Center. Another series of training sessions will be held this spring.

The Member Centralized Services initiative consolidated the computer servers for 150 offices by the end of 2009, significantly reducing the energy and resources required for computer operations. In October, the House's mainframe system was retired after more than 10 years of careful planning. This resulted in significant energy and efficiency savings.

Student Loan Repayment Program and Other Benefits

Government Contributions provides the funding for the House's portion of current employee benefits as well as benefit enhancements. We recently centralized Transit Benefits, which are no longer charged back to each individual office. Benefit enhancements currently under development include a Child Care Subsidy Program and a Tuition Reimbursement and Professional Dues benefit.



Additionally, we have continued to enhance the benefits for House staff by increasing both the annual and lifetime caps for the Student Loan Repayment Program. The House's student loan program now parallels the Executive Branch program with an annual cap of \$10,000 in benefits and a lifetime cap of \$60,000. In calendar year 2009, more than 3,000 House staff participated in the program. The FY'11 budget request to support this program is \$15 million.

Employing Our Wounded Warriors

The current job market can pose formidable challenges to wounded veterans of the wars in Iraq and Afghanistan. Many injured men and women returning from combat tours in those countries struggle to reenter the civilian workforce. The Speaker's Wounded Warrior fellowship program is designed to address this issue.

To date, House Members have hired 30 wounded veterans under this program, two of whom have since been hired by other federal agencies. There are currently 50 funded fellowships; 28 are filled and another 22 appointments are in process. These veterans are developing valuable skills and experience so they can transition into full time employment in the House of Representatives or with other organizations.

The success of this program is demonstrated by the two fellows who have moved on from the program: Scott MacDonald and Ismael Vasquez. Scott was the second fellow to be hired and worked in the Bridgeport, Connecticut office of former Rep. Chris Shays, and later, Rep. Jim Himes. In September 2009, he transitioned to a position as a Veterans Service Representative with the Department of Veterans Affairs. Ismael



worked for Rep. Ciro Rodriguez; in January he accepted a position as an auditor with the Department of Defense.

The Wounded Warrior Program demonstrates how job reentry and retraining programs should be structured to accommodate the thousands of service men and women, injured or not, who are expected to reenter the workforce as the conflicts in Afghanistan and Iraq are eventually brought to a close.

We are requesting \$2.5 million for the Wounded Warrior program. These funds will support the continuation of this program to accomplish the Speaker's goals.

Modernizing Our Hearing Rooms

Since Fiscal Year 2002, House committee rooms have been undergoing audio and video upgrades through the Committee room renovation program. In this digital age, Members and their constituents have come to expect higher broadcast and recording quality and digital archiving and distribution capabilities. Because of this, we are requesting \$5.5 million to continue the next phase of improvements that will link all rooms to the House Recording Studio.

To date, 15 committee rooms have been upgraded. The remaining five are currently in the design phase, with installation dates to be determined by the Chairs of the committees.

**Ensuring our Business Continuity and Disaster Recovery Capabilities**

My office continues to augment and enhance our ability to support Member and District Office operations following disruptive events. We recognize the importance of Members having the resources to serve their constituents when they most need help. Last year, we provided this type of assistance to Members of the Texas and Louisiana delegations, and this year we have provided critical office and technological resources to Rep. Faleomavaega and his staff following the devastating tsunami that hit American Samoa.

Our FY'11 request for Business Continuity and Disaster Recovery (BCDR) activities includes \$1.765 million to purchase software and hardware required to meet the directives of the joint Leadership to improve the reliability of our IT systems. These funds will allow us to replace equipment at our alternate computing center. The new equipment will handle our current requirements for data management and provide critical redundancy in our systems to support the day to day operations of the House. As part of this effort, we will be installing Free Space Optics equipment which allows building-to-building laser data transmittance and is an essential part of ensuring that our on-campus voice and data systems have redundant transmission capabilities.

Green the Capitol Program

The CAO and the Architect of the Capitol have been working toward the Speaker's goal of making the House campus a model of sustainability and energy efficiency. Under the Green the Capitol program, the House seeks to reduce its energy

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consumption and water usage by 50 percent over a 10-year period. This is an aggressive goal, but I am pleased to report we are exceeding our 5 percent annual goal of reducing House energy consumption. Highlights of the program this year include the following:

- A House-wide effort to consolidate computer servers has dramatically altered the House's main data center. By consolidating 300 servers and supporting infrastructure into 30 high-capacity servers, energy consumption in the main data center has decreased from 500,000 watts of energy to 125,000 watts per hour. This translates into approximately \$1,000 in energy savings every single day. The savings realized in the main data center has enabled the CAO to provide a new computer server hosting service to Member offices. This hosting service reduces energy consumption in Member offices by transferring duties from in-office computer servers to high-capacity servers in the main data center. The hosting service also saves those offices MRA dollars otherwise spent on IT services. To date, more than 150 offices are participating in the hosting service.
- The program has worked with several CAO offices in support of the zero waste initiative. The House Office Supply Store now provides only 100-percent post-consumer recycled content paper. Assets, Furnishings and Logistics now recycles a range of materials from sawdust and wood scraps to carpets and drapes. Refurbishment and light touch-up work is now completed with biodegradable chrome-free leather and non-flammable, non-toxic substances.
- In the past year my staff has conducted more than 225 My Green Office consultations on the House campus and more than 130 District Office



consultations across the country. The goal of these consultations is to have every office commit – by the end of the 111th Congress – to implement 15 recommended best practices to save energy, water and waste. By the end of 2010, we expect to perform greening consultations for all Member, Committee and Leadership offices and all CAO and AOC offices. We will also provide consultations to at least one district office in each of the 441 Districts. We have already saved at least \$50,000 in reduced electricity and procurement costs. The savings continue to grow.

- We have decreased the House’s carbon emissions by more than 74 percent by purchasing renewable wind energy for our electricity needs, and by burning natural gas rather than coal at the Capitol Power Plant.
- We installed a pulper to process food services waste to begin converting it into compost. More than 500 tons of waste has been used in topsoil, some of which went into the recent landscape renovation outside the Ford House Office Building.

Demonstration Projects

Last year, we received initial funding for a series of energy conservation and sustainability projects. These projects include new ways of using energy more efficiently, generating electric power in a more sustainable manner and lowering the costs of existing renewable power systems. This program is being undertaken in cooperation with the AOC, Lawrence Berkeley National Lab and the Department of Energy. We received nearly 40 proposals to demonstrate innovative energy efficiency and conservation technologies on the House campus.



The importance of this funding transcends the House's need to acquire better energy-saving technologies. This initiative also directly supports American companies at the forefront of green technology. By allowing these companies to showcase their developing technologies on Capitol Hill, the visibility of their respective industries will increase, fueling green job creation – a priority for both the Speaker and the President.

Due to the length of time required for project selection, funding provided in FY'10 will cover the majority of anticipated FY'11 costs. We are requesting an additional \$500,000 in the FY'11 budget to continue support of this program.

House Food Service Programs

A variety of actions have been taken within the House food service programs to provide top quality food and value to the entire House community. At the direction of the Subcommittee, we worked with Restaurant Associates to create value meal packages. A number of tools have been used to keep staff informed of the value meal program including signage at the stations that are running specials, posting specials on the menu web page, and using Twitter to communicate specials and value meals.

Transition Activities

Transition activities require funding for the operational activities related to the biennial Congressional Transition. We have three main areas that provide transition support: Administrative and Financial Services, Customer Solutions and HIR. In FY'11 we are requesting \$2,664,000, which is a decrease of \$243,000 from the FY'10



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Appropriation. The balance of the funding for the 112th Congressional Transition was requested in FY'10.

Closing Remarks

The budget request for Fiscal Year 2011 will ensure we remain true to our mission of “sustainable solutions,” and maintain our level of commitment to providing Members with the service, support and business continuity they deserve. I would be happy to answer any questions you may have.

OPENING STATEMENT—BILL LIVINGOOD

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Beard.
Sergeant Livingood.

Mr. LIVINGOOD. Good morning, Madam Chairman, Mr. Aderholt, Mr. Honda, and Mr. Ruppertsberger. It is an honor to be here this morning to appear before you to present the Sergeant at Arms budget request for fiscal year 2011.

Before I can begin my statement, I would like to begin, as I have the last year or 2, by expressing my sincere gratitude to each member of this committee and the Members of the House for their past and continued support throughout the year. Your support and assistance enable us to provide a safer, more secure environment for Congress, staff, constituents and all the visitors we have here and world leaders.

Events in 2009 remind us of the real threat from terrorism which we face in today's world. It is still here; it has not changed. As the chief law enforcement officer of the House of Representatives, I continue to focus constantly on all aspects of security and life safety. My office reviews emergency plans, schedules evacuation drills for the Capitol and the House office buildings. We coordinate ongoing security enhancements as necessary and work on a daily basis with the U.S. Capitol Police in order to ensure that the safety of Members, staff, and visitors remains at the highest possible level.

Total funding for the Sergeant at Arms Office in fiscal year 2011 is \$19,623,000. This includes \$9,800,000 for personnel expenses and \$9,823,000 for non-personnel items. This amount also takes into account funding for the additional duties that the Sergeant at Arms Office will require to operate its new Office of Emergency Management, formally known as OEPPPO, which was transferred to the Sergeant at Arms Office on February 1st, 2010.

This is an overall increase of \$5,669,000, or 40 percent, from fiscal year 2010, including OEM's budget. Excluding the OEM budget, the Sergeant at Arms overall budget request is \$2,000 less than fiscal year 2010.

Personnel funding in 2011 is requested for salaries of 131 current employees as well as for expenses related to the request for three new FTEs. Of these three new FTEs, two will serve as Chamber support service staff, and they will be used in the CVC for visitors going to the Gallery; they will be used up in the Gallery; and they will replace some of the Senate people who have been helping us in the past in our House elevators that travel up to the Gallery, because they offered to help us as we didn't have enough people to put there. So that would relieve that situation. Then the other FTE is in the Office of House Services, and that will be used to enhance communication with Member offices on their classified materials.

I mentioned that OEPPPO was transferred to us as the Office of Emergency Management on the 1st of February. And I just want to tell you that I welcome this opportunity and challenge and assure you that I intend to aggressively pursue the goal of assuring the continuity of operations of the House and safety of Members, staff, employees, and visitors to be a full-time job and will pay particular professional attention to that.

And I particularly welcome the opportunity to work with the three House officers and the three of us working together, with the Senate and other entities in the House and Senate operations.

In closing, I would just like to thank all members of the committee for the opportunity to present our budget for fiscal year 2011. And I remain vigilant and committed to ensure the safety and security of the Capitol complex and its occupants, while maintaining fiscal responsibility during these difficult economic times. As always, I will continue to keep the committee aware of my activities.

At this time, I am happy to answer any questions about the budget or any other questions you may have.

[Mr. Livingood's prepared statement follows:]

**Statement of the Honorable Wilson Livingood
Sergeant at Arms, U.S. House of Representatives
Before
The Subcommittee on Legislative Branch Appropriations
For the Office of the Sergeant at Arms
Fiscal Year 2011 Budget Submission**

Good morning Madam Chair, Mr. Aderholt, and members of this Committee. I appreciate the opportunity to appear before you today to present the Sergeant at Arms budget request for fiscal year 2011. Before I begin my statement, I would like to express my sincere gratitude to each member of this Committee for their past and continued support throughout the year. Your support and assistance enables us to provide a safer and more secure environment for Congress, staff, visiting diplomats and world leaders, and the thousands of visitors who come to their Capitol every year.

Events at the end of 2009, reminds us of the real threat from terrorism which we face in today's world. As the chief law enforcement officer of the House of Representatives, I continue to focus constantly on all aspects of security and life safety. My office reviews emergency plans, schedules evacuation drills of the Capitol complex and individual office buildings, coordinates ongoing security enhancements as necessary, and works on a daily basis with the U.S. Capitol Police, in order to ensure that the safety of Members, staff and visitors remains at its highest possible level.

Total funding requested for the Sergeant at Arms office in fiscal year 2011 is

\$19,623,000. This includes \$9,800,000 for personnel expenses and \$9,823,000 for non-personnel items. This amount also takes into account funding for the additional duties that the Sergeant at Arms office will require to operate its Office of Emergency Management (formerly known as the Office of Emergency Planning, Preparedness, and Operations - OEPPPO) transferred to the Sergeant at Arms on February 1, 2010. This is an overall increase of \$5,669,000 or 40.6% from fiscal year 2010. Excluding the OEM budget, the Sergeant at Arms overall budget request is a \$2,000 or -.02% decrease from fiscal year 2010.

Personnel funding in fiscal year 2011 is requested for salaries of 131 current employees as well as for expenses related to the request for three new FTE. Of these three new FTE - two FTE will serve as Chamber Support Services staff in the Office of Chamber Security.

Additional Chamber Support Services staff is needed to maintain adequate post coverage in the CVC, House Gallery, and House Floor. Chamber Support Services staff enable us to continue to provide the highest level of customer service to visitors and will further assist with traffic flow and wayfinding from the CVC to the House Galleries. Additionally, these Chamber Support Services staff will allow us to provide better post coverage on the House Floor to manage floor tours when the House is not in session.

The remaining one FTE will serve as a Security Officer within the House Security

Office and will assist with the management and archiving of classified documents and data, in addition to assisting with briefings for Members and staff.

The increase of \$521,000 in personnel expenses is due not only to the staff level increase of three FTE but also to the standard budget calculations including cost of living adjustments, overtime pay, and longevity and meritorious increases.

Non-personnel funding is requested to support the following programs: Member Services, Security Support, Administrative, and Miscellaneous.

Funding for the Members Services program is not required in fiscal year 2011 due to the cyclical nature of our budget in which we request funds for new Congress supplies and materials (Member and spouse pins, Member license plates, staff parking permits, and identification badge supplies and materials) in even numbered fiscal years only.

\$596,000 requested for the Security Support program provides funding for Sergeant at Arms staff to advance and support off-campus events involving Members of Congress. Funding the Security Support program will all also allow continued contractor support in the areas of COOP planning and preparedness, as well as continued consultant services in the areas of threat mitigation, force protection, and counter-terrorism. Consultant services will also allow the continued review and advice on emerging security related technology.

\$694,000 requested for the Administrative program will be used for the purchase of general office supplies, for the purchase of and maintenance of office equipment, and to pay for the use of telecommunications. Funding in the administrative program is also requested for the continued training and education of all Sergeant at Arms staff. A well prepared and trained staff is essential in the successful execution of all job responsibilities. Continued training for staff includes training related emergency preparedness, information technology, leadership/management, office administration, and customer service. The decrease in this program is due to the purchase of equipment - a new ID badging system - in FY 10.

On February 1, 2010, the House Leadership, with the assistance of this Committee and the Committee on House Administration, transferred the functions of OEPPPO to the Sergeant at Arms office. I welcome this challenge and assure you that I intend to aggressively pursue the goal of assuring the continuity of operations of the House and the safety of its Members, staff, employees, and visitors.

The Sergeant at Arms Office of Emergency Management (OEM) is responsible for emergency preparedness programs, including the Office Emergency Coordinator (OEC) program. The OEC program centers on the identification of individual coordinators for each Congressional office, assisting them with the development of written office emergency plans, training of the coordinators and office staffs, and periodic exercises to measure the effectiveness of emergency plans. OEM also

conducts and coordinates relocation and evacuation exercises for the House, and is responsible for maintaining the House internal annunciator notification system.

\$8,533,000 requested for the Miscellaneous program will be used for OEM non-personnel expenses such as travel, RCU, printing needs, contracted services, office supplies and materials and equipment.

One of the major OEM programs is the distribution, staging, inventory control and upkeep of the escape hoods. \$5,500,000 of the Miscellaneous program funding requested is due the lifecycle replacement of escape hoods. The current supply of escape hoods has shelf life expiration dates beginning in March 2012.

Mindful of the sensitivity of any request for any funding increase, I want to reassure the members of this Committee that these requests are designed specifically to enable the Office of the Sergeant at Arms to be more responsive to Members of Congress and the Congressional community – augmenting and improving services we offer. My goal, and that of each of my employees, is to ensure that we work together to support you and your staff. I think each you know how deeply I consider it an honor to serve this institution.

In closing, I would like to thank all Members of this Committee for the opportunity to present the Sergeant at Arms budget request for fiscal year 2011. Know that I remain vigilant and committed to ensuring the safety and security of the Capitol complex and its

occupants while maintaining fiscal responsibility during these difficult economic times.

As always, I will continue to keep the Committee aware of my activities.

At this time, I would be happy to answer any questions about the budget request, or any other questions you may have.

Ms. WASSERMAN SCHULTZ. Thank you very much. I have a question for all of you, but we will start with Mr. Beard.

COST OF FOOD IN CAFETERIAS

Mr. Beard, we discussed at the hearing last year the really huge uptick in prices in the cafeterias. Restaurant Associates charges about 30 percent more for food than the previous vendor. And we had language in our bill—I don't remember whether it was in the 2009 bill or the 2010 bill—yeah, in last year's bill, we discussed it at the hearing—so that you could take steps to make sure that affordable options were available for staff and for visitors to our cafeterias.

And I know that value meals were instituted subsequent to our hearing and subsequent to that language being in the Legislative Branch Appropriations bill. But the way the value meals have been instituted, it is one meal per day for the whole cafeteria. There are about 10 or 11 different stations.

In order to make sure that there isn't only one affordable option if that is not something that a staff person or a visitor likes or is interested in eating that day, I still think that there needs to be a push on Restaurant Associates to provide a larger variety of affordable options. Maybe a value meal at every station, maybe a value meal at a number of stations each day.

But I don't think they have gone far enough. And especially in these difficult economic times, and our staff already earn a deflated salary compared to if they were working in the private sector, what steps do you think can be taken to address that?

Mr. BEARD. Well, we have not looked at the possibility of offering value meals at each station. We would be happy to do so. The most important thing for you to understand is—

Ms. WASSERMAN SCHULTZ. And the reason I am asking is because I am still getting—we get a lot of complaints from staff.

Mr. BEARD. I get them, as well.

Well, first of all, Restaurant Associates hasn't increased their prices since October of 2008. And they ask on almost a monthly basis. We have monthly discussions, and they have been denied requests to increase their prices since 2008.

Ms. WASSERMAN SCHULTZ. Good.

Mr. BEARD. But in the meantime, they have provided a 40-cent-per-hour wage increase to their employees under the union contract in December of last year and the year before. And it isn't as if costs are going down.

We are to the point now, it seems to me, where we have to look at some other options, and we have to look at some of those seriously. For example, our hours of operation, are they too long? That is a great expense too—and should we reduce those? My guess is people won't want to do that. But whether or not we ought to reduce the number of menu items. You know, in Longworth, we provide eight or 10 different stations. The question is, should we specialize and have only five or four?

As we move down the road to consider other options, there is pain involved with each one of those options. And—

Ms. WASSERMAN SCHULTZ. But I find it hard to believe that adding a few more affordable options for our staff than the one afford-

able option that is available now in the whole cafeteria is an either/ or proposition: Either we do something like that or we condense from 12 to five stations or we cut the hours back. That is—and, I mean, to be honest with you, last year you said you didn’t really know what could be done to address the expense of food in the Capitol. And when we put language in the bill, you were able to come up with something.

So I don’t want to have to put language in the bill again to make sure that something is done. And I certainly don’t think it is appropriate to suggest that we cut back on hours or reduce the choices. It seems very simple that there are some steps that we can take.

I would be glad to sit down with Restaurant Associates and talk to them about it, if you don’t think it is something that you are able to address with them in any other way except reducing hours. But something has to give. They aren’t providing enough affordable options.

Mr. BEARD. Okay. Be happy to do that.

[CLERK’S NOTE.— A further explanation by the House CAO follows:]

In response to the Committee’s direction to develop specific proposals for reducing food service costs, the CAO directed Restaurant Associates (RA) to develop new concepts focused on creating more affordable options for the House community. There are 3 basic concepts in the program.

MEAL DEALS—This program is designed to offer a variety of simple prepackaged sandwiches, side salads and desserts/snacks at very affordable prices. These items will be available in all House buildings and in the Capitol. On a daily basis RA will offer 5 sandwiches, 6 side items including a yogurt parfait and fresh fruit and 5 small simple side dishes such as potato salad and macaroni salad. Pricing for these items will be as follows:

Sandwiches	\$3.00
Complex Side Salads/Desserts	\$2.00
Small Side Salads	\$1.00

\$4.95 SUB PROGRAM—This program will be offered in the Rayburn Deli and Cannon Café. The central item in this concept is an affordable \$4.95 sub. RA is proposing a menu consisting of 6 standard subs offered daily along with a rotating daily hot sub. Each sub is \$4.95. There is also a \$6 Value Meal which includes a fountain beverage or milk. The focus of this program is to offer a favorite Hill menu item at a great price.

“RED TAG GREAT DEALS”—This program revolves around reinvigorating and rebranding the meal package program RA has offered in the past. Although RA has offered meal packages in the past, it has been very difficult for customers to identify the meal deals at each station. The new program will feature an aggressive outreach program including new signage and props to support the new tagline “Red Tag Great Deals”. This branding will also be used to convey any limited time value offerings throughout the dining outlets. All “Red Tag Great Deals” will focus on bundling a primary menu item with a beverage.

The CAO asked RA to implement a variety of other programmatic changes that provide value for customers while enhancing the overall food program. These changes include:

- Cannon Café will offer a \$6 meal package every day that includes either a hamburger or cheeseburger along with French fries and a choice of milk or a fountain soda. The burger served at Cannon is reputed to be the best burger on the Hill. RA has developed a package price to further enhance the appealing nature and value of the burgers served in Cannon.
- RA will be modifying the Value Meal station so that its offerings change daily rather than weekly as in the past. RA feels this change will offer more value-driven options each week.
- In Longworth, RA will be revamping the wrap station menus to add some fresh new wrap choices to this already popular program.
- As the local growing season approaches, RA will again bring in local farmers to Longworth to sell their produce directly to the House community.

To support this program RA has committed to launch an extensive marketing program that will include new taglines, signage, advertising, media releases and visual presentations. Additionally, they are developing a customer outreach program that will include focus groups and a strong emphasis on soliciting customer feedback on these new programs.

HOUSE STAFFING AND DIVERSITY

Ms. WASSERMAN SCHULTZ. Thank you.

In terms of the House compensation study, you know, the results were pretty disturbing. We are at, like, 7 percent African American chiefs of staff, 7.5 percent African American chiefs of staff; 7 percent, legislative directors; 12 percent, office managers; about 6 percent of legislative assistants are African American. And then if you look at Hispanics, the numbers are much worse, 2 to 3 percent, 4 percent, 6.8 percent.

What steps do you think need to be taken to, number one, educate the potential staffing pool, both inside the House and beyond, about the opportunities that are available here so that—because I assume a lot of it is that there aren't enough applicants. But beyond the applicants, what do we need to do to increase the diversity in the leadership of the staff of the House and in the lower levels? Because we all know that that is a pipeline to staff leadership.

Mr. BEARD. Well, I think the first thing is to recognize that the House is a very decentralized institution. We have 504 separate employing entities, and each one hires according to its own set of rules and procedures.

The House compensation study was done to try to provide the data and the background. We have some of the groups, such as the group that Mr. Honda has been involved with, that have been trying to reach out to those. Congressman Becerra has offered up the idea of an Office of Diversity and has been working with the leadership to try to put together a series of efforts.

The Speaker has charged the Committee on House Administration to come up with a series of steps that can be undertaken to try to address diversity issues in employment and hiring in the House. So, the main charge is going to be led by the Committee on House Administration.

Ms. WASSERMAN SCHULTZ. Okay. Thank you. My time has expired.

Mr. Aderholt.

ENERGY DEMONSTRATION PROJECTS

Mr. ADERHOLT. Thank you, Mr. Beard. Thanks for your testimony this morning.

Last year, when we had this hearing, your written statement indicated that you have sought proposals for energy demonstration projects, which were funded last year. And I understand by this year's written statement that around 40 proposals have been accepted. Is that correct?

Mr. BEARD. Were evaluated. Forty were evaluated. We have tentatively selected three.

Mr. ADERHOLT. Okay. Tentatively. We were under the impression that the program was tied to the Lofgren-Wamp bill, which is pending in the House. Is that what it is tied to?

Mr. BEARD. It is.

Mr. ADERHOLT. Okay. What authority do you have to move forward with the request? Because I understand that legislation has not been approved.

Mr. BEARD. Funding was made available subject to authorization, and so we have been waiting for the authorization bill to pass. The short answer to your question is: What authority do I have? We don't have authority to award the funds and proceed until we get the authorization legislation passed.

So these were no-year funds, and they will carry over to the next year if the legislation is delayed, however long the legislation is delayed.

DISTRICT OFFICE ENERGY CONSULTATIONS

Mr. ADERHOLT. In your written testimony, it indicated that the staff had provided consultation for over 130 district offices across the country over this past year regarding the greening issue. And it is your hope to provide consultations to at least one district office in each of the 441 districts. Your testimony indicates there have been savings of at least \$50,000 in reduced electricity and procurement costs, and the savings continue to grow.

What is the cost-benefit analysis of the associated staff and travel costs projected with the savings of these district visits? And could you provide some analysis of that, or have you all looked at that? And then if you haven't, could you have those records brought to us so we can take a look at them?

Mr. BEARD. Sure. We would be more than happy to provide that to you.

We undertake district office consultations on two subjects. One is on Internet and IT security. We have a staff who have regularly gone out to district offices to advise them on how to improve the security of their IT systems. We have simply joined up those two, and we send out usually one individual, and try to hold group meetings. In other words, we went to the San Francisco Bay area and we had 12 offices meet. We set up meetings in Dallas and Ft. Worth and had about 10 offices there. And what we try to do is meet with them as a group.

We are also using videoconferencing. There is a quarterly meeting that the Library of Congress holds for district offices. And we are now on their agenda and providing that information there.

But I would be more than happy to go back and do the calculations for you as to—

Mr. ADERHOLT. Yeah. Well, if you could provide the committee with the costs, including travel expenses, staffing, associated with these visits, just so we could take a look at it.

I will go ahead and refer now to the other side of the aisle.

[CLERK'S NOTE.— A further explanation by the House CAO follows:]

The one-time cost to date (through April, 2010) to visit 155 District Offices is \$73,855. The potential savings for the 15 greening business practices discussed in the consultation and what the office agrees to implement is estimated at \$140,760 annually for reduced electricity and procurement costs (assumes 100% participation). These savings are calculated based on the 15 greening business practices that the District Offices agree to complete. Additionally, there are savings in electricity of approximately 534,060 kWh, waste reduction of approximately 323,610 pounds,

and CO2 emissions (carbon dioxide equivalent) of 1,292,370 pounds. Each succeeding year will have similar savings with minimal annual costs associated with the District Office outreach program.

The Green the Capitol office is continuing to refine the best available way to complete the District Office consultations. To date we have used four different approaches to reach District Offices:

- Regional workshop consultation
- District Office consultation
- Video consultation
- Quarterly Congressional Research Service District Management Institute presentation.

To get each District Office started in the program it is important to meet with District Office staff that will be responsible for continued monitoring of the green business practices. The objective is to make one greening consultation to a staff representative from each District Office prior to the end of the 111th Congress. If this is achieved, the estimated savings, if all offices achieve at least the minimum of 15 greening business practices, would amount to \$267,240 (assumes 100% participation), while the cost through December, 2010 is projected to be \$136,274 (using average for real costs through April 2010).

Ms. WASSERMAN SCHULTZ. Okay.

Mr. Honda.

Mr. ADERHOLT. And then I may come back later for some questions.

PASSWORDS ON BLACKBERRYS

Mr. HONDA. Thank you.

A couple of quick questions, Mr. Beard. Recently we have just been required to have passwords on our BlackBerrys. And I assume that that is because of security and folks breaking into our security system.

The question I had was, those folks that were contracted, aren't they required to have and keep up with the technology and coming up with—what do they call that—a program, programming, so that things can be done more securely so that we don't have to keep inputting our passwords every time you pick up a BlackBerry?

I don't want to seem lazy, but it is pretty irritating that every time I have to input my password in order to access my BlackBerry. Are you guys working with our vendors to have them come up with a program where we can get around that?

Mr. BEARD. I do not know of any efforts to currently do that.

The recommendation to implement passwords on BlackBerrys came as a result of the intrusion that occurred last August. The Speaker and Republican leader asked for our recommendations as to how we could improve security. We sent recommendations up, and one of the directives that they provided to us was to implement passwords on BlackBerrys.

Mr. HONDA. I am sorry, who?

Mr. BEARD. The Speaker and the Republican leader.

It was thoroughly debated with them that this was not going to be the most popular recommendation that would come out. But the feeling on their part and our part, as well, is that if you just leave your BlackBerry somewhere and somebody picks it up, they have all of your contact information, all of your personal information on that BlackBerry. And that is a risk to everybody here in the House of Representatives.

Our system is only as safe as its weakest link. You know, we have had intrusions. A lot of our intrusions come as a result of

through district offices. And it is a very diverse, decentralized system that we have, from Pago Pago and Guam and the Northern Mariana Islands and Puerto Rico and all the 50 States. So it is a challenge to keep that security level high.

The intrusion that we had in August, and the one we had in January as well, point out the costs that are associated with these vulnerabilities.

Mr. HONDA. So we didn't task our vendors to come up with a program to provide the security that we need, in spite of the fact that we have some folks who forget their BlackBerrys?

Mr. BEARD. We have tried every possible way to put the controls on at the enterprise level so that the individual doesn't have to do it. For example, the peer-to-peer software, which was the reason why some documents were divulged from the Ethics Committee, was added to a machine a staff person. We now block that at the enterprise level, and it can't be used by people on our system.

We try wherever we can to block—to put controls at the enterprise level so that it doesn't make an effort for you.

Mr. HONDA. Peer-to-peer, using a PIN? Is that what you are saying?

Mr. BEARD. Peer-to-peer is a swapping for records and for music and other documents.

Mr. HONDA. On a BlackBerry?

Mr. BEARD. On a BlackBerry or on a computer, yes. And it is very common—you and I are too old. All the younger people in this room know exactly what it is. And it opens up your computer to access by just about anybody anywhere. And so the contents of your computer can be sent out to the Internet. That is what happened in August with the individual that—

Mr. HONDA. This is not a closed issue yet, though?

Mr. BEARD. Oh, no. It is not a closed issue.

[CLERK'S NOTE.—A further explanation by the House CAO follows:]

Just like a desktop computer is a tool for processing information, a BlackBerry is a device for processing email. The makers of these devices, along with third-party vendors, can and have created a suite of protections such as encryption to assist in securing the information stored on the devices. As advanced as the devices have become, they cannot tell if the person who is using them is actually authorized to do so. The only way to ensure that the person using the device is in fact the correct individual is to enable a protection known only by that person, such as a password. Using a password protects the device from a malicious or just a casual user from accessing information he or she should not have.

EMERGENCY EVACUATION PLAN

Mr. HONDA. Mr. Livingood, I want to thank you for having put the staff together to discuss more fully the emergency evacuation plan and bringing in a speaker from the Pentagon.

The Pentagon is a little bit different building, but the issues are the same: being able to make sure that our staff are safe, our visitors are safe, and that we find a way where we can guide people in and out of the building safely, choosing routes that are safe in real time, two-way communications.

I look forward to further reports on this. It is something that we should be doing as we look at renovating all of our buildings and are doing one thing after the other.

Ms. WASSERMAN SCHULTZ. You and Ms. McCollum have been real leaders on that issue. And I look forward to—

Mr. LIVINGOOD. And we are going to be presenting a plan, too, on each of these items we talked about, the four or so items, or five, and then keep looking at others too, not just stop with those.

Mr. HONDA. Somewhere along the line, Madam Chair, the leadership, at least at this end, should be brought up to speed so that they understand that this building also needs to be thought about in terms of safe evacuation procedures while folks are here. And it seems like we have a problem with the Senate side in terms of cooperation and coordination. But be that as it may, I am most concerned about our staff and our visitors.

Mr. LIVINGOOD. And we are going to continue working on that, sir. And I will bring it to leadership, as you and I talked also.

Ms. WASSERMAN SCHULTZ. Yes. Thank you very much.

Mr. Aderholt.

Oh, I am sorry. Why don't we go through all the Members that haven't asked, and then I will come back to you.

Mr. ADERHOLT. Yes, let's do that. Fine.

Ms. WASSERMAN SCHULTZ. Mr. Ruppertsberger.

FOOD SERVICE CONTRACTS

Mr. RUPPERSBERGER. First, most of my questions will be to you, Dan. Because I think you all do a good job at what you are doing. I think the police department does a great job, they are very professional, and it continues to get better and better each year.

And, Lorraine, you are not allowed to say—

Ms. MILLER. Thank you. I appreciate that.

Mr. RUPPERSBERGER. I am going to give you a compliment. Since you have been in your position, I think that you have really focused on service. And your style is you get things done, you get good people and hold people who aren't doing their job accountable. And I think you have made a lot of good decisions in a lot of different areas, in our office management and the things that you deal with.

The two areas I want to get into, Dan, and I keep bringing it up when I see you on the street, and that is the issue of food. And why I bring it up, because I like food.

The key issue is, you know, we are only as good as our team and our staff. And we have good staff. And when our staff, that we can't pay what we would like to pay—but they are working and they are dedicated employees, and they just can't afford to eat every day downstairs.

Now, I know there are issues of contracts and how long you have a contract and the other side has to make money. But I have known a lot of people in the food business, and there are some that do well and some that don't. And I think you probably can't do it pursuant to a contract, but we should probably have just one vendor like a Subway, as an example. Five-dollar foot-long, whatever. But that is important, because when you have that it gives options. I mean, they have passed the nutrition test, I think. But that gives options on where we need to go. So a lot of our people are either going out someplace else or they are brown-bagging every day.

And I don't know if you have a responsibility for this, but I think it is outrageous what is going on in the Capitol Visitor Center for

these families that come in and get a \$9 sandwich. Now, maybe if that is not a part of your contract, we should pull it all together. Maybe more volume would be less cost. I don't know.

But I think that has become a public relations issue. This is the Nation's Capitol. We want our students from all over the country to come here. And—

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Just to follow up on the issue of the cafeteria in the Capitol Visitor Center, I was told when I inquired about the prices way back when the Visitor Center first opened why they were set so high, I was told it was because we were trying to discourage—they didn't want staff eating at the Capitol Visitor Center cafeteria, that they wanted to reserve it for visitors, and that if they set—they set the prices higher deliberately so the staff would stay away, as if the distance of walking there wasn't enough of a hassle to start with. I thought that would be a deterrent, without the bread crumbs, you know, leading you back to where you came from.

But beyond that, they also—let's say a staff person decides, okay, I am going to pay the higher prices, the food happens to be better in the cafeteria in the CVC than it is—and that is a matter of opinion. But from my own anecdotal survey, the food choices seem to be better and tastier in the CVC cafeteria than the ones we have in the rest of the complex. They won't give a carryout container unless you show that you have a staff ID. So if you want to bring food out—now, the argument is that they don't want visitors eating in other parts of the Capitol Visitor Center. That seems easy enough to enforce without requiring a staff ID for a carryout container.

But, you know, just the whole idea that we aren't being staff-friendly when it comes to the care and feeding of our employees is really obnoxious.

Mr. RUPPERSBERGER. I agree. That is the issue, that more than anything else. We have to deal with that. We are seeing it. And I don't know—how long is your contract with this food service company right now?

Mr. BEARD. It is a 7-year contract.

Mr. RUPPERSBERGER. So what year are we in now?

Mr. BEARD. Third year.

Mr. RUPPERSBERGER. Any modifications in there?

Mr. BEARD. Sure. We can modify it as we go forward with them, and we don't have to wait 7 years, if there is something in particular. We modify the contract several times a year for minor issues that we deal with.

Mr. RUPPERSBERGER. It is almost like you go on a train, it costs more money. So we would just say this. You can't solve it here at the table. We are going to ask you to look at it. Try to get a Subway or someone that has the ability to be able to give the prices that we need, and then you have competition, and then you have other areas.

I think also having a value meal—the value meals cost a lot, too, when you fill it up. I mean, you are spending over \$10, \$12, \$15 for lunch when you get your potato chips and your Coke or whatever you are going to get.

Mr. BEARD. Right. Right.

Mr. RUPPERSBERGER. We are finished with food now, okay? Do you get our message?

Mr. BEARD. Well, I get the message. The message comes through loud and clear. I do want to—

Mr. RUPPERSBERGER. This is for employees, believe me.

Mr. BEARD. No, I know that. But I do want to supplement something the Chair said. Look, this contract was negotiated before I got here. But it is not my understanding—

Mr. RUPPERSBERGER. Okay.

Mr. BEARD. What? Oh, okay. No, you know, we have the ability to change it, should we so desire. But the pricing model for the CVC was not based on trying to discourage—as far as I know, not trying to discourage staff. It was based on, the pricing there would be the same as the pricing for any of the Smithsonian Institutions.

Ms. WASSERMAN SCHULTZ. But it is actually much more expensive than the Smithsonian Institution, because we have checked.

Mr. RUPPERSBERGER. Look at a Five Guys hamburger versus a hamburger here.

Mr. BEARD. Well, but Five Guys is different than—

Mr. RUPPERSBERGER. It is not an apples comparison.

Mr. BEARD. No. And the pricing for the House and the Senate is lower, both the House and the Senate pricing is lower than the CVC. Now, it is not as an incentive to keep staff from going there. I just wanted to make sure that is the case.

Ms. WASSERMAN SCHULTZ. Well, I was misinformed, then, when I required as to why the prices were different.

COMMUNICATION IN CAPITOL AND CVC

Mr. RUPPERSBERGER. The other thing that is important, because it affects Members and their ability to communicate and also to vote—and you alluded to it in your testimony—is wireless access. I feel there are some areas that really need to be prioritized. The area of the Capitol cafeteria or the Capitol—what do they call it downstairs? The Capitol—

Mr. BEARD. The Capitol Market, right downstairs?

Mr. RUPPERSBERGER. But there is an issue that there is no communication. And a lot of times, a lot of Members go there because you are there, you are voting, and then you don't hear anything. And there is no—even a system. Our staff can't communicate with us there if we go there. You know there is going to be a vote in half an hour, so you go downstairs. There is no communication. I think it is really a high priority to do something in there, or to get the staff there to notify Members on a regular basis every time there is a vote. We do that in committee hearings and whatever, but we have—I mean, I have missed a vote in there. It is my fault. But I just think communication is really important there because a lot of us use it.

The other issue, those of us on the Intelligence Committee, when we go into our SCIF at the Capitol Visitor Center, you know, we can't take BlackBerrys and we can't take cell phones, so we have to keep them outside. Now, we have had—and I have asked the NSA to go in and make sure that we can have access in the hallway so when we come out of the SCIF, we can get to our Black-

Berrys, look at it and go back in again, because of the communication with our staff.

If you could focus on—I don't know, Mr. Livingood, if you are working the issue together—and see what we can do in that hallway area. You have Admirals, you have CIA, NSA, they are all in there, and they can't take any of their equipment. That hallway is very important for us to be able to communicate, come out, go back in with our staff.

Let me ask you this. You talk about Rayburn cafeteria is another issue for Members. Mainly for the issue of votes, more than anything, trying to make that a priority. And I see in your testimony that that is going to be the next priority on access.

How are we doing on the tunnel, when we walk through the tunnel from Rayburn over to the Capitol? Have we improved that pretty well?

Mr. BEARD. We have, as far as I know. That portion, addressing it, has been resolved.

And Mr. Livingood and I, with the help of the Chair, we now have an agreed-upon, step-by-step approach to improve BlackBerry access in the CVC, particularly the caucus rooms that are above the SCIFs. But it wouldn't be a problem at all to add the hallway there.

Mr. RUPPERSBERGER. And I know it has to be certified by the NSA.

Mr. LIVINGOOD. Yes, we will have to look at that with the intelligence community—

Ms. WASSERMAN SCHULTZ. I guess I also wanted to tell you that, because of the sensitive nature of the issues that they are addressing, we are going to have a closed-door briefing for the subcommittee on the plans and when that process will be implemented.

Mr. RUPPERSBERGER. Can you make that Capitol cafeteria, whatever you call it, a high priority? Because people—

Mr. BEARD. Sure.

Mr. RUPPERSBERGER. Thank you. I have to go to another hearing.

[CLERK'S NOTE.—A further explanation by the House CAO follows:]

The Office of the CAO is addressing this high priority initiative for wireless coverage and the following plan outlines these efforts.

CVC House expansion space meeting rooms design

- The National Security Agency (NSA) has provided a redacted radio frequency (RF) survey document to the House Sergeant-at-Arms (SAA). The House SAA provided a copy to CAO and the Wireless Consortium representative (Verizon).

- Verizon, House SAA and CAO are now working out specific design details and antenna placement issues. Draft design completion target is the end of April 2010.

Approval and licensing modification

- Draft design will then be reviewed and approved by CAO and House SAA.

— *Verizon estimates the project will take 3 to 4 months from this step.*

- The CAO and Wireless Consortium modify the current In-Building Cellular License to add the CVC House space. The approved design is an exhibit for the license modification.

Installation and initial testing

- The Wireless Consortium procures and installs the antennas, cabling and cellular support equipment. The CVC cell system is then placed into initial service.

— *The Wireless Consortium funds the entire project to this point.*

- House SAA coordinates a security review of the installed system and wireless coverage.

- Verizon is directed to modify the installation as necessary to meet security and coverage requirements.

- *CAO may help address modifications with Verizon.*

Capitol Market, Rayburn tunnel, other areas and hallway outside SCIF room

- CAO/Wireless Consortium will start Capitol design discussions after the CVC House side is completed.

- At the request of the CAO, Verizon is looking into providing near-term, In-Building Cell/BlackBerry (BB) service in:

- The Capitol Market

- RHOB tunnel near the Capitol entrance

- Other areas:

- The CAO is working with the AOC's Capitol Superintendent to build out the Capitol/CVC In-Building Cellular "head end" room HVC-126. The head end is the nexus point for cabling and cellular control equipment. AOC has completed the design and has the construction funding. This effort is expected to take two months (concurrent). The CAO is reaching out to the AOC to see when this can start.

- An additional request to provide cell/BB service in the hallway outside of House Permanent Select committee on Intelligence (HPSCI) CVC. House SAA discussions with HPSCI raised some security concerns regarding this request. The hallway area is problematic from a security point of view.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Aderholt.

NUMBER OF ROLL CALL VOTES

Mr. ADERHOLT. Thank you.

Ms. Miller, you had mentioned in your testimony about the number of roll call votes that had been cast this year. Now, what did you have the number down again for the first session of the 111th Congress?

Ms. MILLER. The first session of the 111th, 991 votes, roll call votes.

Mr. RUPPERSBERGER. What did you say? How many?

Ms. MILLER. 991 roll call votes, first session.

Mr. ADERHOLT. How does that compare to the first session of the 110th Congress? Do you know offhand?

Ms. MILLER. I believe it is a little lower.

Mr. ADERHOLT. Okay. Because I knew I had heard at one time that some of the votes historically have been cast and that—

Ms. MILLER. Yes.

Mr. ADERHOLT. Okay. So when you said those numbers, it reminded me.

HOUSE LIBRARY

You mentioned about the modernization of the House Library. Could you give us an update on that, what the progress being made on that is?

Ms. MILLER. Sure. Well, for a number of years, the subcommittee has been very generous in helping us support trying to do a library. And what we were wanting to do is to make our library digital and focus solely on the House. We are not trying to duplicate anything that the Library of Congress does.

For instance, we are working with the Archives legislative center that houses all of our records. I will give you a quick example. During the health care debate, there was a staffer from the Ways and Means Committee who was looking for an old piece of legislation back in 1938 that had to do with health care. Well, subsequently

he had to fill out a form, we went to the Legislative Resource Center over at the Archives to get it. We found it out in the College Park center. Took them a couple of days to get it to him.

What we are trying to do, though, is have new finding techniques that we could have found that much easier, make that information available not only to committees but to all House staff in a much easier, simpler format. And we think the library would be the portal.

And one of the arguments against that is, well, why don't we just make that available at every laptop for every staff person? Licenses are involved. That would be cost-prohibitive. We wouldn't want to put that kind of expense. So we have purchased the licenses and we are about to do that, so that we can make that accessible. We would be the portal, the House Library would be the portal, and it would be available and accessible there.

So we are moving. We have, over the last couple years, gathered a lot of Web sites and a lot of things, finding tools, that will help the library be the kind of digital place. We are not talking about a large place, but just enough to house all of this.

HISTORICAL SERVICES—MEMBERS' PAPERS

Mr. ADERHOLT. One of the other things that was mentioned in your remarks was the historical services and how you worked with the archives in trying to make sure that Members' offices keep proper records. What currently do you have in place for offices? With the amount of information and the amount of paper that comes through Members' offices, as someone who values history quite a bit, I think it is important that we do try to archive as much as possible.

Of course you can't save every piece of paper that comes through a congressional office. But I think better training staff on which things to keep, which things to throw away would be very helpful.

Ms. MILLER. Right.

Mr. ADERHOLT. Because a lot of times, we are so limited on space in our offices, the goal is just to throw it away and get it discarded. And I think sometimes there is a lot of valuable information and stuff that future generations could look back at and would find very intriguing when they are studying the operations of the House.

And so I just wonder what process right now do you have to move forward in trying to train or try to give advice to staff on how to sort through this stuff for historical purposes?

Ms. MILLER. We have in the Office of History and Preservation an archivist for the House. We recently hired another assistant archivist to help her.

And what we do now, if there is a new Member coming aboard—we really focus on the new Members—we have 44 Members that have indicated that they will be leaving the Congress. So we have already sent them letters and offered archival services. Any Member, if they want it, we have kind of a guideline, a listing of things they should be looking for to preserve and things that they could discard. That is available to any Member now.

But we are making the visits. So far, I think Robin Reeder, the House Archivist, has visited this year, well, 2009, about 130 offices

just to say, "This is what you ought to keep." Especially if a Member dies, retires, or for some reason leaves the House, we offer our archival services to them from the beginning.

So, with that and with the new Members coming in—and then we have targeted some Members who have been here quite a while, who have voluminous records. We have just proactively contacted their offices and gone in to talk with them. We have even had the opportunity to meet with the chiefs of staff to just give them an overview of what they should be looking for as Members try to figure out what they are going to do with their records.

So we have a package that is available for any Member's office, and we are trying to proactively get that out.

Mr. ADERHOLT. You mentioned that you focus in on a lot of the new Members that come in to try to give them information.

Ms. MILLER. Yes.

Mr. ADERHOLT. One thing that you may want to consider doing that I think might be helpful is to reach out to older Members. I came in the 105th Congress, and I have actually talked to the archivist and had them come over, but I think most Members don't even know this exists.

Ms. MILLER. The new—our archivist in our office?

Mr. ADERHOLT. People that have been here for several years like myself. People that maybe have not been here 30 or 40 years that have all of these records that you are talking about, but people that have been here for, say, 8 years, 10 years, 15 years, and to notify their staff and inform their staff of what is available out there.

So, again, the new Members, I understand, are getting this information. But I don't think, when we came in, we were ever informed of what we need to do. And so if you could try to focus on some of the mid-Members that have been here for, you know, say, over—whenever this program was implemented, going back a few years, I think it would be very helpful.

Because, as I say, a lot of this information—you say when a Member retires or announces they are going to retire, you talk to them—but a lot of information has already been thrown out and it is already gone and it is in the garbage heaps and it has been deleted from the computers. And so, there needs to be something ongoing so the Members who are not ready to retire, but who on a day-to-day basis—and, again, it is not a criticism; I am just saying it is something I think we need to look at because I think there is a lot of information that would be very valuable for future generations and for historical purposes that we would like to preserve.

Ms. MILLER. I agree with you.

Mr. ADERHOLT. But with the amount of space that we have and what all goes on, I think a lot of it is thrown away that maybe could be preserved. And so—

Ms. MILLER. I agree with you, and that is one of the reasons we are working with House Administration. They have been very helpful in trying to incorporate some of these archival materials in the orientation for not only just new Members but for rank and file. And then, as we go to electronic records, that is why we are so interested in the Members trying to—the committees, in particular, submitting their records to us electronically, but the same kind of archival requirements are involved in that, too. So we hear you.

Mr. ADERHOLT. Okay. Thank you.

RESPONSIBILITIES OF CURATOR & HISTORIAN

Ms. WASSERMAN SCHULTZ. Thank you.

Just on the heels of Mr. Aderholt's question, I wanted to just raise with you the issue we talked about in my office about the overlapping of the curator's and historian's responsibilities. It seems like there are a few different offices who have some responsibility for keeping historical records and artifacts.

Can you describe the steps that are in the works or the discussions that are in the works about possibly combining those offices?

Ms. MILLER. Well, we try to work closely together. That is not only House and Senate—because Farar Elliott, who is our curator, works very closely with the Senate curator and the Architect of the Capitol. And we try to do this with the History and Preservation Office so we don't duplicate efforts. And it is difficult.

But I understand there is an effort afoot to try to restructure the Office of the Historian and to merge some of our efforts so we don't duplicate. And so we really make a concerted effort not to duplicate, so that means we have to communicate a good bit together. So that is under way. And I think that you will probably hear some announcement from the leadership about it.

Ms. WASSERMAN SCHULTZ. Just keep us informed as we go forward—

Ms. MILLER. Yes. Sure.

Ms. WASSERMAN SCHULTZ [continuing]. Because we are obviously trying to be as efficient as possible.

Ms. MILLER. Absolutely.

STUDENT LOAN REPAYMENT PROGRAM

Ms. WASSERMAN SCHULTZ. Mr. Beard, I wanted to ask you a few other questions.

The student loan repayment program, you have requested an increase of \$2 million for that program. And I appreciate your advocacy for benefits for the staff, but is that increase to expand the benefits or expand the number of people that qualify?

Mr. BEARD. Expand the number of people. We have the guidance now from the Committee on House Administration to provide up to \$10,000 a year in the way of benefits. And we did take a reduction in that last year when the committee was looking for savings, and we would like to restore those funds so that we can make the benefit available to as many employees as possible.

HEARING ROOM EQUIPMENT UPGRADES

Ms. WASSERMAN SCHULTZ. Okay. For the standing committee hearing room equipment upgrade requests, in the past you said the press has paid for the types of audiovisual upgrades that are being requested that at least cover their press coverage needs. Does your hearing room upgrade request reflect any anticipated contributions from the press consortium since it is directly related to meetings?

Mr. BEARD. The press consortium has only contributed money—or contributed and assisted in the House Radio/TV Gallery.

Ms. WASSERMAN SCHULTZ. Uh-huh. But these upgrades are to connect them to the House Recording Studio, aren't they?

Mr. BEARD. Yes, they are. But they have not in the past. And we have not received any funds from the press consortium or from the members of the radio and TV galleries, is what it would be.

Ms. WASSERMAN SCHULTZ. Is that something you could consider exploring?

Mr. BEARD. We would be more than happy to work with the gallery staff and the committee that oversees the radio and TV gallery to see about the possible contribution of costs.

[CLERK'S NOTE.—A further explanation by the House CAO follows:]

A House resolution authorizing the acceptance of a gift from the Consortium would be needed to allow for the Consortium to pay for Committee Broadcast Audio Visual equipment or services in House buildings. If the Committee rooms are located in the Capitol, the U.S. Capitol Preservation Commission can accept a gift of funds.

It is necessary to renovate the balance of the main hearing rooms to provide the latest audio/video technology with equipment commonality across all main hearing rooms. The remaining Committee hearing rooms are considered "hybrid systems" and do not meet the House adopted audio/video standards approved in 2004. These standards ensure a compatible infrastructure: equipment that can readily be supported by the CAO, and connected to the House Media Center, Rayburn B313, where the hearing room cameras can be remotely operated for broadcasting. These Committee systems are starting to fail during hearings and will progressively worsen until such time as an interim repair will no longer suffice. Renovated Committee hearing rooms will provide state-of-the-art audio and video technology that will give the Committee Chairpersons different options to broadcast their hearings.

Remaining main Committee hearing rooms to be renovated include Oversight and Government Reform (2154 Rayburn), Budget (210 Capitol), Education and Labor (2175 Rayburn), Financial Services (2128 Rayburn), and Energy and Commerce (2123 Rayburn).

Ms. WASSERMAN SCHULTZ. The other issue on the upgrades is, how many hearing room upgrades have been completed and how many are left?

Mr. BEARD. Fifteen have been completed. Five are left.

Ms. WASSERMAN SCHULTZ. So this is beyond just the media? I know that the—

Mr. BEARD. These are the actual committee rooms.

Ms. WASSERMAN SCHULTZ. The committee rooms themselves. So there are five left?

Mr. BEARD. There are five left. And it is an ongoing process, because the first committee rooms that we did, we are going to have to go back pretty soon and upgrade that because of new developments in technology, to improve the technology.

Ms. WASSERMAN SCHULTZ. All of the upgrades, in general, whether you are going back to the ones you first started or the ones that are remaining, would you call those necessities? Or if this were a tighter year and we needed to slow them down or halt them for a year, would the world come to an end?

Mr. BEARD. The world wouldn't come to an end. I think you would have to deal with five—

Ms. WASSERMAN SCHULTZ. Grouchy chairmen?

Mr. BEARD [continuing]. Grouchy chairmen.

We do have alternatives. This program was zero-funded in 2010 when we were looking for savings because we had carryover from 2009. So we had essentially zero in last year's budget.

Ms. WASSERMAN SCHULTZ. Well, that is because you didn't need it.

Mr. BEARD. We didn't need it, yes. But we want to finish the five rooms—

Ms. WASSERMAN SCHULTZ. We are not in the habit of giving you money you don't need.

Mr. BEARD. The directive I received from the leadership was finish at least one room for every committee as soon as possible. So that is why we have been moving on the agenda that we have.

But if we did not fund those, we would then have to use what we call crash carts, which are the carts out in the hallways that you see during the hearing, and there is somebody in there, you know, working it. We can use crash carts.

Do we purchase crash carts?

Yes, we purchased an additional two in FY09 to add to the three we already have. And we would have to purchase crash carts, and then there is a higher labor cost associated with using crash carts. We use temporary employees.

Ms. WASSERMAN SCHULTZ. Staff corrected. You got a million dollars for upgrades last year.

Mr. BEARD. Did we?

Ms. WASSERMAN SCHULTZ. Yeah.

Mr. BEARD. Okay.

Ms. WASSERMAN SCHULTZ. So, obviously, crash carts are not the preference. We want to eventually work towards making sure we upgrade all the hearings rooms because, obviously, the access to the public is better and the information that the Members can get is better. But I am just, you know—we are going to be hunting for savings.

Mr. BEARD. Right.

OFFICE OF CONGRESSIONAL ETHICS LEASED SPACE

Ms. WASSERMAN SCHULTZ. The Office of Congressional Ethics, we had—I just signed a reprogramming request to cover their expenses for their move to leased space. And I am confused because there is also \$400,000 in the budget that you have requested to move them to leased space. So should that money be transferred to the Architect?

Mr. BEARD. I guess I am going to have to get back to you—

Ms. PERDUE. Yes, we asked for it in our budget, but—

Ms. WASSERMAN SCHULTZ. Okay, so we are not going to need to do both. It will be just one or the other.

Ms. PERDUE. Correct.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. BEARD. And I wanted to introduce, this is Kathy Perdue, my chief financial officer.

[CLERK'S NOTE.—A further explanation by the House CAO follows:]

AOC confirms that realignment of the OCE FY11 lease request from the House budget to the AOC budget is anticipated during markup. The projected cost of the FY11 lease is \$268K.

Ms. WASSERMAN SCHULTZ. Great. Thank you very much.

I just am going to clear up—if you don't mind, I am going to clear up my CAO questions, and then I will turn it back over to you.

Mr. ADERHOLT. Sure.

CELL PHONE COVERAGE

Ms. WASSERMAN SCHULTZ. We went over the BlackBerry cell phone coverage issue, and we are going to have a closed-door briefing so you can bring us up to speed on that. But nearly every single day, Members complain to us about the fact that you go into a black hole when you are in the CVC expansion space and you are unable to be reached.

Obviously, because we are holding more meetings in that room now that HC-5 is not available for several months, it is incredibly, incredibly difficult to be in no man's land when you are in the expansion space. So we look forward to hearing from you on the plans for that. And I know we don't really want to go into a lot of detail on that at this point.

WEB SITE SECURITY

The last one I wanted to cover with you was Web site security, to go back to the issue that Mr. Honda raised. You mentioned in your testimony that you have an enhanced information technology security program that was launched by your office. And you said that that program validates that each computer, server, and printer is compliant with House security policy and technical standards.

And the concern that we have is that only 85 percent of Member offices are participating in that program. Is the program voluntary, or is it just that you haven't gotten to all the offices yet?

Mr. BEARD. The program is both. The program is voluntary. We have—

Ms. WASSERMAN SCHULTZ. How can a security program be voluntary?

Mr. BEARD. We have adopted in the House the approach that we try to encourage Members to participate in our programs to the maximum extent possible. We have avoided, if you will, the directives that you must comply.

Ms. WASSERMAN SCHULTZ. But we did require them to—we passworded everybody's BlackBerry as a requirement.

Mr. BEARD. We did.

Ms. WASSERMAN SCHULTZ. So how are we choosing which security is voluntary and which isn't?

Mr. BEARD. The decision as to whether or not to participate in the program is made in consultation with the Committee on House Administration and with the leadership.

But, in this particular case, the 85 percent I think is—participation by Members is approximately 95 percent. We chose to work with Members first. Some of the servers in the CAO haven't been moved over yet.

Ms. WASSERMAN SCHULTZ. But a security system is only as strong as the weakest link.

Mr. BEARD. That is correct.

Ms. WASSERMAN SCHULTZ. So with 15 percent of Members' offices not participating, it is, you know, a very big opening that leaves us vulnerable. So I would appreciate, as I always underscore, that you remember that this is one of your oversight committees as well, and that in working with House Administration that you also

work with us, so that we can coordinate the decision-making on that since we have to fund it.

Mr. BEARD. Okay.

Ms. WASSERMAN SCHULTZ. That would be great. And can you follow up with us on that?

Mr. BEARD. Yes.

Ms. WASSERMAN SCHULTZ. Thank you.

[CLERK'S NOTE.—A further explanation by the House CAO follows:]

The CAO has a certification and accreditation program that requires adherence to security policy for Member, Committee and Leadership offices. Part of the program employs Secure Configuration Management as a central service to maintain compliance with policy. Secure Configuration Management is a program that allows the CAO to proactively ensure Member office, Committee and Leadership IT assets are in compliance with House Security publications and policies. The technical controls within the program provide a continuous audit of IT assets. Some Member, Committee and Leadership offices have deployed an independent system specifically to meet security policy. We are expanding the central Security Configuration Management service as we progress through policy driven the two-year audit cycle.

THIRD-PARTY VENDORS

And then the third-party vendors, the issue of third-party vendors hosting Members' Web sites. The security failures that we had, at least one of them, through a Member's Web site was from a private vendor, correct?

Mr. BEARD. That is correct.

Ms. WASSERMAN SCHULTZ. So what are the rules for Members to select vendors? And are there security features that are required for vendors to provide when a Member goes outside the House backbone?

And I know you can't go into specifics about security information, but obviously that is another weak link. If Members are continuing to be able to use private companies to host their Web sites, do they all have the same very secure protocol that we have in a House-sponsored Web site?

Mr. BEARD. I think the best way to describe the current situation is that we are in a catch-up mode. The questions that you asked me were addressed to me in a letter from the Speaker and the Republican leader February 1st. I have sent them our recommendations. They are currently evaluating those, but I have been told they will have an answer as to what they want to do in the next few days. We have scheduled with the subcommittee a briefing next week to discuss that internally.

I think the short answer to your question is any Member can pick any Web site designer that they want to. They then come in here and bring in the design work and so forth, and then we have to work with them at that point. There aren't any standards that Members have to achieve. In many cases, Members wanted to use a local—

Ms. WASSERMAN SCHULTZ. There are no security standards?

Mr. BEARD. There are none. Once they get here, we then tell them what they have to do to live to our standards. But in terms of, have we—and that is one of the corrective actions that we want to take in this area so we will be able to go through with this.

Ms. WASSERMAN SCHULTZ. Okay. Well, I will look forward to hearing more about it in the briefing next week. Thank you.

[CLERK'S NOTE.— A further explanation by the House CAO follows:]

At this time, Members may select any vendor they wish. However, security policies are in place and apply to all web vendors. These policies include a requirement that all vendor servers be located in a House data center. In order to install a server in a House data center and operate a Member site, the server, web tools and code are subject to complete audit and must be in compliance with all applicable security policy and regulations.

The phased plan to protect House public websites includes hosting of vendor websites on House-provided servers and providing a site development environment for vendors to use to design and build new sites. Because the existing security review process is a barrier to entry for many companies that cannot afford the effort necessary to pass the audit, providing a hosted environment increases the number of vendors available to Members, and the cost and time to complete new web sites will be significantly reduced. At the same time, the industry standard hosted environment improves security over Member websites and provides for greater control over the vendor websites for CAO Information Security staff if an issue does occur.

The plan also calls for the development of procurement guidance for Member offices in the selection of web vendors, including recommended contract language. Clear guidelines for working in the House environments will be available for prospective vendors.

Proposed Four-Phase Plan for Protecting Member and House Public Websites

- Phase I—All web vendors will be required to accept enhanced security procedures. CAO Information Security monitors for suspicious activity.

- Phase II—Initiate hosting of existing vendor websites onto House servers. Develop procurement guidelines for Web vendors.

- Establishes a secure industry-standard operating environment with recovery protections for Members

- Provides additional controls over server administration and compliance with security policy

- Phase III—Develop House-wide web standards for public websites to include the operating environment, database, content management system, and development tools. Provide vendors with a site development platform.

- Improves security posture by focusing hardening efforts on an industry standard set of tools, and associated maintenance and update procedures

- Improves recovery time for websites

- As the standards will include open-source tools, this will allow a greater number of vendors to participate, reducing costs to Members and making it easier for Members to switch vendors as they choose

- Significantly reduce the time to develop, undergo security reviews and publish websites

- Improve the scalability of the website to accommodate large volumes of web traffic

- Phase IV—Migrate existing House websites to the new environment

- Includes House.gov and Member and Committee sites currently run by the CAO

- Will be completed over time, on a schedule that works for each affected House Office

Mr. Aderholt.

Thank you very much.

HOUSE ID SYSTEM

Mr. ADERHOLT. Mr. Livingood, last year this committee funded a new House ID system. And I just wanted to ask you about the status of that and that conversion that is taking place and how that is going.

Mr. LIVINGOOD. The system that you are talking about, the new ID badging system—

Mr. ADERHOLT. Right.

Mr. LIVINGOOD [continuing]. Is currently, as of today, being installed and configured. We expect the new system to be on line at the end of next month, end of April.

Phase two of the project will include an online request for offices. And that means from your office you can input to the House ID Office requests for a badge and all the information of that individual that you would like a badge issued to. The date for the implementation of that phase is the end of August, this year.

We have looked at—just for information, we have looked at the Government Printing Office to assist us in mass production, like the AOC, of their IDs. And the way we would have to do that is to have a CD filled out with all their information, which is very feasible, and send it to them. And they can mass produce the badges the same way we are doing, the same system, and have it back in 2 days. So we are looking at that.

The problem with doing all of the badges is taking the pictures, and it would take a little more time—most of the staff need a badge fairly quickly when they come.

Mr. ADERHOLT. Will all this conversion and new House ID system be ready for the 112th Congress?

Mr. LIVINGOOD. Yes, sir.

Mr. ADERHOLT. And at what point do you expect that to be in operation? Will it be right up to the point of the next Congress?

Mr. LIVINGOOD. We start in early summer with staff offices and get the pictures up to date. That saves us quite a bit of time. And the current information, addresses and whatever. We then start producing some of those badges right then. Then we start AOC early, people like that that we know aren't going to change much.

With the Member offices, as I said, we start some of those early. But then again, right after the elections, we are in full force. And it takes us 3 or 4 months to complete. We have been trying each year to make that—and we have been very successful, meaning a month or 2 at a time, we have been able to increase the time frame when they would be finished. And we are going to continue to do that.

And this new badge system will help with that. Plus, it has an ability to print smart cards, if the day ever comes when we are going to need smart cards. There are some offices, district offices, that are in Federal office buildings and will probably need us to print their cards in a smart card format because that is what they are accepting at those GSA buildings. And someday we may. We have the ability to do that.

Mr. ADERHOLT. This new ID system, what is one of the things that will make it better than the old system? What do you see as the—

Mr. LIVINGOOD. It is a better, clearer, more distinct picture, which can be done quicker. And it has this conversion ability so we don't have to start from scratch again, which we are going to probably need someday and we will need in certain cases, for certain offices.

Mr. ADERHOLT. All right. Thank you.

STAFF ACCESS

Ms. WASSERMAN SCHULTZ. Thanks.

I just have a couple questions for you, Mr. Livingood, and then I will be finished.

I am struggling, as one Member, to figure out what is the consistent policy for staff access when walking with a Member to the Capitol because, depending on the door and depending on the time, depending on the entrance, it is different, every day of the week, every hour of the day. I mean, I have experienced different direction at the east door than I have at different times during the day when I am racing to a vote and walking with one of my staff and going through the Cannon tunnel.

I completely understand that we need to have more restrictive access to the Capitol. But we don't have consistent enforcement of that. And when you are bobbing along, trying to get through your day, and you are clotheslined at a door that some days you have access with staff and some days you don't—well, that is what it is like—and some days you don't, it is frustrating and it impedes the progress of your day.

I understand we have to be focused on security, but we also have to focus on consistency so that Members and staff and visitors don't constantly have to readjust to different people's directions.

So can you explain the policy, number one? And, number two, can you—and I will follow up with Chief Morse on this, as well—follow up on making sure that the policies are consistently enforced?

And, thirdly, particularly when it comes to Cannon tunnel, if are going to now have a policy going forward of staff has to go through the magnetometer in every instance, then the second magnetometer, particularly as we enter the spring break season, has to get opened up. And we need to move one of those officers from the front door of the CVC to that spot, like we did last season, so that they can get things moving.

Mr. LIVINGOOD. First of all, I am very aware that there are inconsistencies because I hear it from Members and staff in the security screening process.

The policy is that all staff entering the Capitol are required to go through the mags whether or not they are with a Member of Congress. I have reviewed this with the Capitol Police officials, Chief Morse, and reiterated that there is no change in the current policy. But there are inconsistencies, as you said.

Our officials have started reminding already as of about 3 or 4 weeks ago, Capitol Police Officers regarding the screening process and it may not have gotten everywhere because I am aware you have to do it more than once, but they started addressing the officers at roll-call. And we are going to continue that.

Ms. WASSERMAN SCHULTZ. But can we also, while we do that, make sure—there needs to be another informational outreach to the Members. Because Members don't know, and neither does staff.

Mr. LIVINGOOD. And we have also—to answer that question, in the near future the screening policy will be sent to all offices and Members. In addition, we have asked the officers to be more proactive, and that is to pull people—if they are staff and we only have one mag, to move them up to the front.

The second thing is to, if there is a second mag, start manning that, as we did last year. We robbed Peter to pay Paul, as you know. But that is—

Ms. WASSERMAN SCHULTZ. Why would you want to describe it that way? Because you have eight mags outside the CVC entrance, when it isn't really most of the time necessary to have eight mags open at the CVC and one at the Cannon tunnel. I mean, we still have staff-led tours that come through there. That really lengthens the lines. So, between those two issues, it is going to be very important.

Mr. LIVINGOOD. We are aware of it, and we are going to take action. We will let you see the policy when we are going to send it out.

CAPITOL POLICE BUDGET SHORTFALL

Ms. WASSERMAN SCHULTZ. That would be great. Thank you.

And my last question deals with the really disturbing Capitol Police budget shortfall. You know, when I became Chair of this subcommittee, Chief Morse had just become the chief a few months before that in October. I took over the subcommittee in February, and he came on board in October. So I felt like he deserved a considerable grace period to get things in order, to get the fiscal house in order of the Capitol Police.

The grace period is over. I mean, I am done. It is inexcusable that we are still experiencing the ridiculous fiscal mismanagement that occurs in the Capitol Police.

At least partially in their defense, they are not budget policy wonks; they are police officers. And that is their primary—protecting us, keeping the Capitol secure is their primary mission.

Is it time to just take the budget function away from the Capitol Police, not have it continue to be handled internally, and give it back to a legislative branch agency so that we can make sure that we have people who have that expertise and who aren't distracted by other issues who are supervising their budget?

Mr. LIVINGOOD. If I could just give you sort of a—

Ms. WASSERMAN SCHULTZ. And I am going to take this up during their hearing also.

Mr. LIVINGOOD. Yes, ma'am. I will tell you where we are today.

I agree with you 100 percent, and so does the Capitol Police Board and the department, the chief, that we all realize the gravity of the continuing financial management issues within the department.

Upon learning of the problem at a quarterly review period, Chief Morse, to his credit, took immediate action, got access to the issue, coordinated with the board, got a hold of them immediately, and developed a plan to address the problem, the current problem, and reviewed the underlying reasons behind the miscalculations—

Ms. WASSERMAN SCHULTZ. But I have to find another \$9 million now for their 2011 request because—

Mr. LIVINGOOD. I know. Because of that.

Ms. WASSERMAN SCHULTZ. Yes. And that is not going to be easy in this budget, the smallest budget of all of them.

Mr. LIVINGOOD. The big thing we want is to make sure this is not going to be repeated. And what we did, the board provided the

Capitol Police their members with their financial and technical teams to review the budgets and came up with recommendations. And after an initial review of the situation, it appears the calculation errors resulted from human error. And you have to call it like it is.

Ms. WASSERMAN SCHULTZ. Well, that is just inexcusable.

Mr. LIVINGOOD. I know. I agree.

Ms. WASSERMAN SCHULTZ. Human error is unacceptable.

Mr. LIVINGOOD. And maybe some lack of direct oversight.

Ms. WASSERMAN SCHULTZ. Human error, one time. You know, human error by a different person, okay.

Mr. LIVINGOOD. I am with you. I understand you.

Ms. WASSERMAN SCHULTZ. Repeated human error tells me that there is a systemic problem in that organization that seems to me to indicate that it is not something that they can continue to be able to be responsible for and still for me to consider that we are being good stewards of the taxpayers' dollars.

Mr. LIVINGOOD. And the chief has asked the inspector general to review the entire process, formulation, the execution for the 2 years that we are having problems—

Ms. WASSERMAN SCHULTZ. Have you formulated an opinion yet on whether or not the Capitol Police should continue to be responsible for their own budget?

Mr. LIVINGOOD. I have some ideas. I think we need to look at potential costs, servicing opportunities with other leg branch entities or with even qualified consultants who are familiar with Federal budgeting. And—

Ms. WASSERMAN SCHULTZ. I am at the point where the legislative branch bill will be removing the responsibility from the Capitol Police.

Mr. LIVINGOOD. But what I would like to ask for, I would like us to wait until the IG finishes, which will be quick, and let us come to you with various options available. Because we feel your pain, quite honestly, too.

Ms. WASSERMAN SCHULTZ. I am happy to review options. But just so you know where I am, I am at a point where I would have to be convinced that some other way, other than to keep the folks that I know, so I don't have to wring my hands worrying about whether the budget is going to have a deficit or not, are going to handle this budget going forward. I am a show-me kind of person.

Mr. LIVINGOOD. I think all of us are in agreement with you. We, the board and the chief and the department, have one object in mind, and that is to have the best budget formulation, and correct, and input from the Capitol Police. We will have to keep—no matter what we do, we have to make sure the police input is in there—

Ms. WASSERMAN SCHULTZ. Of course.

Mr. LIVINGOOD [continuing]. Heavily, whether it goes outside or not.

Ms. WASSERMAN SCHULTZ. Whatever process is established.

Mr. LIVINGOOD. And we started that when we put that one deputy chief in the CAO office. That is the reason we asked for that position, which you were so—everybody was very, very kind to give. And that is going to help. It is not the complete answer at all, but it is going to help.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. LIVINGOOD. But we are committed, everyone, so that we don't have this situation occur.

Ms. WASSERMAN SCHULTZ. Okay. Well, I look forward to working with you to correct the really serious problems that are continuing there.

Mr. LIVINGOOD. Yes, ma'am.

Ms. WASSERMAN SCHULTZ. Mr. Aderholt, do you have anything else?

USCP IG INVESTIGATION

Mr. ADERHOLT. On the IG investigation, you mentioned it would be quick. What time frame are we looking at on that?

Mr. LIVINGOOD. I don't know. I can't answer because I don't know.

Mr. ADERHOLT. Will it be expedited so that all the facts are available to this committee before the markup?

Mr. LIVINGOOD. I think we will have a lot more information before maybe even the Capitol Police hearing.

Ms. WASSERMAN SCHULTZ. Okay. We need it before the markup. Before the Capitol Police hearing is essential; absolutely before our markup.

Mr. LIVINGOOD. Okay.

SCREENING PROCESS

Mr. ADERHOLT. One last thing on the security issues. A lot of times I have school groups that come into the Capitol Building. Is there a new screening process for visitors coming in, like if a Member brings groups into the Capitol, that is beyond what it normally has been? Is there any new process?

The reason I ask that is I had a school group a couple of weeks ago that came through the door, I guess it was at the south door. And they had mentioned something about it was taking a really long time to get about 80 students through the security. Usually they walk through the magnetometers and they check that, but they were doing some kind of check where they take a swab of every student. And I didn't know if that is a new policy that has been implemented.

Mr. LIVINGOOD. That has been a continuing policy.

Mr. ADERHOLT. So that has always been the case?

Mr. LIVINGOOD. Yes, sir. And that is why we particularly request that they come through the south door. Some of the groups are large. I have 300, as you know, 50—

Mr. ADERHOLT. Yeah. The reason I asked that is it took about three times as long as it normally takes last week.

Mr. LIVINGOOD. The main thing is to let us know ahead of time, if you can, and let us know how many.

Mr. ADERHOLT. Yeah. Okay. Well, I didn't know if there had been a heightened security that I hadn't seen in the past. Because, usually they walk through the—

Mr. LIVINGOOD. And occasionally there is. I mean, there is a little noise. A lot more doing a few more things if there is some additional security information. And I don't know when the period was. And it could be.

Mr. ADERHOLT. Yeah. Okay. We just, like I said—and I am like the Chair, the security we know is important. We are not trying to—

Mr. LIVINGOOD. I understand.

Mr. ADERHOLT. But if there are new security provisions that are implemented or something, it would be helpful for us to know so we can let our constituents know, especially those large groups, that there is going to be an extra security precaution.

Mr. LIVINGOOD. So they can come a little bit earlier or something.

Mr. ADERHOLT. Exactly. So if—

Mr. LIVINGOOD. And we really do try to accommodate every one of them, even on weekends.

Mr. ADERHOLT. Yeah. I just had not remembered or seen every 8th grade student that went through, that was swabbed and checked through that security in the past. And I—

Mr. LIVINGOOD. I just don't want to talk about that particular one, but I can talk to you off line.

Mr. ADERHOLT. Okay. Thank you.

Ms. WASSERMAN SCHULTZ. Okay, I don't have any additional questions at this time.

Mr. ADERHOLT. That is all I have.

ADDITIONAL ASSIGNMENT FROM THE CHAIR

Ms. WASSERMAN SCHULTZ. I just have homework.

Mr. Beard, your office is responsible for business continuity and the disaster response office, and Mr. Livingood's office is now responsible over the whole umbrella of the Office of Emergency Management, which used to be the Office of Emergency Planning, Preparedness, and Operations, which was in the Speaker's office until just recently.

The Congress, particularly after Katrina, really fought hard to make sure that disaster preparedness and response were all housed in the same agency, FEMA, because we thought that made sense and was the best way to coordinate the effort of preparedness and response. So I want to make sure that we have the right format here in the House of Representatives.

So if you could provide a report to the subcommittee on what both offices do in general terms. Both of you, if you could coordinate on that report together. Include in the report any overlap that exists between the two offices. And also in the report I would like to know if and when these offices work together and how you coordinate your activities. Okay?

Mr. BEARD. Okay.

Ms. WASSERMAN SCHULTZ. Thank you very much.

[CLERK'S NOTE.—In response to the Chair's Homework Question, the CAO and SAA provided a general overview of their offices. The response does not detail how these offices coordinate or do not, as requested. The Committee will publish a complete response once submitted by the House SAA and CAO.]

The Office of the CAO is responsible for the effective and continuous delivery of almost every administrative and operational service to Members, Committees, and staff during and after any disruptive event. We have prioritized these services into Essential Support Services in order to give the Office of the CAO the ability to pro-

vide needed services regardless of the situation. Our Business Continuity and Disaster Recovery function (BC/DR) manages a portfolio program that allows my office to make the right decisions and manage limited resources under what is sure to be a difficult operating environment—all geared solely toward maintaining essential services to the House.

In 2001, the CAO developed and implemented the portfolio based program we call the Continuity Assurance Program (CAP)—a comprehensive program to ensure we can provide the right resources, when, and how they are needed to support House Leadership, Members, Committees, and staff under any operating conditions, no matter the disruptive event. We have previously briefed the Leadership, other House Officers, the Subcommittee, and the Committee on House Administration on this program.

In this BC/DR capacity, we are responsible for all operational and Information Technology Infrastructure for House-wide response capabilities to serve the Alternate Chamber, alternate House Office buildings, and the Member Briefing Center—as well as all direct services to Members and staff in Washington, DC and District offices (payroll, procurement, food service, etc.). Additionally, since the CAO is responsible for the House Emergency Communications Center, we provide those alert and notification messages needed to activate the teams responsible for setting up and activating these House-wide capabilities. Per a recent direction from the Committee on House Administration, my office is also the lead office for the coordination of House-wide exercises for these House-wide capabilities (e.g., Alternate Chambers, Alternate House Office Buildings, etc.).

Because of the daily services my office provides to the Members and Staff in District offices, we also maintain daily and constant situational awareness of the threats and hazards to the operational stability of every District office. We assist District offices in preparing for major disruptive events (e.g., hurricanes, floods, tornadoes) and assist with the operational recovery following events that damage their infrastructure (providing office equipment, computer equipment, and loaner communications resources), and we do this every day of the year. When the aforementioned services must be augmented, our BC/DR operations are available to deploy on the ground to provide in-person support to Members and staff with dedicated capabilities, including our mobile communications resources.

The role of the Office of Emergency Management vis-a-vis the CAO and Clerk's Office has yet to be finalized. The office is in transition, and the exact nature of their duties will be worked out in meetings among House Officers and Joint Leadership. The goal in all these consultations will be to eliminate any possible duplication, and to insure that all essential services are being provided by the appropriate organization. Each of the three House Officers is accountable for unique responsibilities in support of the Members, Committees, and staff, and we regularly coordinate on day-to-day issues. The recent transition of OEPPPO to the HSAA OEM does not present a difficult challenge and should be finalized quickly.

Over the years, my office has matured the Continuity Assurance Program and has successfully utilized our portfolio of resources to support recovery after disruptions. Our responsibility to ensure House recovery is something that is understood by every employee throughout my organization. I am committed to continuing my responsibilities, as assigned by House Leadership and this and other committees, to ensure the continuation of House Essential Support Services, whether on campus, at alternate facilities, or within District offices.

With that, this subcommittee stands adjourned. And we will reconvene next week for the next hearing. Thank you.

QUESTIONS FOR THE RECORD SUBMITTED BY

CHAIR DEBBIE WASSERMAN SCHULTZ

House of Representatives' FY 2011 Budget Request

Office of the Chief Administrative Officer

Honorable Daniel P. Beard, Chief Administrative Officer

Office of the Clerk

Honorable Lorraine C. Miller, Clerk

Office of the Sergeant at Arms

Honorable Wilson S. Livingood, Sergeant at Arms

Continued Problems with the Payroll and Finance Offices

Question: During the FY 2010 budget hearing last year a lot of time was spent discussing issues with the House's payroll and finance offices. Unfortunately there are still complaints regarding the speed that these offices process payroll and properly process paperwork. What is the turnover rate in these offices? Please provide for the record the number of FTE for each office and identify how many of those are contractors.

ANSWER:

Payroll & Benefits Staff FTE/Contractor	#	%	Notes
FTE Staff	28	65%	Average 5.5 years P&B Experience
Contractors	15	35%	Average 11 Months P&B Experience
Total Department Staffing Level	43	100%	
Staff that converted from Contractors	13	30%	
House staff Moved to Other Departments 2009 - present	2	4.65%	
Turnover Rate House staff (October 2009 – March 2010)	2	7%	
Financial Counseling Staff FTE/Contractor	#	%	Notes
FTE Staff	29	76%	Average 6.1 years FC Experience
Contractors	9	24%	Average 7.55 Years FC Experience
Total Department Staffing Level	38	100%	
Staff that converted from Contractors	2		
Turnover Rate House staff (October 2009 – March 2010)	2	7%	

Student Loan Repayment Program

Question: How many staff participated in the program in FY 2009 and FY 2010? What is the expected use in FY 2011?

ANSWER:

Fiscal Year	# of Participants
2009	3,026
2010 (thru' 4/15/2010)	2,679
2011 Estimated	3,050

MRA

Question: Please update the MRA table on page 511 of Part 2 of the Legislative Branch Appropriations hearing volume with the latest available data.

ANSWER:

MRA Actuals as expended by Members of Congress				
FY	Personnel (Clerk Hire)	Official Expenses	Official Mail	Total Actuals
2005	\$376,939,038	\$128,087,311	\$13,683,953	\$518,710,302
2006	\$391,899,093	\$143,492,532	\$32,017,681	\$567,409,306
2007	\$400,566,593	\$136,077,354	\$16,015,274	\$552,659,221
2008	\$408,595,097	\$155,164,193	\$32,791,062	\$596,550,352
2009	\$424,778,707	\$148,961,604	\$16,582,754	\$590,323,065

Question: Please explain the shift in funding in the MRA from official mail to communication technology? Is a program or service for Members pushing that change? Or is this an assumption?

ANSWER:

The assumption for the decrease in official mail funding follows the spending trends associated with the two years of the Congressional session. During the second year of a Congressional session when legislative activities increase, official mail expenditures are approximately 50% higher. There is a trend of increased spending on correspondence management systems (CMS) and computer maintenance plans as well as web development, web hosting and web services. The chart below shows an expenditure trend from FY 2008 to FY 2010. To be more specific, there is a 13% increase from FY 2008 to 2009 on technology services.

BOC	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010 (projected)	FY 2011 (projected)
2571	\$860,821	\$1,201,611	\$1,369,383	\$15,169,027	\$16,382,549	\$18,512,280.55
% Increase		39.6%	14.0%	1007.7%	8.0%	13.0%
2572	\$1,839,685	\$3,992,158	\$4,530,999	\$5,102,417	\$5,510,610	\$6,226,989.71
% Increase		117.0%	13.5%	12.6%	8.0%	13.0%
3118	\$15,258,439	\$15,237,929	\$15,932,275	\$4,344,630	\$4,692,200	\$5,302,186.45
% Increase		-0.1%	4.6%	-72.7%	8.0%	13.0%
Technology	\$17,958,945	\$20,431,698	\$21,832,657	\$24,616,074	\$26,585,360	\$30,041,457
% Increase		13.77%	6.86%	12.75%	8.00%	13.00%

Food Services

Question: Please update the tables on page 521 of Part 2 of the Legislative Branch Appropriations hearing volume with the latest available data.

ANSWER:

Food Services Commissions and Revolving Fund Authorizations	
Calendar Year 2009 Commissions:	
Cafeteria Commissions (3%)	\$529,396.34
Catering Commissions (10%)	\$604,626.54
Vending Commissions (31%)	\$275,604.17
Total Calendar 2009 Commissions:	\$ 1,209,627.05
Calendar Year 2009 Adjustments to Commissions:	\$417,474.47
Total Revenues deposited in House Services Revolving Fund:	\$ 792,152.58
YTD Calendar Year 2010 (Through February) Commissions:	
Cafeteria Commissions (3%)	\$ 44,850.85
Catering Commissions (10%)	\$ 70,184.94
Vending Commissions (31%)	\$ 34,694.25
Total YTD Calendar 2010 Commissions:	\$ 149,730.04
Calendar Year 2010 Adjustments to Commissions:	\$ 65,765.89
Total Revenues deposited in House Services Revolving Fund:	\$ 83,964.15
Total Revenue Received (CY09 and YTD CY10):	\$ 876,116.73

Current/Planned Obligations	Approvs Approval on	Total Estimated Cost	YTD (as of 4/28/10) Obligations/ Expenditures	Remaining Planned Obligations
Transition to a New Food Service Contractor	1/17/2008	\$520,728	\$529,256	\$ 51,472
GSI Reimbursement for un-depreciated assets		\$185,277	\$185,277	\$ -
Composting		\$ 60,000	\$ 60,000	\$ -
Sanitation and deep cleaning of facilities		\$ 15,451	\$ 15,451	\$ -
Replacement Chairs for Longworth and Rayburn		\$ 50,000	\$ 50,000	\$ -
Greening Equip - pulping, energy efficient equipment, & compost supplies		\$210,000	\$158,528	\$ 51,472
Food Services Authorization Letter	2/3/2009	\$419,944	\$316,014	\$ 43,931
Freedom Pay fees		\$ 7,552	\$ 7,552	\$ -
Restaurant Associates reimbursement		\$ 2,393	\$ 2,393	\$ -
Composting		\$180,000	\$180,000	\$ -
Greening Equip - pulping, energy efficient equipment, & compost supplies		\$230,000	\$186,069	\$ 43,931
Food Services Authorization Letter	12/16/2009	\$ 12,000	\$ 12,000	\$ -
Composting		\$ 12,000	\$ 12,000	\$ -
Food Services Authorization Letter	1/4/2010	\$ 65,000	\$ 57,735	\$ 7,265
Composting		\$ 65,000	\$ 57,735	\$ 7,265
Food Services Authorization Letter	4/12/10 letter pending	\$ 59,255	\$ -	\$ 59,255
Upgrades to Longworth Cafeteria Dining Room		\$ 54,005	\$ -	\$ 54,005
Members' Dining Room tables & table padding replacement		\$ 2,500	\$ -	\$ 2,500
Upgrades to Cannon Café		\$ 2,750	\$ -	\$ 2,750
Total:		\$1,076,928	\$915,005	\$161,923

Wounded Warrior

Question: Please provide an update on the Wounded Warrior program, including the number of Fellows that were hired in FY 2009, the number of Fellows hired to date in FY 2010, and the number of Fellows budgeted for in FY 2011.

ANSWER:

Wounded Warrior Fellows	#	Notes
2009 new hires	18	
2010 new hires to date	12	Current FTEs is 31 (2008 + 2009 + 2010). Projected rate of hiring is to be at 50 FTEs by September 30, 2010. Two individuals have left the program to date.
2011 FTE budget	50	

Question: How much of the FY 2009 funding remains unobligated?

ANSWER:

Fiscal Year	Budget Request	Appropriated (no year funds)	Balance	Notes
2008	\$2,500,000	\$ -	\$ 20,916	\$500k reprogram per 6/9/08 letter
2009	\$2,500,000	\$2,500,000	\$1,978,331	FY09 funding moved forward to FY10
2010	\$2,500,000	\$ -	\$ -	
2011	\$2,500,000			

Unobligated Balances

Question: Please provide a table detailing the authorization, the enacted appropriations, and the unobligated balances (including the amounts that will go back to Treasury for deficit or debt reduction) for each of the House of Representatives' accounts for the last five years. Please include an estimated amount for FY 2010.

ANSWER:

Fiscal Years	2005			2006			2007		
	House Account by Appropriations Title	Authorization	Appropriation	Surplused Out	Authorization	Appropriation	Surplused Out	Authorization	Appropriation
Leadership	\$0	\$18,678,000	\$1,639,311	\$0	\$19,844,000	\$304,298	\$0	\$22,872,184	\$7,662,136
MRA via Letter from CHA	\$563,068,979	\$521,195,000	\$3,024,698	\$588,024,837	\$542,109,000	\$36,549	\$597,359,155	\$554,715,857	\$2,056,636
Standing Committees, Special and Select HR 224 ('05, '06) and HR 202 ('07) ^{1,2,3,4}	\$125,600,690	\$114,299,000	\$91,761	\$132,316,672	\$117,913,000	\$69,052	\$138,218,281	\$124,406,363	\$110,463
Appropriations Committee ⁵	\$0	\$24,926,000	\$149,789	\$0	\$25,668,000	\$313,218	\$0	\$25,865,666	\$2,559
Salaries, Officers and Employees ⁶	\$0	\$160,133,000	\$2,524,969	\$0	\$172,249,000	\$1,757,512	\$0	\$156,146,732	\$3,623,889
Allowances and Expenses CHA Res. 110 ^{2,3,4}	\$0	\$209,350,000	\$1,361,308	\$0	\$223,124,000	\$1,041,612	\$105,000	\$253,762,328	\$5,010,359
Joint Committee on Taxation	\$0	\$8,433,000	\$43,464	\$0	\$8,781,000	\$1,019,791	\$0	\$8,772,901	\$37,023
Attending Physician	\$0	\$2,528,000	\$70,373	\$0	\$2,545,000	\$72,640	\$0	\$2,519,550	\$237,768
Statements of Appropriations ⁶	\$0	\$30,000	\$14,880	\$0	\$30,000	\$14,850	\$0	\$29,850	\$14,850
Grand Totals (excluding Authorizations)		\$1,059,572,000	\$6,920,553	\$1,112,203,000	\$4,929,465	\$1,149,041,432	\$12,754,682		

Notes:

1. One of two House Accounts with an authorization
2. Multi-year fund
3. Includes No year funds - unobligated balances are rolled over each fiscal year not surplused out
4. Account abolished as of FY2010
5. Based on YTD unobligated balances in FFS as of 4.27.2010
6. Based on FY2010 EOY Projections as of 4.2010 based on YTD actuals as of 3.31.2010

7 Does not include rescissions, supplementals, no year prior fiscal year roll overs, and transfers (except FY2007 due to a year-long continuing resolution)

8 Authorization is primarily for General Operations of Committees NOT Committee Room Broadcast Renovations and Franked Mail

9 Authorization is primarily for Committee Franked Mail

10 Because Multi-year Funds are 27-month and 15-month funds, they are surplus out every other fiscal year which means each column is a combination of two surplus warrant years

11 Because they are solely Multi-year Funds and the 1st quarter of the subsequent fiscal year expenses can be charged back to remaining balances, a prudent estimate of surplus funds will not be available until January 2011

Estimates are in *italics*

US House of Representatives: 5-Year Historical Authorizations, Appropriations and Surplus Warrant plus CY Projections											
Fiscal Years House Account by Appropriations Title	2008			2009			2010			Surplused Out	
	Authorization	Appropriation	Surplused Out	Authorization	Appropriation	Surplused Out	Authorization	Appropriation	Surplused Out		
Leadership	\$0	\$24,048,000	\$2,977,788	\$0	\$25,113,000	\$3,253,111	\$0	\$25,881,000	\$1,398,742		
MRA - via Letter from CHA	\$613,782,420	\$581,000,000	\$713,709	\$655,007,646	\$609,000,000	\$18,682,944	\$871,742,827	\$660,000,000	\$16,591,385		
Standing Committees, Special and Selec HR202 (08), HR279(09, 10) (09)	\$142,316,209	\$133,000,000	\$2,855,836	\$149,633,831	\$154,000,000	\$0	\$154,904,368	\$139,878,000	\$0		
Appropriations Committee	\$0	\$29,800,000	\$36,506	\$0	\$31,300,000	\$7,944	\$0	\$31,300,800	\$0		
Salaries, Officers and Employees ¹¹	\$0	\$166,785,000	\$1,387,993	\$0	\$187,954,000	\$1,561,241	\$0	\$198,301,000	\$7,400,759		
Allowances and Expenses CHA Res. 110 (08), 111-5 (09, 10) ^{10, 11}	\$105,000	\$251,174,000	\$1,544,252	\$105,000	\$293,900,000	\$4,312,026	\$105,000	\$313,665,000	\$8,843,164		
Joint Committee on Taxation	\$0	\$9,220,000	\$345,287	\$0	\$10,719,000	\$1,030,808	\$0	\$11,327,000	\$1,769,010		
Attending Physician Statements of Appropriations ¹	\$0	\$2,798,000	\$37,895	\$0	\$3,105,000	\$222,366	\$0	\$3,805,000	\$13,887		
Appropriations ¹	\$0	\$30,000	\$15,000	\$0	\$30,000	\$15,000	\$0	\$30,000	\$15,000		
Grand Total (excluding Authorizations)		\$1,197,855,000	\$9,918,265		\$1,315,121,000	\$29,105,440		\$1,384,157,000	\$37,816,946		

¹ One of three House Accounts with an authorization

- 2 Multi-year fund
- 3 Includes No year funds - unobligated balances are rolled over each fiscal year not surplused out
- 4 Account abolished as of FY2010
- 5 Based on YTD unobligated balances in FFS as of 4.27.2010
- 6 Based on FY2010 EOY Projections as of 4.2010 based on YTD actuals as of 3.31.2010
- 7 Does not include rescissions, supplementals, no year prior fiscal year roll overs, and transfers (except FY2007 due to a year-long continuing resolution)
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- 10 Because Multi-year Funds are 27-month and 15-month funds, they are surplused out every other fiscal year; which means each column is a combination of two surplus warrant years
- 11 Because they are solely Multi-year Funds and the 1st quarter of the subsequent fiscal year expenses can be charged back to remaining balances, a prudent estimate of surplused funds will not be available until January 2011

Estimates are in italics

WEDNESDAY, MARCH 17, 2010.

FY 2011 BUDGETS OF THE GOVERNMENT ACCOUNTABILITY OFFICE, THE CONGRESSIONAL BUDGET OFFICE AND THE OFFICE OF COMPLIANCE

WITNESSES

GENE DODARO, ACTING COMPTROLLER GENERAL OF THE UNITED STATES

DOUGLAS ELMENDORF, DIRECTOR, CONGRESSIONAL BUDGET OFFICE

TAMARA CHRISLER, EXECUTIVE DIRECTOR, OFFICE OF COMPLIANCE

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Good morning. Today we will hear from three of our legislative branch agencies: the Congressional Budget Office, the Government Accountability Office and the Office of—the OOC. I know them by their acronyms now, and before I never used to know their acronyms. So Office of Compliance is the third agency we are hearing from today.

We will start with CBO. We are joined by Douglas Elmendorf, the Director of the Congressional Budget Office. We are also going to spend some time with the other two agencies going over their budget requests.

CBO's proposed budget for fiscal year 2011 totaled \$47.3 million, which is a 4.7 increase above the fiscal year 2010 level. I want to remind the subcommittee members that the CBO was also a recipient of \$2 million in supplemental funds in fiscal year 2009 that the agency is using into the current year to support staff hires. We balanced that out once that happened in their budget in 2010.

Dr. Elmendorf, we will have a number of questions for you, but your full statement will be entered into the record. After Mr. Aderholt, you will be able to proceed with your 5-minute statement, the summary of your statement.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Thank you, Madam Chair.

I just want to welcome all of our guests here this morning to the committee and look forward to hearing from them regarding the fiscal year 2011 budget request. I think I have met with everybody before, but it is good to hear from everybody again this morning, and I look forward to your testimony.

OPENING REMARKS—DR. ELMENDORF

Mr. ELMENDORF. Thank you, Madam Chair and Ranking Member Aderholt. I appreciate the opportunity to testify today about CBO's budget request for fiscal year 2011.

CBO is celebrating the 35th anniversary of its founding this year. Since 1975, our mission has been to provide the Members of Congress and their staffs with information that you need to make effective budget and economic policy. In fulfilling this mission, CBO's most important asset has always been its staff. We are about 250 people, mostly with Ph.D.s in economics or master's degrees in public policy.

When I was an analyst at CBO 15 years ago, I was very impressed by the tremendous knowledge and deep commitment of public service of people at CBO. In the year and a quarter since I have been back at CBO as the Director, I have become even more impressed. This has been, as you know, a very challenging year for us, and we have produced hundreds of written cost estimates and reports, and had uncounted conversations with congressional staff about the analysis we are doing of proposed legislation and the analysis that we are doing of a large number of budget and economic challenges facing the country. In particular, as you know, we devoted a vast amount of time and energy to analyzing proposals for reforming the Nation's health care and health insurance systems.

In all of that work, the people who are the Congressional Budget Office have maintained and enhanced CBO's reputation as a provider of analysis that is objective, insightful, timely and clearly explained.

Fiscal year 2011, we are requesting appropriation of \$47.3 million, as the Chair said. I brought along some pictures to put that request in the context of the past few years' appropriations. For fiscal year 2009, you appropriated \$44.1 million to CBO. That is the left-hand bar. Last year I came before you and requested \$46.4 million. While that request was working its way through the appropriations process, the Senate proposed a supplemental appropriations for CBO of \$2 million. This was not our idea nor, I recognize, yours. It was intended to bolster, I think, our ability to complete health estimates more rapidly. Because that amount came late in the fiscal year, we spent just \$300,000 in fiscal year 2009 and are spending the remaining \$1.7 million in fiscal year 2010. That is the middle set of bars.

With this supplemental money on the table, our regular appropriation was cut back to \$45.2 million. We entirely understand that the supplemental should not be a mechanism for CBO to have a permanently higher level of appropriations; however, we are concerned that if this year's appropriations process begins from last year's regular appropriations amount, which was reduced in light of the supplemental, then we might end up with a permanently lower level of appropriations. So in order to remove the distorting effect of the supplemental, our own perspective on this year's request was to begin with our request to you last year. Relative to that request, the \$46.4 million, this year's request of \$47.3 million represents an increase of \$900,000, or about 2 percent.

Apart from the complications introduced by the supplemental, we view this year's request as the culmination of a multiyear plan presented to you 2 years ago by my predecessor to increase the size of the agency by roughly 10 percent. The goal as he described it to you was to enable CBO to better meet the needs of the Congress

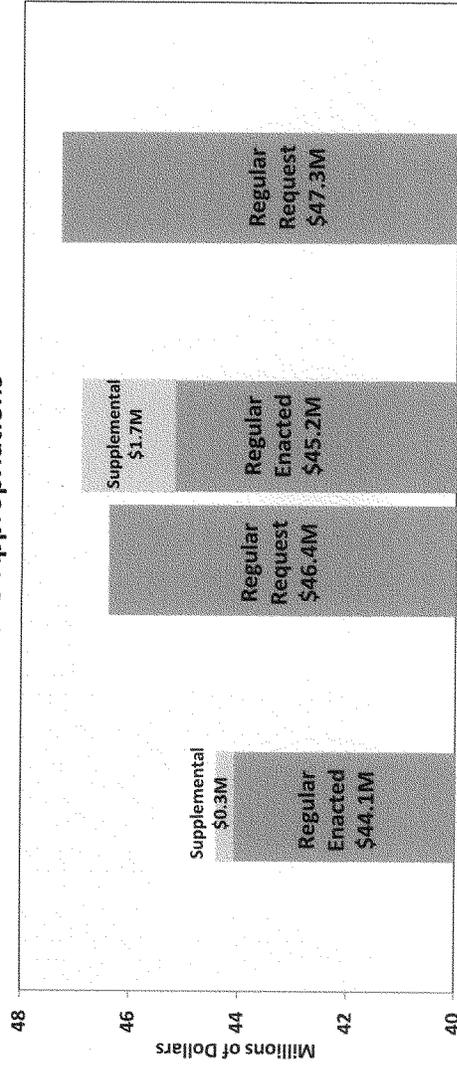
for information and analyses related to health care, the financial system and a broad range of other policy areas. Indeed, the increase in staffing has been critical to our ability to provide sufficient analyses of health reform proposals, financial issues, and other topics in the past couple of years.

Our aim now in completing this plan is to increase our FTEs from 254 to 258, roughly in line with the 259 my predecessor suggested to you 2 years ago.

The following pages in the packet summarize the changes in our staffing during the past decade and since our founding, but I will not discuss those pictures specifically unless you have questions about them.

[CLERK'S NOTE.—Dr. Elmendorf presented the following slides during the hearing:]

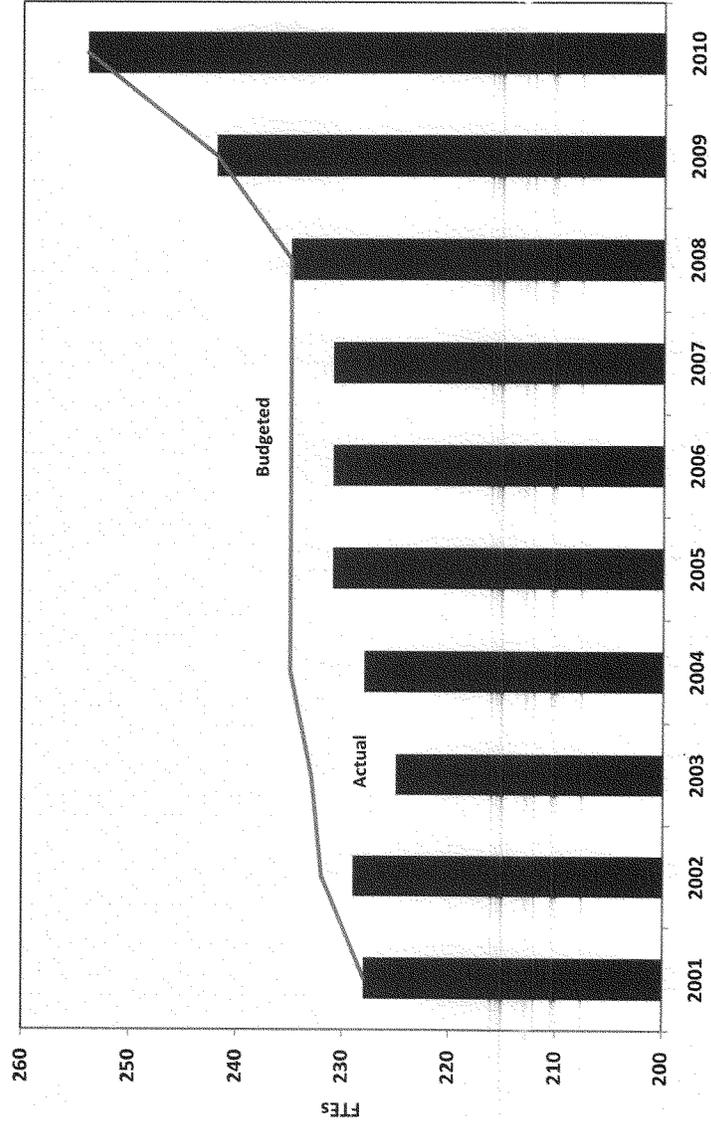
CBO Appropriations



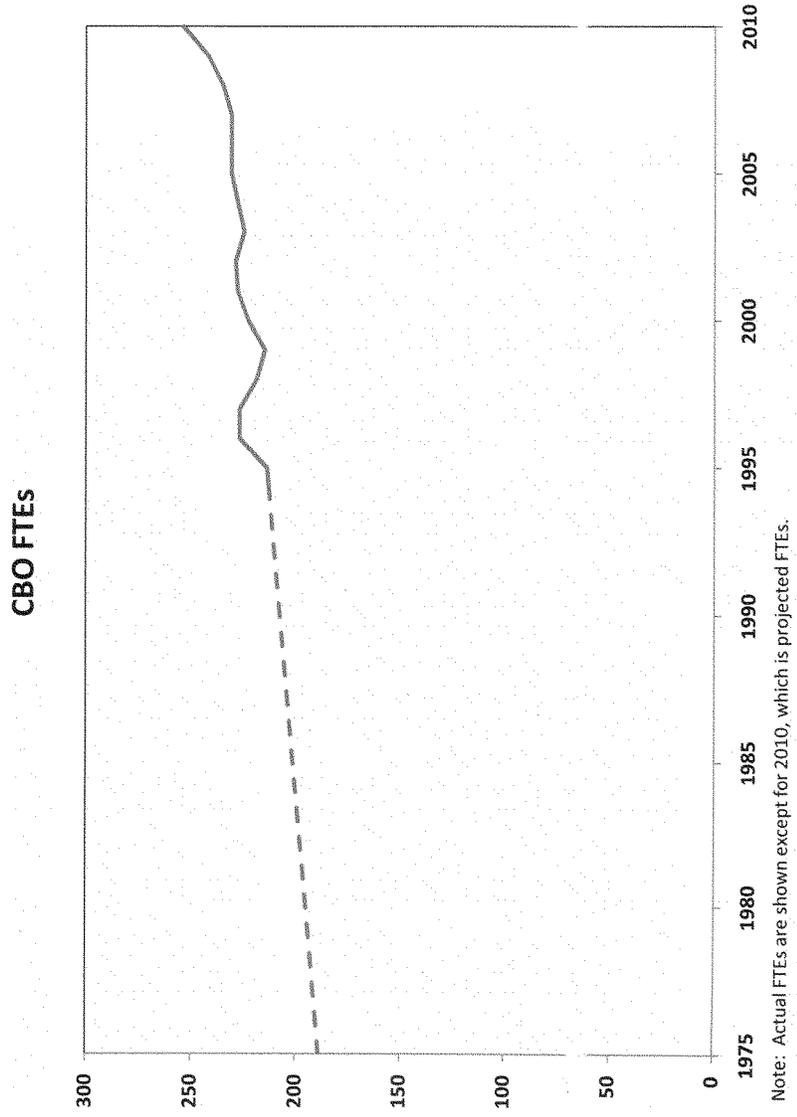
FTEs

2009 Plan	250	259	259
2011 Plan	242	254	258
		(Regular 249, Suppl. 5)	

CBO FTES



Note: Actual FTEs for 2010 are projected.



One might wonder why we are not reducing our staff if essential rationale for the increase was the demand of analysis of health proposals. And the current cycle of health reform efforts seems to be drawing to a close one way or the other. One reason we are not doing that is that we think congressional interest in this subject will surely persist. If legislation is enacted, CBO will need to make regular budget projections for the new programs and will need to estimate the budget costs and other consequences of contemplated changes in those programs. If legislation is not enacted, and even if it is, CBO will surely need to respond to congressional interest and other possible changes to the health system.

The other reason that our need for help staff is not declining is that our current staff level is simply not sufficient to maintain the quantity and quality of analysis that we have provided in the past year. The extraordinary pressure and 7-day-a-week almost round-the-clock workload over the past year will soon drive good people away and diminish the effectiveness of those who stay.

In closing, I would like to thank the Chair and the Ranking Member and other members of the subcommittee for your strong support for CBO's work in the past. Your support of our budget request for next year would help us to continue to meet our responsibilities to the Congress to the high standards that you and we expect. Our colleagues and I are happy to answer your questions.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Elmendorf.
[Dr. Elmendorf's prepared statement follows:]

CBO
TESTIMONY

Statement of
Douglas W. Elmendorf
Director

Appropriation Request for Fiscal Year 2011

before the
Subcommittee on Legislative Branch
Committee on Appropriations
U.S. House of Representatives

March 17, 2010

This document is embargoed until it is delivered at 10:15 a.m. (EST), Wednesday, March 17, 2010. The contents may not be published, transmitted, or otherwise communicated by any print, broadcast, or electronic media before that time.



CONGRESSIONAL BUDGET OFFICE
SECOND AND D STREETS, S.W.
WASHINGTON, D.C. 20515

Madam Chair, Ranking Member Aderholt, and Members of the Subcommittee, thank you for the opportunity to present the fiscal year 2011 budget request for the Congressional Budget Office (CBO).

CBO's mission is to provide the Congress with timely, objective, nonpartisan analyses of the budget, the economy, and other policy issues and to furnish the information and cost estimates required for the Congressional budget process. In fulfilling that mission, CBO depends on a highly skilled workforce. Approximately 90 percent of the agency's appropriation is devoted to pay and benefits; the remaining 10 percent is for information technology, equipment, supplies, and other services.

The proposed budget for fiscal year 2011 totals \$47,289,000, a \$2.1 million or 4.7 percent increase over CBO's regular appropriation for fiscal year 2010. CBO also received a supplemental appropriation in 2009 that was intended to cover additional costs in both 2009 and 2010 related to the analysis of health care legislation. After accounting for the portion of that supplemental appropriation that is being used in 2010 (about \$1.7 million), the 2011 request amounts to an increase of 0.9 percent over CBO's total 2010 funding.

The proposed \$2.1 million increase in CBO's regular appropriation is the net of changes in three broad categories:

- \$2.0 million is for rising mandatory pay and related costs for existing staff (including the costs of added staff funded through the supplemental);
- \$0.7 million results from CBO's request to increase its number of full-time-equivalent positions (FTEs) by 4, from 254 to 258; and
- \$0.6 million is cut from nonpay expenditures, made possible primarily because CBO will no longer be represented on, and providing resources to, the Federal Accounting Standards Advisory Board (FASAB).

Growing Demand for CBO's Analyses

The proposed increase in FTEs is the culmination of a multiyear plan to enable CBO to better meet the needs of the Congress for information and analyses related to health care and a broad range of other policy areas.

Between fiscal year 2001 and fiscal year 2008, the number of FTEs at CBO averaged 230, and the number varied little from year to year. In 2008, however, the agency became concerned that it did not have sufficient resources to analyze policy changes regarding the delivery and financing of health care, which were emerging as a critical issue in the Congress. In addition, the agency was providing an increasing number of testimonies and formal cost estimates and engaging in a growing amount of informal analyses for Congressional staff on a wide range of topics, so redirecting a significant number of positions toward analyzing health

care did not seem feasible. Accordingly, CBO proposed to the Congress a multiyear plan to boost the size of the agency to 259 FTEs, an increase of a little more than 10 percent.

The First Phases of the FTE Increase

The Congress approved the first phase of the proposed increase for fiscal year 2009, and CBO averaged 242 FTEs that year. Analysis of competing health care proposals absorbed a huge share of the agency's resources, and CBO analysts in that area have worked flat out for more than a year. At the same time, the financial crisis led to a jump in the federal government's involvement in the financial sector (including the creation of the Troubled Asset Relief Program, the conservatorship of Fannie Mae and Freddie Mac, and expanded activities of the Federal Reserve and the Federal Deposit Insurance Corporation), which increased Congressional demand for pertinent analysis, budget projections, and cost estimates. Therefore, CBO proposed a further increase in staffing for 2010, and the fiscal year 2010 appropriation included an increase in funding sufficient to provide for 249 FTEs.

The 2009 Supplemental Appropriation

The Congress later approved a two-year supplemental appropriation totaling \$2.0 million, which was designed to enhance CBO's ability to provide faster analysis of complex health care proposals. That supplemental funding covered 5 additional FTEs for 2010, bringing the total for this year to 254 FTEs. On the basis of staffing to date, CBO appears to be on track to have roughly 254 FTEs, on average, this year.

The Proposed FTE Increase for Fiscal Year 2011

For fiscal year 2011, CBO is requesting funding to support 258 FTEs, 4 more than are funded in fiscal year 2010. That level of staffing would essentially complete the multiyear increase that CBO proposed two years ago.

In developing its request for 2011, CBO recognized that the current surge of demand for analysis of health care proposals would probably not be sustained. Taken by itself, that point might justify a reduction in the number of positions devoted to analyzing health care. However, the agency is actually requesting a small increase in the number of such positions—three FTEs. That request reflects two considerations—first, that considerable Congressional interest in analysis of health care issues is likely to persist, and second, that the almost round-the-clock schedule maintained this past year by CBO's current staff cannot be maintained much longer.

Let me elaborate on those points. If comprehensive health legislation is enacted, CBO will need to make regular budget projections for the new and expanded federal health care programs, and it will need to estimate the budget costs and other consequences of contemplated changes to those programs. If comprehensive

health care legislation is not enacted, CBO will almost certainly need to respond to Congressional interest in exploring other possible changes to the health care system. In either case, continued large federal budget deficits and the key role of rising federal health care spending in boosting future deficits ensure that health issues will remain central to the Congress's deliberations.

Moreover, with the current staffing level, CBO cannot continue to produce the quantity of health analysis that it completed under the extraordinary pressure and almost round-the-clock, seven-day-a-week workload of the past year. That work schedule cannot be maintained much longer if CBO is to retain the skilled and knowledgeable staff that have been working on health analyses. And even with the extraordinary effort of this group during the past year, the quantity of analysis that has been produced has not been sufficient to meet the needs of many Members of Congress.

Without knowing whether comprehensive health care legislation will be enacted or what policy changes will be included, it is difficult to know exactly how those additional FTEs would be deployed within CBO. However, I expect the additional staff to go, in some combination, to the Budget Analysis Division and the Health and Human Resources Division. If the needs for health analysis permit, CBO might reallocate some analysts in the Health and Human Resources Division from work on health care to work on income security and education—an area in which CBO has fewer analysts than necessary to meet Congressional needs.

The fourth additional FTE requested is for the Management, Business, and Information Services Division. That group includes information technology (IT) personnel, editors, Web personnel, financial managers, and others. As CBO has expanded its analytic staff in the past couple of years, the agency has added some staff in those support functions as well. The additional position would provide administrative support to enable senior members of the staff to focus more effectively on their core responsibilities.

Some Details of CBO's Fiscal Year 2011 Budget Request

In fiscal year 2011, CBO will continue to focus on its core functions of providing budgetary information to the Congress, including budget and economic outlook reports, cost estimates, mandate statements, and scorekeeping reports. CBO expects to continue its work on health care, government interventions in financial markets, and climate change—providing major policy studies on those topics and others—and to further improve its long-term analyses of legislative proposals for health care and Social Security through the continued development of budgetary and economic models.

CBO's request would fund the following:

- A workload of roughly 600 formal cost estimates (most of which include both

estimates of federal costs of legislation and assessments of the cost of mandates included in the legislation that would affect state and local governments, Indian tribes, or the private sector) and hundreds of informal estimates, approximately 100 analytical reports, a variety of other products, and a substantial schedule of Congressional testimony;

- A projected 7.3 percent, or \$2.2 million, increase in base pay, of which \$0.5 million would support the four new FTEs and \$1.7 million would support a combination of across-the-board increases, promotions, performance bonuses, and merit increases for current staff (the across-the-board increase is budgeted at 1.6 percent for staff earning a salary less than \$100,000, which is consistent with the pay adjustment requested by most other legislative branch agencies);
- A projected 4.8 percent, or \$0.5 million, increase in the cost of benefits, of which \$0.2 million would go toward the four new FTEs and \$0.3 million would go toward current staff;
- The replacement of obsolete office equipment, desktop computers, and network servers, at \$0.6 million—a decrease of \$0.7 million, based on CBO's current replacement cycle;
- The acquisition of commercial data necessary for CBO analyses and studies, at \$0.6 million—an increase of \$0.5 million over the 2010 funding level (partially due to the fact that a portion of the agency's current needs in this area are being met through the two-year supplemental appropriation provided in fiscal year 2009);
- IT system development, at \$0.3 million—the same amount as in fiscal year 2010, based on anticipated requirements;
- Essential software purchases, at \$0.3 million—about the same sum as in fiscal year 2010, based on anticipated requirements;
- Telecommunications and telephone services, at \$0.3 million—an increase of roughly \$50,000 to support expanded requirements;
- Equipment maintenance, at \$0.3 million—a little above the fiscal year 2010 funding, based on current contracting data;
- Temporary IT and clerical support, at \$0.2 million—the same amount as in fiscal year 2010;
- Expert consulting, at \$0.3 million—about the same funding as in fiscal year 2010;

- Purchases of office supplies and subscriptions, at \$0.6 million—an increase of roughly \$70,000, primarily attributable to an increase in costs for online subscriptions;
- Financial management services, including support for auditing, payroll, and financial systems, at \$0.4 million—a small increase from 2010, primarily because of anticipated price hikes when renewing option-year contracts (I am pleased to report that CBO received its sixth consecutive clean opinion in the latest audit of its financial statements);
- Office furniture and equipment, at \$0.3 million—a slight decrease from the fiscal year 2010 funding;
- Travel, at \$0.2 million—the same level as fiscal year 2010; and
- Management and professional training, at \$0.2 million—roughly the same sum as in fiscal year 2010.

Because CBO withdrew from the Federal Accounting Standards Advisory Board in fiscal year 2010, CBO's request incorporates a savings of \$0.5 million in support previously provided to that body.

One further consideration in this request for funding for four additional FTEs is the capacity of CBO's assigned space in the Ford House Office Building. CBO currently has only a handful of unused offices, which must accommodate temporary workers (like contractors, auditors, and interns). During the past few years, CBO has created a number of additional offices by reconfiguring underutilized space, and the agency is currently undertaking further modifications in its configuration and utilization of space. As a result, a sufficient number of new workspaces can be created for all of the FTEs that CBO is requesting in this budget.

In closing, I would like to thank the Committee for the support it has provided CBO, enabling the agency to carry out its responsibilities to provide information and analysis to the Congress as it grapples with the critical issues facing the nation.

REVISIONS TO SCORES

Ms. WASSERMAN SCHULTZ. I actually want to start with a difficult question right off the bat. Recently one of our subcommittees obtained a score for legislation from CBO, and then 2 days later CBO changed the score. That is obviously of deep concern to the committee because we are supposed to have the utmost confidence in your scores. CBO is widely quoted as being the neutral arbiter and the most reliable, bipartisan—recognized in a bipartisan way. Can you be sure in the future that that is not going to happen again?

Mr. ELMENDORF. I wish, I wish we could be sure of that. I am aware of some of the details, not all of them.

Ms. WASSERMAN SCHULTZ. Well, at least if you can identify what the problems were with that particular episode, and why it happened, and what we can do to almost always ensure that that won't happen again.

Mr. ELMENDORF. So I think the issue in this particular case is that there was a complicated piece of legislation. We had an analyst who made an initial assessment of it and then reported that assessment to the subcommittee staff.

Ms. WASSERMAN SCHULTZ. Did they report it as an initial assessment?

Mr. ELMENDORF. I think it was an e-mail message. I have not seen the text of it myself. I talked to the analyst briefly yesterday, and I think her view is that she could have and should have made that clearer, that it was an initial assessment. In her mind it was initial; she was proceeding with further phone calls to other parts of the government as we often do to get more information. I think the first e-mail was on a Friday. I think then on Monday she had obtained her information and realized the initial assessment had not been correct.

Is hard for us, so on one hand we try to provide information as soon as we can and not wait to check every possible thing. On the other hand, if we have made a mistake, we don't want to just pretend it away forever. So I think we do try very hard and I think mostly have a very high percentage of getting initially the estimate that will be the final estimate. That doesn't always work, and I wish I could guarantee it.

Ms. WASSERMAN SCHULTZ. I can appreciate that, and I know that there is tremendous pressure on CBO to get us scores as quickly as possible, especially when there is legislation that Members really want to act on. But I really believe that having confidence in your numbers is more important than speed, and in order for you to preserve the integrity of your organization, and your organization's numbers, and the Members, and the country's belief in their integrity, speed should be deemphasized. Especially if you have to change a score, and it changes slightly, that is one thing, but this was a dramatic change.

Mr. ELMENDORF. It was a large percentage of the number involved.

Ms. WASSERMAN SCHULTZ. Yes, it was. That is not an anomaly that happens that we can chalk up, well, that happens every once in a while. That should be avoided at all costs.

Mr. ELMENDORF. I couldn't agree more. We do try when we can, and we need to make sure we do this all the time, to be clear when things were preliminary analyses, which we do sometimes communicate in the interest of the policy process, and how that is different from things that we call final estimates.

DIVERSITY AT CBO

Ms. WASSERMAN SCHULTZ. Thank you.

Just a couple more on diversity, and that is something that I have asked you and your predecessor each time you have come before us, diversity both in terms of racial and ethnic diversity, but also in terms of gender. We have discussed it in my office.

What efforts are you making to ensure diversity on your staff, and, of particular interest to me, of ensuring that we are able to hire more women in positions of importance at CBO?

Mr. ELMENDORF. Congresswoman, as I have said to you before, we at CBO think and have thought for a long time that achieving a diverse workforce was an important objective of our recruiting efforts. Also, as you know, achieving that diversity is challenging because of the academic qualifications that we require for much of our work and the demographic composition of the people obtaining the demographic qualifications. So, for example, for people getting Ph.D.s in economics, which is a very significant set of our staff, our recent survey showed that about 30 percent are women, newly minted Ph.D. Economists, and well less than 10 percent for identifying women within minority groups.

What we do and have done—

Ms. WASSERMAN SCHULTZ. Thirty percent women?

Mr. ELMENDORF. About 30 percent women. Well less than 10 percent members of minority groups.

What we do, and I have done for some time under the leadership of our Human Resources Director Stephanie Ruiz, is to reach out in a grassroots way wherever we can. We visit—"we" meaning she and her staff—visit a large number of colleges around the country, including Historically Black Colleges and universities and Hispanically-serving institutions. The Associate Director of Economic Analysis went to the American Economic Association's minority program in the summer in California to talk with the students there about what they could do at CBO and other government agencies. I gave a talk at Spelman College a couple months ago again to try to make connections and have people become more interested in working for us.

We also do work to some extent for people at younger stages in their careers which can be very important. Our Deputy Director serves on an advisory board of a group which is trying to develop high school curricula around budget and economic policy.

I think we can do more. In the discussions with you, we have talked about trying to collaborate with some of the other congressional agencies in a speakers program perhaps. My daughters are in high school. They are learning about the Congress, and they are learning about public policy. That class will get me—my daughter has volunteered me—but there is no reason it should be just that class. I think together our agencies can reach out and do more of that.

We talked with you a bit about what is on our Web site. A number of government agencies in Washington have pieces of their Web site that are either accessible to kids or designed for teachers to use in getting students interested. We don't have that now, but CBO has actually hired a new Web editor with a view of improving our communication principally with the Congress through the Internet, but also with the public. I think we can deploy that in this way as well.

Ms. WASSERMAN SCHULTZ. Like we talked about in my office, I appreciate your efforts and the efforts of your agency, but you wait until high school, and we are so far past a kid's decision on whether they think math and science are sexy or cool. You have to reach down much further into the elementary school grades. I have a 10-year-old and a 6-year-old daughter. I told you the story about how I had spent the whole year making sure my daughter understood, yes, she is good at math. It is not just my daughter. Girls end up being discouraged from being good at math, told that math is icky, that it is not cool, and it is not feminine.

I understand that you are all about scores and economics, but I think it would be incredibly helpful; and, I would like to publicly talk to you, as we did in my office, about finding a way for CBO to take a leadership role in reaching down further into our schools to help girls and minority kids and grab them and get them interested in science and math, math in particular in your case, and economics as early as we can.

Mr. ELMENDORF. We look forward to working with you on that.
Ms. WASSERMAN SCHULTZ. Mr. Aderholt.

OFFICE SPACE AND CAPACITY

Mr. ADERHOLT. Thank you.

Again, thanks for being with us this morning.

I'd like to start with an issue from last year—office space and accommodating more staff members. Could you give an update on the situation there and what has been done to try to resolve the space problem?

Mr. ELMENDORF. Yes. Certainly. CBO occupies all of the fourth floor of the Ford House Office Building. We have done that for a little while now. We did not have offices to the extent of the number of people that is in this plan to hire. We have now over a period of a couple of years systematically worked our way around trying to make more space in the footprint that we have, taking space that is not being as well utilized as it could, and with extra walls and a little help from the Architect of the Capitol, we have been able to create more offices in the space that we have.

We also have had conversations with general House representative management about obtaining more space elsewhere. We were received politely, but space is tight everywhere, and we were given no illusion that our request would be acted upon.

We do think we have been able to, in the space we have, identify additional space that we are turning into offices that will be sufficient for the number of people in this plan. And this is the number that we plan with your support to go to and to hold that. So I think we have been able to solve that problem ourselves through a little ingenuity on the part of our staff.

Mr. ADERHOLT. And accommodate those that are reflected in those numbers.

Mr. ELMENDORF. The 258 people, we have identified space for all of them if we are allowed to hire them.

CBO'S RESPONSIVENESS TO MAJORITY AND MINORITY REQUESTS

Mr. ADERHOLT. The Chair mentioned in her remarks or her first question about the fact that CBO is nonpartisan, and the credibility of your office. And, of course, I think you would agree, and I think everyone would agree, that both the Majority and the Minority parties in Congress want to have an answer when they are submitting questions to CBO. How do you go about ensuring that there is a fair allocation between the Minority and Majority parties with your resources?

Mr. ELMENDORF. So it is a challenge, but a challenge we take extremely seriously, because there is more demand for our work than we can produce. Part of what we do is to stay in very close touch with the Majority and Minority staff directors on the crucial committees that we serve, the Budget Committee, Ways and Means, the Finance Committee and the Appropriations Committees. And systematically I talk just as often to Austin Smythe, who is the Staff Director for Congressman Ryan, to Tom Kahn, who is the Staff Director to Chairman Spratt.

The second thing that we do when we are making longer-reaching plans, we are now doing strategic planning in all the main topic areas that CBO covers, and we are reaching out systematically to both sides of the aisle. We prepare tentative plans that we circulate again equally to Minority and Majority. And then when a particular topic is moving quickly, we sit down very explicitly and balance our efforts across the parties on the course of the health reform work of the past year. We meet in my office once every day or every other day to review tasks and literally with a spreadsheet, with a column that was House Democrats, House Republicans, Senate Democrats, Senate Republicans. And we made sure as we were planning our work for the day and week that we were addressing requests from each of those groups.

So we take very, very seriously our role as nonpartisan and our responsibility to serve everyone in the Congress the best that we can.

LENGTH OF TIME FOR HEALTH REFORM LEGISLATION ESTIMATES

Mr. ADERHOLT. I was given a letter recently that both the House and Senate Appropriations Committee Ranking Members had written to you back in January requesting that an estimate for the discretionary authorization is being made in the House and Senate health care bills. I understand it wasn't until this week that the committee received any sort of formal estimates on those calls. Of course, I noticed in CongressDaily this morning there was a mention of that as well.

Given the importance of these authorizations, and, of course, this is, as you know, the issue that has sort of taken the attention of the entire country, what would you say or how could you tell the committee that one has been sort of a lower priority in getting those numbers out? And why has it taken so long, especially after

we tried to provide you with the additional staffing that you need?

Mr. ELMENDORF. That is a fair question, Congressman. In our estimates of health reform legislation, we have focused on the mandatory or direct spending and the revenue effects, together with our colleagues of the Joint Tax Committee. Those are the aspects of legislation that we traditionally at CBO focus on first. Those are the aspects of legislation that are, for example, subject to PAYGO rules and statutory PAYGO and so on. But we do try very hard whenever we can in cost estimates to also provide information about the discretionary appropriations that would be necessary to achieve the purposes of the bill. And in rating the cost estimate, we want to be able to talk about the mandatory spending and revenues, but we also say if the following amounts were appropriated, it would cost X million dollars, in our estimate, to achieve these goals.

We are sorry that we did not get to do that part of the health bills until we did. The only answer I have is that we do think that the biggest flow of the money in the bills that have been moving through the legislative process have been on the mandatory spending side and the revenue side. The appropriations are openly subject to the Appropriations Committee's decisions anyway. And given the pace of work even with the additional staff that the Congress has provided to us, the pace of the work is simply overwhelming. I have people who are working 100 hours a week. Our computer people hardly have time to fix the computer things because there is always somebody on line doing something.

It just seems to us more important not just for the Majority party, but for the Minority party, to have us doing good estimates of the largest piece of legislation that has been moving, which has been really an establishment or expansion of entitlements and the changes in tax revenue. But we are sorry we did not get to that sooner.

ESTIMATE FOR HEALTH CARE LEGISLATION

Mr. ADERHOLT. Of course, as you know, we may vote on the legislation in the latter part of this week, and I know there will be billions in discretionary authorizations included. Can you provide the committee an estimate, including for the outyears, the cost of these authorizations at this time, for the discretionary authorizations part of the bill?

Mr. ELMENDORF. Well, the information we provided is part of the discretionary appropriations that were called for under the Senate-passed version that we did. And we focused on that not because we personally favor the Senate nor the House, but that seems like the bill that is most likely to be a vehicle for further congressional action.

What we have done in that letter is to talk about some of the costs that would follow of necessity to the IRS and HHS and other people. We talked about the other specified authorizations. We still have not come through on all of them; there are other places where the legislation says, authorizes such sums as would be necessary. Each of those is an estimating challenge we haven't gotten to yet.

We would like to get to it, but I—as you understand, I don’t control the pace or influence the pace.

Again, if there is a reconciliation bill that was released that changes the entitlements or revenue features of the Senate-passed health bill, I think that most Members of the Congress, from both parties, would like to understand the effects of that mandatory spending and revenues before we would go back and try to—

Mr. ADERHOLT. But considering the massive scale of this legislation, you would agree that it would be very important?

Mr. ELMENDORF. I think it is very important.

Ms. WASSERMAN SCHULTZ. Thank you.

SECURITY CLEARANCES

Mr. RUPPERSBERGER. Just one thing. I met with your office last week, or whenever it was, about the issue of some of your people who have clearance in working with the Intelligence Community helping with the workload, being more involved. I understand there is a pushback. Do you know where we are on that issue and where we need to go? We talked about issues involving cybersecurity and some other areas that we really probably need more help. Where is that now?

Mr. ELMENDORF. I don’t think it was me that you—

Mr. RUPPERSBERGER. It was Gene.

Ms. WASSERMAN SCHULTZ. This is CBO.

Mr. ELMENDORF. Gene is coming.

CUTS TO COAST GUARD

Mr. RUPPERSBERGER. Well, this probably is not relevant, but I just came from a Homeland Security Appropriations Committee about the major cuts in the Coast Guard, and we would like to talk to you about that. I don’t want to do it here because it is not relevant to this hearing.

Mr. ELMENDORF. I am happy to talk to you, Congressman. I can come up and will bring people who are knowledgeable about that issue.

Mr. RUPPERSBERGER. All right. We really want to deal with that soon.

COORDINATION WITH GAO

Ms. WASSERMAN SCHULTZ. I have just a couple of quick other questions, and then that will conclude my questions for you.

CBO produces the budget and economic outlook, which examines the pressures facing the Federal budget over the coming decades by presenting the 8-year projections for Federal spending through, I guess, all the way to 2080. The GAO—and I will ask Mr. Dodaro the same question—produces the Federal Government’s long-term fiscal outlook. And it is really our job—and I have been asking a lot of different agencies about duplication of effort and overlap. How are those analyses different, and is it the best use of limited resources to have two legislative branch agencies doing at least what appears to be similar, if not the same, type of analysis?

Mr. ELMENDORF. Well, I don’t want to speak for Gene.

Ms. WASSERMAN SCHULTZ. Right, no. I am going to ask him.

Mr. ELMENDORF. From my perspective and the CBO's perspective, this is such a crucial policy issue, the pressures that the budget faces, or the country faces, over the long term. There is an aging population, and with rising health care spending, my own view is that doing some partly overlapping work at CBO and GAO on that topic is probably in the Congress' and in the country's interest.

We have slightly different modeling approaches. In the work that the GAO does, I think, they follow our sort of assumptions. They also examine the assumptions used by the Social Security and Medicare trustees. And there are differences, and we naturally think that we are picking assumptions that are in the middle of distribution of possible outcomes. But I think it is probably very useful for you to have GAO looking at that set of things and doing that sort of comparison.

We present the information in somewhat different ways. I think that can be—again, like the way we present ours, I have no illusion that we have cornered the market on the way to present that or the way to do those calculations. Again, given the importance, I think that is of value, and you are seeing it from different perspectives.

Ms. WASSERMAN SCHULTZ. I just wanted to hear your perspective, because it is a very similar report.

REQUEST FOR ADDITIONAL FTES

Obviously, I would like to focus a little bit on your staffing. If your budget request is approved, you are asking for three additional FTEs for health care analysis. How many staff at that point would you have dedicated to health care issues?

Mr. ELMENDORF. Over the past year I tell people we have had around 50 people working on health issues. Some of them are in particular areas. Some people work on veterans health. So there are different groups, smaller groups and also a very large pool of people who have been involved in analysis of the broad reform effort over the past year.

I think our view of what we would do with these extra people depends on whether this legislation passes the Congress or not. If it does, then it will be an ongoing flow of work as there is for the Medicaid program and Medicare and CHIP and so on. If it doesn't, then we anticipate ongoing efforts to craft more comprehensive legislation. So we use the people in—and if legislation passes, it could be more budget analysts and projectors, otherwise more people with different skills.

OPTIMAL SIZE OF CBO, RECRUITMENT, AND RETENTION

Ms. WASSERMAN SCHULTZ. I realize that any director of any agency never thinks they have enough staff, but what is the ideal size of CBO? As of March 10th, you have 19 job openings listed on your Web site. Are you having trouble filling the slots that we already allocated to you?

And in terms of retention, I really get the sense that this is possibly the hardest-working agency in possibly the government, but certainly the Congress, right up there with GAO, although they have gotten relief in recent years. So is retention and issue for CBO?

Mr. ELMENDORF. I think so far we are doing okay. I think for a number of years now we lost about two people a month, that is about two dozen a year, about 10 percent of our workforce in a year. Not all the pressure is bad. Many people want new challenges, and sometimes people are able to leave CBO and go on do other things.

Ms. WASSERMAN SCHULTZ. What about the filling of the positions, though?

Mr. ELMENDORF. The filling, I think, goes fairly well. Partly what you see by looking at spring is economists and many other people graduating from degree programs, they tend to look for jobs at this time of year. So in a sense there is a natural cycle in which we post jobs, we look to fill them, and the summer or the fall we hope to have them on board, the seasonal peak.

I think there are particular areas where do have issues. One recent problem we have is that the Congress changed the rules in December. We are no longer able to hire foreign nationals. And in some particular areas we need to hire, in finance and macroeconomics, that is a real restriction. So we cancelled a third of the interviews that we had scheduled for this annual economic meeting to interview people. So I worry about that.

I worry about burn-out on our whole staff. I think at the moment the momentum and the path from their bed to their desk and back is well-worn, and they keep doing it, but I think eventually they will realize that they miss their families and want other jobs.

I think pay is an issue. My salary, as you know, was set by law to be some increment below yours. We don't pay anybody at CBO more than Members of Congress are paid. But meanwhile people finishing school with advanced degrees and many years of education can often get significantly higher salaries other places, including other places in Washington. We had a very talented young woman who was just—now she is going to the IMF, the International Monetary Fund. They are paying her 50 percent more than what we are paying her.

I have imaginary solutions I am not putting forward for solving that problem, but I do think that is an issue, that we have a lot of salary—we have to try to lure them in. We have to pay a certain amount. There is a lot of salary compression, and I think most people can find other outside offers.

Now, I think we are, despite the work, a pretty happy group. We understand that we are doing important work for the Congress, and that is a very important motivator. And we are doing fascinating work, and that is an important motivator. We participated in a survey of government agencies. We finished as the third best place to work among small agencies. That was before health reform efforts. Check again.

I think we have a variety of advantages in hiring, but eventually if you can get 50 percent more to go across town and do economic analysis, that is going to be a hard thing for us to fight with.

Ms. WASSERMAN SCHULTZ. Thank you.

HIRING OF FOREIGN NATIONALS

Mr. ADERHOLT. We talked about a little bit when you stopped in my office about the Consolidated Appropriation Act of 2010, about

the hiring of foreign nationals, which contains the governmentwide provision which now prohibits the ability to hire foreign nationals. Just for the record, talk a little bit about the impact that the language would have on you and your agency.

Mr. ELMENDORF. Most of the people that we hire, most of the people in pools that we look at, are U.S. citizens, but in parts of the job market that we are looking in and skills that we need to hire, there are a very large number of foreign nationals. Overall in economics Ph.D. programs in this country, more than half of the degree recipients are foreign nationals.

Again, the topics that we look at like health care, say, that tends to look at graduate schools to be mostly U.S. citizens. But other areas, particularly in macroeconomics and finance, people who are trying to figure out the cost of the government's involvement in the TARP or Fannie Mae and Freddie Mac, people trying to understand the effects of different fiscal policies over time, the budget balance and economic growth in this country, two very important topics from our perspective, and those areas, a significant share of our staff are foreign nationals. They are grandfathered under this rule so they themselves won't have to leave. But we are looking to hire more people in those areas. Some of the open slots are in those areas. And if we really can't on an ongoing basis look at this broader class of people, that is a real problem for us.

This law was passed just before the annual meeting of the American Economics Association, while we were interviewing. We canceled I think it was a third of the interviews we had scheduled. It was about 4 days' notice. We said, we are sorry, we just can't talk with you. That does hinder our ability to fill those slots.

Mr. ADERHOLT. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you very much. We appreciate it and look forward to working with you on a whole lot of things.

The subcommittee is going to stand in recess. We have three votes on. So we will stand in recess until the end of the vote, and we will come right back out.

[Recess.]

[Questions for the record follow:]

QUESTIONS FOR THE RECORD SUBMITTED BY

Chair Debbie Wasserman Schultz

Douglas Elmendorf, Director of the Congressional Budget Office

Fiscal Year 2011 Budget of the Congressional Budget Office

Retention

Question: How many people retired or left CBO in fiscal year 2009?

ANSWER: In fiscal year 2009, a total of 25 people left CBO. Of those, 6 retired and 18 resigned; 1 employee passed away.

Question: How many people is CBO estimating will retire or leave in fiscal year 2010?

ANSWER: CBO averages between 25 and 30 departures per year, with an average of 6 retirements. So far in fiscal year 2010, the agency has had 10 resignations and 2 retirements, for a total of 12 departures. We expect the total number of departures in 2010 to be in the normal range.

Staffing

Question: How many staff do you have by subject area, including health care?

ANSWER: Because CBO is a small agency, it is critical that staff be able to wear many hats. Staff must be able to work across multiple disciplines and be agile in shifting specialties and functions. Those capabilities enable us to shift priorities as Congress's needs for analysis evolve. So, the amount of staffing allocated to particular subject areas varies as various issues rise or decline in importance.

For example, during the analysis of health care reform, CBO had more than 50 staff members consistently working in that area. The year before that, when CBO was building its analytic capacity for the anticipated health care work, 70 people worked on the volumes *Key Issues in Analyzing Major Health Insurance Proposals* and *Budget Options, Volume 1: Health Care*. Some of those staff members are microeconomists who generally also work in other areas—on labor issues, for instance, as well as health care.

For other major topics, the current staffing—including people who spend part of their time on that topic—is as follows:

- Climate and energy, about 30 people;
- Social Security, about 15;
- Defense and veterans' affairs, about 25;
- Education, more than 5;
- Analysis of mandates, about 15;
- Macroeconomic analysis, about 20;
- Taxes, between 15 and 20; and
- Various aspects of the financial markets, between 10 and 20 people.

The following are examples of some of the multifaceted portfolios of particular CBO analysts:

- Land management, air transportation, energy, and rural electrification;
- Macroeconomic effects of tax policy, general equilibrium modeling, and Social Security;
- Medicare payments to physicians, Medicaid, obesity, disability; and
- Financial analysis, risk modeling, and student loans.

Question: How many vacancies do you currently have?

ANSWER: CBO currently has 11 regular full-time openings, the majority of which are for economists.

Question: How much, if any, did you lapse in fiscal year 2009 regular funding?

ANSWER: CBO lapsed \$150,000, which reflects an obligation rate of 99.7 percent for fiscal year 2009. As in past years, the expired funds will be used for any unforeseen future year cost overruns for fiscal year 2009 contracts.

Budget

Question: Please summarize the impacts of a flat fiscal year 2011 budget for the record with particular focus on staff and mission impact.

ANSWER:

Fiscal year 2011 funding equal to the 2010 appropriation of \$45.2 million would represent a reduction in funding for CBO because the agency's 2010 operations are being financed, in part, by funds from a 2009 supplemental appropriation. In total, CBO's 2010 funding comes to about \$46.4 million.

Most of CBO's budget is devoted to personnel. Because a flat fiscal year 2011 budget would, in practical terms, represent a reduction in CBO's funding, the agency would need to reduce its full-time equivalents (FTEs) by nine from the 258 proposed in its fiscal year 2011 budget

request---eliminating the four additional positions requested for next year and another five that are funded this year. Those reductions would save about \$1.5 million. They would, however, represent a setback in terms of CBO's ability to provide estimates and analysis for the Congress as it addresses major issues on the legislative agenda. With the support of the Congress, CBO staffing has expanded in recent years, especially in the health area. But the needs for estimates and analysis have continued to expand as well, and despite extraordinary efforts by CBO staff, the agency could not satisfy all the requests for estimates for health care proposals. A reduction in staffing below the current level would make it more difficult to meet future needs of committees and Members. Congressional deliberations on topics such as climate change, immigration, the defense budget, financial reform, and deficit reduction, the new statutory Pay-as-You-Go requirements, new issues that cannot even be foreseen now, and CBO's ongoing responsibilities to produce hundreds of formal cost estimates and even more informal estimates will require substantial efforts on CBO's part. Faced with reduced staffing, CBO would work with the Congress to prioritize requests for analysis to ensure that the most critical requirements were addressed in a timely way.

In addition, CBO would have to reduce information technology (IT) spending by \$0.5 million—primarily in the areas of communications, software development, disaster recovery, equipment replacement, and commercial data. Also, library operations would be reduced by \$0.1 million—primarily in the area of online subscription services.

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. I will call the hearing back to order of the Legislative Branch Appropriations Subcommittee.

We are going to hear from Gene Dodaro, the Acting Comptroller General for the Government Accountability Office. The fiscal year 2011 request would support 3,270 full-time equivalents, in addition to 144 FTEs focusing specifically on the Recovery Act work. So the increase is only for Recovery Act-focused employees.

The budget request is \$601 million. I know you know it is going to be hard to manage in this fiscal environment. We are going to have to talk to you about how you can manage increasing your workload with a funding that is short of what you requested, because we are going to—essentially for sure not going to be able to do what you have asked.

In our public witness hearing a few weeks ago, I was really glad to hear from the GAO representative that things are going well in terms of dealing with the disparity in performance ratings experienced by African American employees, and I know you are developing a diversity training program which is good for staff, but I am very concerned about the lack of progress on merit-based pay raises. I understand that there wasn't any more progress in your conversations on Monday, so we would like an update on both of those issues today.

After Mr. Aderholt makes his opening remarks, you can proceed with a 5 minute summary of your statement. Your full statement will be entered into the record.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Thank you, Madam Chair.

Just welcome to the committee. I look forward to hearing your testimony.

OPENING REMARKS—MR. DODARO

Mr. DODARO. Thank you very much.

Madam Chair, Ranking Member Aderholt, good morning. I would like to start by thanking you for your support for GAO over the past 2 years. When I came to you in 2008, GAO was at its lowest staffing level in its history. You have responded very well, and I want to thank this subcommittee and your leadership for providing that support.

Now, with that support we have been able to replenish the number of people working at GAO and add to the ranks, which has helped us provide better service to the Congress in addressing a number of difficult issues. As you pointed out, Madam Chair, our budget request is to maintain that staffing level in order to make sure that we can meet the needs across the Congress for all the committees in addressing a number of homeland security, national security, financial, economic and social issues confronting the Nation and the Congress, and in helping the Congress make the best-informed decisions they can based on our analysis and support, while also taking on new responsibilities that we have been given by the Congress. For example, we are now required by law to pro-

vide an annual report on the extent of duplication across the Federal Government.

We have also been entrusted with a number of other new responsibilities by the Congress dealing with some of the economic conditions facing the country. The Economic Stabilization Act requires us to review the Troubled Asset Relief Program and authorizes cost reimbursement from the Treasury Department to ensure we have the ability to monitor the situation with AIG, General Motors and Chrysler in the coming years.

However, on the American Recovery and Reinvestment Act, for which we have a number of recurring mandates the funding provided to GAO expires at the end of this year. A large amount of Recovery Act money remains to be allocated at the State and local level, including \$110 billion this year, and in fiscal year 2011 and beyond, there is another \$120 billion. GAO's mandate to do bi-monthly reviews of the State and local use of these funds will continue.

I am concerned that in the coming years, a lot of new programs will be coming on line, and a number of these programs will involve increased amounts of money and risks. It is very important for GAO to be able to provide the appropriate level of congressional oversight that is warranted by the expenditure of large amounts of money.

I know that you will give careful consideration to our request. I know it is a difficult period of time, but GAO is trying to do its best. I am very proud of our workforce for what we have been able to do to help the Congress, and we want to be able to maintain that going forward.

So thank you very much, and I would be happy to answer any questions that you may have.

Ms. WASSERMAN SCHULTZ. Thank you.

[Mr. Dodaro's prepared statement follows:]

United States Government Accountability Office

GAO

Testimony
Before the Subcommittee on Legislative
Branch, Committee on Appropriations,
House of Representatives

For Release on Delivery
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**FISCAL YEAR 2011
BUDGET REQUEST**

**U.S. Government
Accountability Office**

Statement of Gene L. Dodaro
Acting Comptroller General of the United States



Madam Chair, Ranking Member Aderholt, and Members of the Subcommittee:

I appreciate the opportunity to be here today to discuss the U.S. Government Accountability Office's (GAO) budget request for fiscal year 2011. At the outset, I want to thank all the members of the subcommittee for your continued support of GAO. With your support of our fiscal years 2009 and 2010 funding levels, we have been able to address the steady decline in staffing that GAO had experienced since fiscal year 2003 and begin to reverse this trend by restoring our staffing capacity.

This has put us in a better position to assist the Congress in confronting the many difficult challenges facing the nation. In fiscal year 2009, GAO supported Congressional decision making and oversight on a range of critical issues, including the government's efforts to help stabilize financial markets and address the most severe recession since World War II. In addition to providing oversight for the 2008 Economic Stabilization Act and the American Recovery and Reinvestment Act of 2009 (Recovery Act), we continued to provide the Congress updates on programs that are at high risk for waste, fraud, abuse, and mismanagement or are in need of broad reform, and delivered advice and analyses on a broad array of pressing domestic and international issues that demand urgent attention and continuing oversight. These include modernizing the regulatory structure for financial institutions and markets to meet 21st century demands; controlling escalating health care costs and providing more effective oversight of medical products; restructuring of the U.S. Postal Service to ensure its financial stability; and improving the Department of Defense's management approaches to issues ranging from weapons system acquisitions to accounting for weapons provided to Afghan security forces. Overall, we responded to requests from every standing committee of the House and the Senate and over 70 percent of their subcommittees.

As a knowledge-based organization, our ability to timely assist the Congress as it addresses the nation's challenges depends on our ability to sustain our current staffing levels. We are submitting for your consideration a prudent request for \$601 million for fiscal year 2011, which will allow us to maintain our capacity to assist the Congress in addressing a range of financial, social, economic, and security challenges going forward. This amount represents a 4.1 percent increase (\$22.6 million) to maintain our fiscal year 2010 operating level, and a 3.8 percent increase (\$21.6 million) to continue mandated Recovery Act oversight beyond the expiration of the funding we received to help offset the cost of this new

responsibility. The total requested increase of 7.9 percent will allow us to continue the Recovery Act work, maintain our fiscal year 2010 staffing level, cover mandatory pay and uncontrollable cost increases, and reinvest savings from nonrecurring costs and efficiencies to further enhance our productivity and effectiveness.

The Nation's Challenges Shape GAO's Fiscal Year 2011 Expected Workload

GAO stands ready to continue assisting the Congress as it tackles the wide array of challenges facing the nation. Our past performance is evidence of the critical role our dedicated staff play in helping the Congress and the American people better understand issues, both as they arise and over the long term. Issues on the horizon include

- Assessing the government's continuing response to the **current economic situation**, including
 - the effectiveness of **financial and regulatory reform** efforts and plans to **ensure the stability of the overall banking, housing, and financial markets**;
 - conducting oversight of proposed programs to boost the economy, including **job expansion** and investments in **infrastructure**; and
 - continuing to perform our responsibilities under the **Recovery Act**, including bimonthly reviews of how selected states and localities use the funds provided and quarterly reviews of recipient reports on job creation.
- Reviewing the government's efforts to **identify and act on credible threats to homeland and border security**, including to commercial aviation and seaports as well as those involving biological, chemical, and nuclear dimensions.
- Reviewing U.S. efforts related to **Afghanistan, Iraq and other regions in conflict**, including reviewing the effect of drawing down resources in Iraq, providing more resources to Afghanistan, and retooling operations in Pakistan.
- Supporting **health care financing and reform efforts** through analyses of Medicare, Medicaid, and other health programs.
- Identifying elements to help address **the nation's financial challenges** including **Social Security, tax reform, retirement, and**

disability programs; opportunities to reduce spending; and reducing the gap between taxes owed and taxes collected.

- Performing specialized studies and **technology assessments** of a wide range of science and technology issues, such as **climate change**, the challenges of developing **sophisticated space and defense systems**, and **green energy**.
- Focusing on major areas that are at **high-risk**, including the U. S. **Postal Service's financial condition, oversight of food and drug safety, and cybersecurity** efforts.

GAO is uniquely positioned to support the Congress. For instance, pressures to reduce the federal deficit following an economic recovery will require a greater need for the type of analyses that are a hallmark of GAO. We recently were tasked by statute to provide an annual report addressing overlap and duplication among federal programs. Also, through our long-standing focus on high-risk programs and other activities, we can identify for policymakers the agencies and programs that require priority attention. These include helping focus on ways to help reduce an estimated \$98.7 billion of improper federal payments in fiscal year 2009 and the \$290 billion estimated tax gap. In addition, our dedicated and multidisciplinary staff have substantive agency and program expertise, as well as expertise in conducting financial and performance audits, program evaluations, policy analyses, and technology assessments.

GAO Continues to Be an Employer of Choice

Recognizing that GAO's accomplishments are a direct result of our dedicated workforce, management continuously strives to maintain a work environment that promotes employee well-being and productivity, and to be a world-class professional services organization. In both 2007 and 2009, GAO ranked second in the "Best Places to Work" rankings sponsored by the Partnership for Public Service. We are also proud of the current results from our 2009 annual employee feedback survey, which indicate that employee satisfaction continues to increase. Importantly, the results of the 2009 annual employee feedback survey—the highest scores to date—provided GAO management with valuable information on how we can continue to attract and retain top talent.

GAO regularly seeks and values the input we receive from our employee organizations: the Diversity Advisory Council, Employee Advisory Council, and GAO Employees Union, International Federation of Professional & Technical Engineers, Local 1921 (the Union). Collaboration with these

organizations has resulted in a number of improvements in GAO processes, including improved field office working conditions; enhanced quality control forms that help ensure that our practices follow GAO policy and generally accepted government auditing standards; and new demographic questions on the annual GAO employee feedback survey that allow GAO management to track the views of certain employee populations. Also, GAO and the Union have made significant progress toward reaching agreement on a master contract and are continuing to resolve fiscal year 2010 analyst performance-based compensation rates.

GAO continues to make progress toward our goal to create a more inclusive work environment. The most recent data show that representation of minority groups in our workforce equals or exceeds the representation in the relevant civilian labor force. As of April 2009, minorities represented about 30 percent of GAO's total workforce and women constituted nearly 60 percent. By comparison, in the civilian labor force minorities represented about 27 percent and women about 47 percent. With our approach to continuous improvement, several areas merit continued attention, such as increasing the representation of Hispanics and the disabled in the total workforce. Looking forward, our action plan focuses on three areas: recruitment and hiring, staff development, and efforts to create a more inclusive work environment. We will continue to consult with the Union and all employee groups as we begin to implement this action plan.

Our fiscal year 2011 budget provides funds to continue to strengthen employee development and benefits programs. We have also identified savings and efficiencies within our budget and plan to reinvest these resources to implement enabling technologies, such as energy improvements.

GAO's Fiscal Year 2011 Budget Request

As a people-intensive organization, about 80 percent of GAO's budget funds compensation and benefits for over 3,300 employees, with the balance funding mandatory operating expenses, such as rent for field office locations, security services, and other critical infrastructure services required for ongoing operations.

GAO is requesting an increase of \$22.6 million to maintain our current capacity to provide timely, high quality responses to congressional requests for assistance, and \$21.6 million to continue our mandated oversight of Recovery Act spending. About 90 percent of the requested increase supports mandatory compensation and benefits to support our fiscal year 2010 staffing level.

A summary of our fiscal year 2011 request is shown in the following table and explained in further detail below.

Fiscal Year 2011 Summary of Requested Changes

(Dollars in thousands)

Budget category	FTEs	Amount	Cumulative percentage of change from FY 2010 to FY 2011
FY 2009 actual costs	3,141	\$529,526	
FY 2010 enacted level	3,221	556,849	
Changes to the base			
Maintaining staff capacity	49	20,444	3.7
Nonpay inflation and annualization		6,420	4.8
Change in offsetting collections/reimbursements		(4,225)	4.1
Efficiencies/savings and nonrecurring costs		(8,032)	2.3
Resource reinvestment		8,030	4.1
Subtotal – changes to the base	49	\$22,637	4.1
Recovery Act	144	21,631	7.9
Total appropriation – salaries and expenses	3,414	\$601,117	7.9

Source: GAO.

Maintaining staff capacity includes \$20.4 million to maintain our projected fiscal year 2010 onboard staff at a full-time equivalent (FTE) level of 3,270 FTEs to enable GAO to continue to meet our increased responsibilities in a timely manner. The requested increase primarily includes

- the full-year cost to maintain the workforce in fiscal year 2011 resulting from fiscal year 2010 hiring and pay actions,
- mandatory January 2011 pay increase at 1.4 percent based on Office of Management and Budget guidance, and
- performance-based pay increases in lieu of executive branch General Schedule within-grade increases.

Nonpay inflation and annualization includes \$6.4 million to maintain purchasing power, sustain fiscal year 2010 operating levels, and cover projected inflationary increases in common carrier transportation costs,

travel per diem rates, training, supplies and materials, and other essential mission-support services based on negotiated contracts, vendor notification, or historical trend data.

Change in offsetting collections/reimbursements reflects an increase of \$4.2 million in rental income and reimbursement from financial audits that reduces our request for appropriated funds.

Efficiencies and nonrecurring costs reflect \$8 million of efficiencies and nonrecurring fiscal year 2010 costs resulting from

- technology consolidations, such as our new core human capital system and integrated E-Gov travel solution, and
- enhanced building operations, including the installation of a gas- and solar-powered water boiler to improve energy efficiency.

Resource reinvestment reinvests \$8 million of nonrecurring fiscal year 2010 costs and operational efficiencies to

- further enhance our information technology programs to enhance productivity and effectiveness;
- continue to address management challenges through increased security, enhanced appraisal systems, and retention incentives;
- continue cyclical building maintenance and repairs and enhance energy efficiency; and
- bolster support for audit engagements and technology assessments.

Recovery Act includes funds to help offset the cost to maintain 144 FTEs necessary to continue to meet the mandated oversight of the use of the funds provided in the Recovery Act to help ensure transparency and accountability.

Concluding Remarks

With the strong support of the Congress and this subcommittee, in fiscal years 2009 and 2010 GAO increased our staff capacity. Our fiscal year 2011 budget request is prudent and essential to ensure that we can maintain this capacity and continue to provide timely, high-quality assistance to the Congress in confronting the critical economic, financial and security challenges facing the nation.

We have a proven track record of helping the Congress evaluate critical issues of national importance and improving the transparency and accountability of government for the American people. For example, our work in the banking sector provided a framework that can be used to help reform the financial regulatory system and to evaluate proposals to ensure that any new regulatory system is sufficiently comprehensive, addresses risks, and adequately protects consumers. Over the past 2 fiscal years our work yielded significant results. For example, during this period we delivered expert testimony on average at about 250 congressional hearings. We also documented on average over 1,300 actions taken by agencies and the Congress in response to our recommendations for improvements in government services and operations and changes to law. In addition, we recorded on average about \$50 billion in financial benefits, resulting in a return on investment in fiscal year 2009 of \$80 for every dollar the Congress invested in us.¹

We remain committed to providing accurate, objective, nonpartisan, and constructive information to the Congress to help it conduct effective oversight and fulfill its constitutional responsibilities. I appreciate, as always, your careful consideration of our submission and look forward to discussing our proposal with you.

Madam Chair, Ranking Member Aderholt, this concludes my prepared statement. We would be pleased to respond to any questions that you or other Members of the subcommittee might have.

¹For additional information on GAO's fiscal year 2009 accomplishments, see GAO's *Performance & Accountability Report, Fiscal Year 2009*, and *Summary of GAO's Performance and Financial Information, Fiscal Year 2009*, available at <http://www.gao.gov/about/strategic.html>. Examples of how GAO assisted the nation and selected issues on which senior GAO officials testified at congressional hearings in fiscal year 2009 is included in appendixes I and II.

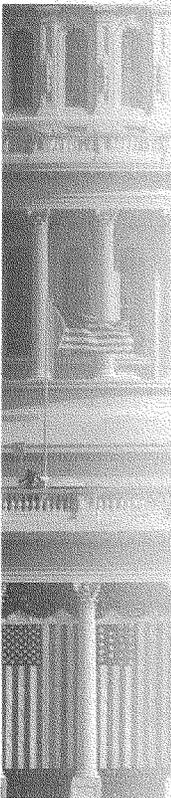
Appendix I: How GAO Assisted the Nation, Fiscal Year 2009

HOW GAO ASSISTED THE NATION • FISCAL YEAR 2009	
<p>Strategic Goal 1 Provide timely, quality service to the Congress and the federal government to address current and emerging challenges to the well-being and financial security of the American people</p>	<ul style="list-style-type: none"> ▪ Highlighted weaknesses in the Food and Drug Administration's oversight of medical devices ▪ Helped to improve the health care provided wounded soldiers returning home ▪ Investigated the death and abuse of children at public and private schools ▪ Recommended additional oversight and controls of voluntary workplace safety and health programs administered by some companies ▪ Enhanced management at the Pension Benefit Guaranty Corporation ▪ Enhanced federal efforts to combat drug trafficking ▪ Identified ways the Department of Housing and Urban Development could promote energy efficiency and green building in federal public housing programs ▪ Informed the debate on hardrock mining reform ▪ Reported on the Environmental Protection Agency's reforms of its toxic chemical assessment process ▪ Informed the Congress about the U.S. Postal Service's deteriorating financial situation
<p>Strategic Goal 2 Provide timely, quality service to the Congress and the federal government to respond to changing security threats and the challenges of global interdependence</p>	<ul style="list-style-type: none"> ▪ Recommended actions to improve the Department of Defense's (DOD) management of contractors in Iraq and Afghanistan ▪ Helped the Congress assess DOD's ability to provide trained and ready forces for military operations ▪ Recommended that the State Department develop outcome measures for its capacity-building program in Iraq ▪ Helped to improve DOD's accounting of weapons provided to Afghan security forces ▪ Helped to strengthen aviation security through improved passenger watch-list matching ▪ Developed a framework to help the Congress evaluate proposals for revamping the U.S. financial regulatory system ▪ Helped to assess the implementation of TARP ▪ Informed the Congress about weaknesses in lender data that limit regulators' ability to identify financial institutions at higher risk of discriminatory lending practices
<p>Strategic Goal 3 Help transform the federal government's role and how it does business to meet 21st century challenges</p>	<ul style="list-style-type: none"> ▪ Helped to track how states and localities are using Recovery Act funds ▪ Strengthened federal planning and preparedness efforts for the influenza pandemic ▪ Helped DOD and the Department of Veterans Affairs better share electronic health records ▪ Identified shortcomings in the Department of Homeland Security's management of major acquisitions ▪ Tested the adequacy of the complaint intake process at the Department of Labor's Wage and Hour Division ▪ Helped to reduce governmentwide improper payments ▪ Recommended ways to reduce tax noncompliance
<p>Strategic Goal 4 Maximize the value of GAO by being a model federal agency and a world-class professional services organization</p>	<ul style="list-style-type: none"> ▪ Mobilized staff quickly to conduct mandated oversight work and ensure accountability of the federal assistance available through the Recovery Act ▪ Contributed to enhancing the ability of the domestic accountability community to prevent fraud, waste, and abuse of federal funds ▪ Helped enhance international accountability organizations' capacity to implement strong professional standards by sponsoring training and participating in international forums

Source: GAO.

Appendix II: Selected Testimony Issues, Fiscal Year 2009

SELECTED TESTIMONY ISSUES • FISCAL YEAR 2009



Goal 1: Address Challenges to the Well-Being and Financial Security of the American People

- Auto industry bailout
- Nonprime home loans and rising foreclosures
- Pension Benefit Guaranty Corporation financial challenges
- Social Security Administration challenges with disability claims processing
- Wildland fire management
- Mental health services for Hurricane Katrina's youngest victims
- Clean water trust fund
- Department of Veterans Affairs (VA) health care for women veterans
- Corporate crime and deferred prosecutions
- D.C. public school reform efforts
- Limiting United States Postal Service losses
- Reverse mortgages
- Crime victims' rights
- Federal Protective Service

Goal 2: Respond to Changing Security Threats and the Challenges of Globalization

- U.S. strategies and plans in Iraq, Afghanistan, and Pakistan
- Reforming U.S. defense acquisitions
- Planning future army combat systems
- DOD's business transformation
- Financial regulators' oversight of large financial institutions
- Security and Exchange Commission enforcement resources
- TARP
- U.S. cybersecurity strategy
- Screening air cargo on passenger aircraft
- Post-Katrina Emergency Management Reform Act
- Climate change trade measures
- Small Business Administration Disaster Loan Program reforms

Goal 3: Help Transform the Federal Government's Role and How It Does Business

- Recovery Act
- Influenza pandemic
- Health IT
- Management of DOD contractors
- Key National Aeronautics and Space Administration challenges
- U.S. government financial statements
- 2010 Census preparations
- Improper federal payments to suspended businesses
- Offshore financial activity and tax enforcement
- VA and DOD electronic health records
- Illegal export of military technology

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GAO'S REQUEST TO MAINTAIN CURRENT RECOVERY ACT STAFF LEVEL

Ms. WASSERMAN SCHULTZ. Your largest increase, Mr. Dodaro, is 144 FTEs that will work on the Recovery Act programs, and given that that is a finite program, how long will GAO's Recovery Act work continue?

And to me it seems like the 144 FTEs are for work that is temporary, and you are adding a whole lot of FTEs that at some point in the future you are not going to be able to sustain because you are not going to have the work that they need. And again, like many a good agencies head, you can never have enough employees, but it puts pressure on our budget and your request when you are only asking for employees that we view as temporary.

Mr. DODARO. Right. Well, from the beginning we also viewed this FTE level as temporary. I would point out that the way we staffed the Recovery Act oversight is by bringig back a number of reemployed annuitants who are temporary; used term employees who are temporary; and only brought on board, people that we can absorb through attrition going forward.

We have approached this staffing carefully from the very beginning to ensure we did not put ourselves or the committee in the position to say that we now have these people, and we are asking you to support them. Our proposal going forward is to continue to maintain this staffing level to support the Recovery Act, only as long as the Recovery Act expenditures continue.

Ms. WASSERMAN SCHULTZ. For how long do think that work will continue?

Mr. DODARO. Of the \$120 billion which remains to be allocated to State and local governments, \$63 billion will be allocated in fiscal year 2011, and the remaining funds will be allocated between fiscal year 2012 through to 2019, when it begins to phase out. We would phase out our work and staffing levels along the lines in which the money would phase out. We may need some kind of transition assistance, but our goal would be to phase out over time the number of FTEs we need.

We are not trying to add this staffing level into the base. We are trying to be responsive to the mandates in the law where the most significant outlays will occur in this fiscal year and next fiscal year. We would develop a plan to reduce the scope of work and the FTEs over time consistent with the planned spending levels.

Ms. WASSERMAN SCHULTZ. And then eventually phase the employees out?

Mr. DODARO. Yes.

GAO MANAGEMENT AND UNION NEGOTIATIONS

Ms. WASSERMAN SCHULTZ. We had an opportunity during the public witness hearing to hear from Ron La Due Lake, who is the union representative for GAO, and I really would like you to talk about the impasse that you appear to be at when it comes to merit pay raises. I know that you were able to set merit pay raises for nonmanagement, for nonbargaining unit employees, so where are we on that? And let me just tell you that I come from the standpoint of strongly encouraging you to move off the dime and get this done.

Mr. DODARO. We have reached agreement on the pay for developmental staff, and are using an interest-based collective bargaining process. I am very pleased we are able to do that. We have begun the mediation process, as you mentioned in your opening statement, and set an aggressive schedule for the remainder of the month, if necessary, to be able to complete it. We are going into it with optimism that we can strike an accord, and can do it in a way that won't compromise our ability down the road to meet some of our workload demands.

GAO'S ROLE IN TECHNOLOGY ASSESSMENTS

Ms. WASSERMAN SCHULTZ. Okay. I want to ask you about the technology assessments. We have over the last several fiscal years appropriated \$2½ million to fund technology assessment studies. Tell me about how you have used those funds, what studies have been produced.

The reason that I am asking is that the concern grows each year because more and more Members and more and more organizations are continuing to press for the reestablishment of the Office of Technology Assessment, and while GAO's work is highly regarded, the feeling is that it is not an appropriate substitute for the work that OTA used to do.

Mr. DODARO. I would like to take the opportunity to introduce Tim Persons, the Chief Scientist at GAO. We have recently hired Tim who comes from the Intel Community and has Ph.Ds in physical sciences and biomedical engineering.

We have hired five additional staff with the funds that have been provided who have nuclear, chemical, electrical and industrial engineering backgrounds needed to do technology assessments. Also, as I have pointed out in past budget submissions, more and more of the work we are being asked to do at the GAO has a science and technology component. So this team—and other people we have already had on board help support our work in scientific issues, the nuclear area, and other areas—which accounts for about 10 or 15 percent of our total workload.

Ms. WASSERMAN SCHULTZ. That is different than technology assessment. The 2½ million is not to augment your workload.

Mr. DODARO. I understand. But I want to fully use the talents that we have.

On technology assessments, we have been doing one looking at explosive detection technology for passenger rail. That report will be issued in May. We started one on the technology for geoengineering, which is dealing with technologies that remove carbon dioxide from the environment and also with the reflection of solar rays, which helps cool the Earth.

Ms. WASSERMAN SCHULTZ. Are those assessments being done at a request of a Member or a committee Chair?

Mr. DODARO. A committee Chair. But we are trying, as we had talked before about getting broad-based support. On the first one, as you requested, I met with Congressman Holt, and he agreed on that. We have a list of other areas we are going to start. The geoengineering ones are at the request of the House Committee on Science. And so we are going to involve other people and share that information with them. That should be done this fall.

We are going to start another one this June, and I am focused on looking at technologies to help in the detection of nuclear, biological and chemical threats; in other words, sensors and things of that nature that protect the homeland and protect people.

Ms. WASSERMAN SCHULTZ. That request is from when?

Mr. DODARO. That is one we are going to be talking with a number of people about. We don't have a request yet.

Ms. WASSERMAN SCHULTZ. That is generating an area that—

Mr. DODARO. There are a number of people in Congress who are interested in this area and we have talked to all of them to try to get consensus on what would be a good area for us to start in. As we have discussed before, while some believe we don't have the full ability to replicate OTA, I think that it is a matter of resource constraints, not because we don't have the capability to be able to do it. I remain open to increasing GAO's capabilities in consultation with you to try to provide Congress with the right type of information that is needed.

We are going to need to expand our capabilities if we are going to help the Congress deal with increasing sophistication in satellite systems, weapon systems, homeland security, detection capabilities, and climate change. All of these areas require the application of science and technology, and we need to have the capabilities to provide that type of support.

As I mentioned before, we also have a standing contract with the National Academy of Sciences to augment our skills, and for which we are using some of the money when we need to have panels of experts from that community help us. So this is a really important area.

Ms. WASSERMAN SCHULTZ. I think it is just something we are still struggling to decide, whether or not it is appropriate for you to continue to do it, or for us to reestablish OTA and have a dedicated office whose focus is science.

GAO'S EFFORTS IN IRAQ, AFGHANISTAN, AND PAKISTAN

Mr. Aderholt.

Mr. ADERHOLT. Thank you.

Of course, GAO is in the process of reviewing U.S. efforts related to Afghanistan, Iraq and Pakistan, including reviewing the efforts of drawing down resources in Iraq. Providing more resources to Afghanistan and the retooling of operations in Pakistan, would you expand to the committee a little bit on the efforts that GAO is undertaking in this region and how you are staffing this effort?

Mr. DODARO. Certainly, that is a very good question. So far we have done about 150 reports on the Iraq situation since the war began, as well as in the Afghanistan area. I have testified on our work in Iraq, and on our recommendations that the U.S. needs to develop more integrated strategic plans. We have provided the testimony on Pakistan as well, in terms of what the U.S. strategy was before.

What we are currently looking at and have issued reports on is the plans at DOD to downsize in Iraq. During the first Persian Gulf War back in the early 1990s, it took about 15 months to move all the equipment out. That was far less involved in terms of equipment, personnel, et cetera. There are complications in bringing the

contractors out. You have to make arrangements with other countries to move the material through those countries. So we are looking at DOD's plans.

We are also looking at, Congressman Aderholt, the efforts to train the Afghanistan Police Force, and their army to stand up the institutions that are necessary for that government to function. We have done the same thing in Iraq. We have looked at the controls over the funding that is provided to Pakistan and made some recommendations to DOD to better track the money and the weapons provided to the Afghan Security Forces. So we are looking at those types of assistance in providing a lot of support to the Congress.

There are a lot of logistical challenges that are different in Afghanistan, such as moving equipment around within the country.

Our people have been there. We have had three people in Baghdad on 6-month rotation assignments for a while now. We are thinking about how to establish a presence in that area. We provide constant briefings to the committees on this, both in a classified sense and nonclassified sense. Our people really, have done a very good job understanding the situation, ferreting out the complexities, and making practical recommendations. I would expect that to continue through the completion of those efforts.

GAO ATTRITION

Mr. ADERHOLT. You mentioned attrition a little bit earlier, and I think over 300 full-time employees' attrition; is that correct?

Mr. DODARO. On average over the last decade, we attrit about 300 staff annually—about 10 percent of the GAO workforce. About half of the attritions retire and half move on for other reasons. And given the marketability and the highly trained and skilled workforce we have, we think that is a pretty good retention rate.

But the last year and so far this year, attrition is down to about 6 percent. We have had less than 200 people leave the agency this year. Obviously some people are deferring retirement, given the economic situation. Other jobs aren't as available as they usually are. So attrition is lower than it has been in the past.

Mr. ADERHOLT. What do you anticipate again for the coming year?

Mr. DODARO. I think we are still at about 6 percent.

Mr. ADERHOLT. And probably to the economy is probably what you are attributing that to, the overall economic stability.

Mr. DODARO. Right. But we also work hard to attract and retain our people.

Mr. ADERHOLT. I know you are ranked one of the top in the Federal Government, so that is certainly something you should be proud of.

That is all I have. Thank you.

GAO'S INVOLVEMENT WITH THE CAPITOL POLICE BUDGET

Ms. WASSERMAN SCHULTZ. I want to talk to you about the Capitol Police budget, which is something the GAO has been involved in reviewing, given their fiscal challenges and trouble getting it right in recent years. You know, we have now discovered that the police budget fiscal year 2011 request was built on quicksand at best and has to be amended by about \$9 million. Can you talk to

the committee about why GAO didn't catch the request? I know they caught it earlier than the point at which you were involved, but can you enlighten us on that? And then I would really like your perspective, because you have been with GAO for so long, on what can be done to address the serious fiscal mismanagement in the Capitol Police.

Mr. DODARO. First, as you point out, we were required, within 30 days after the budget submission, to review the Capitol Police's budget and look at some of the assumptions and validate the information. We received that on January 19th. We started to review the information, focusing first on the overtime area, because that was a big concern in the past, and then we turned our attention to the salary and benefit assumptions.

We started raising questions in early February about this and asked the police for additional information. We received spreadsheets and other information from them that differed from what was in the budget submission, and so we flagged this area and had some concerns. We were in the process of trying to ask them for more information and weren't getting a lot of complete information. We were asking questions along the same lines, and then the shortfall became—

Ms. WASSERMAN SCHULTZ. And then they announced it.

Mr. DODARO. It became public.

So now, what can be done? I think this is an area where we can make a very valuable contribution. We need to talk to their financial auditors. Past financial audits there have noted some weaknesses in the payroll processing. We need to go in and do a lot more in-depth analysis to find out what the root cause is of the situation, much more than we can do in a 30-day period of time, and really identify why this happened, what can be done to fix it, and to make sure that it doesn't happen again in terms of procedures, controls and having the proper people.

Ms. WASSERMAN SCHULTZ. The Capitol Police previously was not responsible for their budget, and I am not confident that they should continue to be responsible for their budget, given the repeated errors. We are waiting for the IG report, but what are your thoughts? The GAO used to handle the budget for the Capitol Police, correct?

Mr. DODARO. There were parts—not totally, not—

Ms. WASSERMAN SCHULTZ. You were far more involved than you have been recently.

Mr. DODARO. Well, there were a lot of problems in the administrative area historically, and we were mandated to do a number of reviews in financial management, and IT.

Ms. WASSERMAN SCHULTZ. You were never exclusively responsible for the Capitol Police budget?

Mr. DODARO. Not that I recall. We were providing some assistance in the payroll area, but I am not sure exactly. This was maybe 10 years ago, so there hasn't been anything in recent times. Obviously it compromises our independence to be able to go in and audit if we are carrying out an administrative role. We don't typically do those type of things, so we can be independent and give advice. But I will commit to you that we can get deeply involved here and try to help figure out what the situation is to correct it,

assuming the police would maintain the responsibilities, and then there are other options that you could consider.

Ms. WASSERMAN SCHULTZ. Another option might be to have some other entity maintain responsibility, and you still have oversight, and just have some tangential connection.

Mr. DODARO. One of the difficult challenges, though, is the managers, in this case the chief of police, is responsible for staffing and protecting the Congress, and the accounting function is really going to be less—

Ms. WASSERMAN SCHULTZ. That is my point.

Mr. DODARO. They are just going to keep having to basically account for decisions that are already made by management. There has to be an interrelationship, and accountability has to be with the head of agency.

Ms. WASSERMAN SCHULTZ. You wouldn't have a coal miner run a restaurant; it just doesn't fit. It is too disparate a skill set. So thank you.

Mr. DODARO. If you would like, with your consultation, we will proceed and try to do some additional—

Ms. WASSERMAN SCHULTZ. I would like to continue to consult with you on how we may address the concerns.

Mr. DODARO. Sure.

Ms. WASSERMAN SCHULTZ. My time is expired. Do you have anything else?

Mr. ADERHOLT. I am fine.

Ms. WASSERMAN SCHULTZ. I just have one more, and then I am done.

INTELLIGENCE AUDIT CHALLENGES

On the intelligence programs, I know you have had some issues auditing the intelligence programs. The intelligence authorization bills for the House and Senate passed. I thought we dealt with this issue; we made it clear that GAO should be able to audit certain programs. Are you lacking in authority to audit intelligence programs if we required you to do so? Is there any additional language that you need? Are there obstacles being put in your path? Help us with the challenges that you are facing.

Mr. DODARO. Sure. This has been an historical—

Ms. WASSERMAN SCHULTZ. I will tell you this is a real issue for me. I have started to explore the so-called black budgets, and there has been precious little oversight, and it is really disturbing.

Mr. DODARO. Well, we believe we have the authority. The language in the bills that you mentioned, the reauthorization bills, was to reaffirm the authority that we believe we have. Historically, there is a 1988 opinion by the Justice Department that disagrees with that. The administration's position over the years has been that Congress has set up their own committees to oversee the Intelligence Community, and they disagree that GAO has the authority.

We have countered that. We don't believe that is true. We believe that we have the authority, we have the people with the clearances, we have the people with the skills, we can help. What we are lacking is cooperation from the Intelligence Community and the support of the Congress and the Intelligence Committees to get involved. And we think we can do that, but we haven't had—

Ms. WASSERMAN SCHULTZ. Is it the view of the Intelligence Community and the administration that there isn't the right for Congress to review their spending and their practices?

Mr. DODARO. Well, they take issue with GAO's authority.

Ms. WASSERMAN SCHULTZ. Well, who do they think has the authority, anybody?

Mr. DODARO. I believe their position is the Congress through the Intelligence Committees.

Ms. WASSERMAN SCHULTZ. Because we delegate you.

Mr. DODARO. Right. You will find no disagreement with me, Madam Chair, on this issue. We think it is clear even without the additional support.

Ms. WASSERMAN SCHULTZ. There is a different type of accountability that you engage in than the committees do. Of course, we hold the Intelligence Community accountable, and we hold hearings, and they have an appropriation subcommittee that handles that now. What else do you need?

Mr. DODARO. We just need the clear language.

Ms. WASSERMAN SCHULTZ. More clear language.

Mr. DODARO. More clear language. Either one of the things will do it, but we need the Congress to provide support to get the information we need from the Intelligence Community going forward. It has been an historic problem, and I think we can help the committees. This is along the lines of Congressman Ruppertsberger's question before as well. I had the same conversation with him.

Ms. WASSERMAN SCHULTZ. I am going to work with the Intelligence Committee and the relevant appropriations subcommittee here, the select committee, to try to get this resolved.

Mr. DODARO. Very good.

APPRECIATION OF GAO AND CBO EMPLOYEES

Ms. WASSERMAN SCHULTZ. So thank you very much. Thank you for your work. We appreciate it.

Mr. DODARO. Thank you very much.

Ms. WASSERMAN SCHULTZ. Please thank the employees of GAO, and actually if anyone is here left from CBO as well, how much we appreciate all your work. We know you put in a ton of hours, and on behalf of the American people, we appreciate it.

Mr. DODARO. Thank you very much. I know they appreciated your sentiment last year at the hearing. I communicated that to them, and I will do so this year.

Ms. WASSERMAN SCHULTZ. It can never be said too much.

Mr. DODARO. I agree. Thank you very much.

[Questions for the record follow:]

QUESTIONS FOR THE RECORD SUBMITTED BY**Chair Debbie Wasserman Schultz**

Gene Dodaro, Acting Comptroller General

FY2011 Budget of the Government Accountability Office

Staffing

Question: GAO's request includes \$21.6 million to support 144 FTE for Recovery Act work. Please detail the long term staffing plan for recovery act oversight and a brief outline of planned work and how that complies with mandates for GAO outlined in Public Law 111-5.

ANSWER: GAO's work to meet its mandated reporting requirements in the Recovery Act includes bi-monthly reviews of the billions of dollars of funding provided to selected states and localities, and reviews of quarterly reports submitted from recipients of Recovery Act funds estimating the number of jobs created and retained by the projects or activities for which funds were expended.

In FY 2010 - 2011, GAO projects 144 FTEs annually to meet the mandate oversight requirements for programs administered by certain states and localities. About half of these staff are permanent GAO staff redeployed to Recovery Act oversight; the remaining staff are temporary employees (reemployed annuitants and term hires). Approximately 85% of Recovery Act funding to programs administered by the states and localities is estimated to be paid out by the end of FY 2012, although funding is expected to continue to flow to the states and localities through FY 2019. Starting in FY 2012, GAO would begin a transition to absorb the permanent staff assigned to Recovery Act work back into the base behind attrition. We also will adjust the level of the temporary workforce as necessary to ensure that GAO is adequately staffed to address the changing nature of the Recovery Act funding, which shifts largely to infrastructure programs during the out years (transportation, community development, and energy and environment) and will have longer term spending impacts that will be reflected in our recipient reporting requirements.

Question: How many people is GAO estimating will retire or leave in fiscal year 2010?

ANSWER: We estimate that about 200 staff will leave in FY 2010—a reduction from our initial estimate of 225 staff. This change in attrition increases our salary costs by about \$2 million a year and has been appropriately reflected in our operating plan. Our FY 2010 attrition level is significantly below the level of attrition GAO experienced between fiscal years 2004 and 2008

when annual attrition rates averaged about 10 percent of our staff. In FY 2009, attrition dropped to about 6 percent. Our FY 2011 attrition estimate is 235 staff.

Question: How many staff do you have assigned to international posts? What is the fiscal year 2011 budget for staff assigned internationally?

ANSWER: We currently maintain a presence of 2-3 staff assigned to Baghdad on a 3-4 month rotating basis to do audit work to support congressional requests and mandates, and provide logistical support for other GAO teams conducting short-term assignments in various locations in the Middle East, including Iraq.

In addition, GAO is working with the Department of State to establish a field presence in Afghanistan. This effort reflects increased US resources being directed toward the region and will facilitate our ability to support Congress on key issues concerning the implementation of US strategy in Afghanistan and Pakistan. It will also enable us to respond to recent Congressional multi-year reporting mandates. As has been the case in Iraq, GAO's in-country presence in Afghanistan will be critical in supporting numerous GAO engagements related to issues in the region by providing on-the-ground access to senior military and diplomatic leaders, early information on changing US plans and conditions, as well as first hand observations regarding conditions in the field. Our fiscal year 2011 budget includes \$2.5 million to support these assignments, which includes reimbursement to Dept of State for security and administrative support.

Technology Assessments

Question: Does the GAO budget request include \$2.5 million for the continuation of technology assessments? If so, please provide a summary of planned activities for fiscal year 2011 with those funds.

ANSWER: Our fiscal year 2011 budget includes staff support which is the equivalent of 8 FTE and \$500,000 for contract support for continuation of technology assessments. In fiscal year 2011, after completing the ongoing geoengineering technology assessment that we started in FY 2010, we plan to initiate two technology assessments, one on neutron detection technologies used in detecting nuclear materials and another focused on counterterrorism technologies for detecting chemical, biological, and nuclear threats. We are currently conducting outreach meetings with Congressional committees and we will select the specific topic for the counterterrorism technology assessment based on the outcome of the outreach.

Workload

Question: According to Mr. Dodaro's written statement, GAO responded to requests from every standing committee of the House and the Senate and over 70 percent of their subcommittees.

- Is that normal compared to other years?

- Has GAO had to decline work because of workload?

ANSWER: Yes, our level of requests from Committees has remained relatively consistent from fiscal year 2006-09. Our FY 2011 budget request seeks fund to continue to maintain this level of service.

In fiscal year 2009, we accepted the majority of the requests received from senior congressional leaders and committee leader requests, but often had to delay the start of work for several months until the staff with the required expertise became available. Due to limited resources, we typically decline individual member requests and refer these requests to other audit entities for their consideration.

Budget

Question: Please summarize the impacts of a flat fiscal year 2011 budget for the record with particular focus on staff and mission impact.

ANSWER: A flat funding rate would significantly impair GAO's ability to serve the Congress on the full range of issues for which we receive requests and statutory mandates and negatively impact our timely provision of the services we would provide. In order to operate at a flat funding level (FY 2010 level) in FY 2011, GAO would need to significantly reduce planned hiring and staffing levels by up to 150 staff through FY 2011, beginning in FY 2010. This staffing reduction will negatively impact our ability to respond in a timely manner to continuing and new mandates, such as the Recovery Act and the annual report to the Congress on duplicative and wasteful programs. This would not only reduce the staffing resources devoted to Recovery Act oversight by almost 60 percent, it would also severely impact staff available to support other congressional engagements.

In order to even maintain this reduced staffing level and absorb mandatory pay and non-pay inflationary increases in FY 2011, we would also need to reduce or defer critical infrastructure investments including security improvements in our field locations and potentially implement up to six furlough days in FY 2011.

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Ms. Chrisler, you are up. Good afternoon. This is the part of the hearing for the smallest agency for the smallest appropriations bill. That is why the room is now essentially clear.

So this is our opportunity to talk to Ms. Chrisler, the Executive Director of the Office of Compliance, about the budget request. This year OOC is requesting \$4.8 million for fiscal year 2011, which is an 11 percent increase over last year's level.

I realize you have a small budget relative to other agencies, but an important role to make sure that we can continue to provide a safe, and productive, and hospitable working environment for our employees and our visitors.

I would really like to hear about your ongoing work with the Architect of the Capitol—they are going to be testifying this afternoon, more like in a couple of hours—and how you prioritize life safety issues based on our unique aging Capitol complex needs. And I would like to, as we usually want to, hear from you on your outreach to Members and committee staff. At the end of the day, I need to know what the “got to haves” versus the “like to haves” are.

I look forward to hearing from you. Your full statement will be entered into the record, and after Mr. Aderholt, you may proceed for 5 minutes.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Congratulations on your 15th year.

Ms. CHRISLER. Thank you.

Mr. ADERHOLT. As someone who just celebrated my 14th year on the Hill, I congratulate you on that.

You state in your testimony that there is an estimate of 6,000 hazards in the present Congress, which is a drop from previous Congresses is my understanding. What type of hazards are most prevalent that you find?

Ms. CHRISLER. I will be happy to answer that after I give my opening remarks.

Ms. WASSERMAN SCHULTZ. She has to give her opening remarks.

Mr. ADERHOLT. I look forward to hearing your testimony.

OPENING STATEMENT—MS. CHRISLER

Ms. CHRISLER. Thank you. I thank you both. It is a pleasure for me to be here and represent the Office of Compliance.

I would like to make a correction for the record, if I could. The budget request that we have presented is a 6.82 percent increase over fiscal year 2010, about \$4.68 million.

Ms. WASSERMAN SCHULTZ. Okay. You will have to take that up with my staff because they have a different number.

Ms. CHRISLER. Thank you. We will make sure that we do that, because certainly one of the aspects of our request and one of the largest considerations of our request for fiscal year 2011 was to be mindful of the economic situation that we are all facing, and that increase is certainly not reflective of the efforts that our agency has made to keep in mind the fiscal constraints that everyone is oper-

ating under. So I do want to emphasize that we have made many strides in not only acknowledging the current economic situation, but making the necessary adjustments within our budget request to ensure that is reflected in the work that we do.

So commenting on your comment, Mr. Aderholt, with respect to our 15th anniversary, it is not just the 15th anniversary of the Office of Compliance, it is the 15th anniversary of the Congressional Accountability Act. And we do work for you, and we are here to thank you for the support of our agency and thank you for allowing us to do the good work for Congress. And because of the support of this Subcommittee, we have been able to raise awareness of safety and health on the Hill resulting in an increase of four times the Safe Office Awards during the 111th Congress than the 110th Congress. I would like to congratulate you, Madam Chair, and you, Mr. Aderholt, for leading by example, because both of your offices were recipients of our award this year. So thank you for that leadership.

Again, the Subcommittee's dedication to safety issues in the Capitol power plant utility tunnels and the abatement of those hazards allowed our office to prioritize properly monitoring that process, and we appreciate your assistance there.

In addition, we have increased our services to sister agencies, providing educational workshops and training sessions at the suggestion of this Subcommittee.

So I highlight these areas not just to show the progress that has been made within these 15 years under the Congressional Accountability Act, but to thank you for your continued support, and to emphasize that we will be carrying out these programs and other programs without asking for additional resources except where absolutely essential.

There are three areas wherein the OOC has requested additional funding, and that is safety and health, to develop a risk assessment approach to inspections; IT infrastructure, to update and enhance our IT security; and human capital, to provide mandatory salary increases and minimal merit increases.

The technical guidance that we provide in the area of safety and health is well received and results in cost savings, and we want to continue this type of service and increase the cost savings in the legislative branch. And from the language in the fiscal year 2010 legislative branch appropriations conference committee report, you want us to continue that service, too.

In line with that report, we anticipate developing a cooperative and cost-efficient approach to the identification and correction of safety and health hazards. The approach will be risk-based and, as the report indicated, focused on those areas which would yield the most reduction of risk to human health and safety. And as we see it, those areas involve workplaces and work activities that pose the biggest risk to safety. We work very closely with employing offices as we develop this approach.

As my written statement indicates, our communications and IT systems are antiquated and do not provide a cost-effective way of securing information. Our current system of two computers per employees is an administrative burden on our staff and not cost-efficient, and it is cumbersome. So the funding we seek will allow us

to migrate the two networks into a single system, while maintaining security for confidentiality purposes.

The balance of our request is for mandatory cost-of-living increases, minimal staff increases and associate benefits.

As I mentioned earlier, we understand the fiscal constraints of our environment, and in the spirit of cooperation, we have presented a budget request with minimal increases, only those necessary to allow us to continue to serve you in the areas of safety and health, and ensuring confidentiality in the information that we maintain, and to retain the talented workforce that we have.

Though we have a need for additional resources to assist with our inspections of over 17 million square feet of space in the D.C. metro area alone, with an additional 1 million expected in fiscal year 2012 and 2013, we are not seeking those additional resources this year. We are working with OSHA to secure nonreimbursable detailees to fill the need. We are hopeful that a mutual exchange of services would be of benefit to both agencies at no cost to the government.

So again, on behalf of the Board of Directors and the Office of Compliance, I thank you for your support of agency, and I am happy to answer the questions that you have.

Ms. WASSERMAN SCHULTZ. Thank you very much, Ms. Chrisler.
[Ms. Chrisler's prepared statement follows:]

PREPARED TESTIMONY

TAMARA E. CHRISLER, EXECUTIVE DIRECTOR

OFFICE OF COMPLIANCE

HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

March 17, 2010

Madam Chair, Mr. Aderholt, and distinguished Members of the Subcommittee, I am honored to appear before you today on behalf of the Office of Compliance ("OOC" or "Agency"). Joining me today are General Counsel Peter Ames Eveleth, Deputy Executive Director Barbara J. Sapin, Deputy Executive Director John P. Isa, Deputy General Counsel Susan M. Green, and Budget and Finance Officer Allan Holland. Collectively, we present to you the Agency's request for appropriations for fiscal year 2011, and we seek your support for our request.

For fiscal year 2011, the Agency is requesting a total of \$4,675,491, a \$298,491 or 6.82% increase over the Agency's fiscal year 2010 appropriations level of \$4,377,000. This funding would provide the Agency with the bare minimum resources necessary to continue its operations. This minimal increase includes funding for statutorily required inspections of legislative properties, the development and roll out of a risk-based assessment, essential improvements to our quickly aging and increasingly inefficient IT infrastructure, as well as salary increases required by federal law.

Before I go into the details of our request, however, I would be remiss if I did not acknowledge the Subcommittee's continued support for this Agency. As you may be aware, the Congressional Accountability Act is celebrating its 15th anniversary this year. As we embark upon celebrating the successes Congress has achieved under this law, we must recognize the important role this Subcommittee has played: its vision and its support for this Agency and the work that we do. Because of this Subcommittee's steadfast assistance, the Office of Compliance has been able to continue to raise awareness of safety and health within our covered community. Just two weeks ago, the OOC presented four times as many Safe Office Awards as in the 110th Congress. These 154 Representatives and Senators ensured that their employees could work in and that constituents could visit Washington, D.C. offices that are free from hazards. These increased numbers are a result of the daily education efforts of our staff, along with cooperation from staff of the Office of the Architect of the Capitol, House and Senate Employment Counsel, and the Chief Administrative Officer. Without the recognition

from this Subcommittee of the importance of the OOC's safety and health services, and without substantial funding to provide these services, we would not be celebrating these safe and healthy Congressional workplaces.

Because of this Subcommittee's dedication to the safety issues in the Capitol Power Plant utility tunnels, the abatement of these serious hazards was made a priority and the Office of Compliance was provided sufficient resources to properly monitor their abatement. What's more, this Subcommittee's leadership resulted in OOC pre-inspections of the Capitol Visitor Center ("CVC"), ensuring a safe workplace for Legislative Branch employees, as well as fire safety and full access for visitors with disabilities.

This Subcommittee's interest in the work performed by the OOC does not end with its help in the area of safety and health. Because of the interest taken by this Subcommittee on alternative dispute resolution and its efficiencies, the Office of Compliance has increased its educational workshops provided to sister agencies. Because we implement and administer a dispute resolution system with a key focus on counseling and mediation to resolve disputes, an effort is made to resolve disputes at the front end. This approach results in lower costs for all parties and less workplace.

We are providing training for new Congressional employees, up-to-date publications for Members, employing offices, and Congressional employees about their workplace rights and obligations under the CAA. Training and knowledge of the law are a central part of our job on Capitol Hill. We are proud of the work we do for you and we take pride in the fact that we do it nimbly, leanly, and efficiently.

In addition, the OOC has been working with the Office of the Architect of the Capitol to implement a cost-effective approach to improving public access to Capitol Hill facilities for persons with disabilities. The goal is, in cooperation with the Architect of the Capitol's Office, as well as other employing offices, to focus resources on removing the barriers that will most improve access to the facilities for the least amount of cost.

I highlight these programs to showcase the work that has been done and the progress that has been made in our legislative community because of this Subcommittee: your interest in our mission, and your support for our mission. We thank you. I also emphasize that we will be carrying out these programs in fiscal year 2011 without asking for additional resources except where it is absolutely essential.

STRATEGIC PLANNING

As the Office of Compliance celebrates these and many other accomplishments, we look forward to the next fiscal year, ready with a new three year Strategic Plan. Although covering fiscal years 2010 through 2012, fiscal year 2011 will be the first fiscal year in which the Office has requested funding in support of this Plan. The Strategic Plan focuses the efforts of the OOC on providing technical guidance to agencies and employing offices, serving as a resource to the covered community, expanding our outreach efforts to raise awareness of our services, and strengthening our infrastructure to improve the quality of service we provide to our constituents.

Our fiscal year 2011 request for appropriations supports the initiatives in our new strategic plan. Specifically, our budget request focuses on three major areas which are designed to support needed technical assistance to employing offices, as well as upgraded infrastructure for the Agency, and mandatory salary increases for staff.

SAFETY AND HEALTH INSPECTIONS

In line with the goals and initiatives in our Strategic Plan, the OOC requests funding to continue its cooperative and cost-efficient approach to the identification and correction of safety and health hazards. If funded as requested, our 2011 budget would support the ongoing development and implementation of the risk-based inspection and abatement approach that the Conference Committee on FY2010 Legislative Branch Appropriations directed OOC to institute.

The OOC is completing its third successive wall-to-wall OSH inspection of legislative branch facilities on Capitol Hill. The area we inspect is vast: over 17 million square feet of property in the National Capital Area, including locations in Maryland and Virginia. As the covered community grows, so does the area we inspect. We do these inspections with a lean staff of inspectors whose role is critical. You provided us with funds to hire them because you recognized that by finding hazards and alerting employing offices about them, employing offices can abate these hazards one-by-one. The abatement trends are overwhelmingly positive and personify swift progress. The OOC has found that the number of hazards has dropped substantially during the most recent three Congresses: from 13,000 in the 109th Congress to 9,000 in the 110th Congress to an estimated 6,000 in the present Congress.

Even with these drastic reductions, there is still much to accomplish. Based on our thorough facility assessment over the years, the Agency is developing an approach to target the riskiest workplaces and work activities in the 112th Congress. As our risk assessment approach

is still under development, the OOC is working very closely with the Office of the Architect of the Capitol's staff, as well as with other employing offices, to establish appropriate parameters. The OOC will work with employing offices to identify jobs and job sites that are inherently more dangerous: these may include, for example, the Capitol Power Plant and construction worksites. Our goal is to concentrate our limited resources where the risks are highest, to improve our ability to provide technical assistance focused on reducing on-the-job injuries and illnesses, and to remedy violations that pose serious threats to workers' safety.

In light of the need to limit our appropriations request as much as possible, OOC has not requested funding for an additional safety and health inspector contractor, which we believe is needed. The authorization and funding provided in FY 2010 for an OSH Program Manager to replace the retiring detailee equips the OOC with necessary resources to continue supervising our safety and health inspectors, working with outside OSH experts, and providing expert technical advice to the General Counsel and guidance to OGC staff regarding the application of OSHA standards. However, this position alone will not make up for the resources needed to fully handle approximately one million additional square feet of Legislative Branch work space that is expected in FY 2011 and 2012. Ever-mindful of the financial constraints facing our Government, and with an eye toward being cost-conscious, the OOC is working with the Occupational Safety and Health Administration to obtain non-reimbursable detailees to provide temporary safety and health inspection services at no additional expense to this Agency.

OOC INFRASTRUCTURE

The Office of Compliance's other focus during FY 2011 is funding for OOC infrastructure. Communication and IT systems replacement/upgrades are at a crucial stage for agency efficiency and progress. Our IT systems impact all the programs discussed above, from dispute resolution, to education and outreach, to the protection of confidential information handled by our Agency. To ensure such confidential information is protected, the Agency maintains a dual computer network: an internal system which secures confidential information and an external system through a server administered and maintained by the Library of Congress. The practice of maintaining two computers for each employee decreases efficiency and increases costs and administrative burden on the Agency. In an effort to work more productively and reduce administrative costs, we seek funding to migrate, the two networks into a single system.

The balance of the increase that is being requested is for mandatory cost of living increases, minimal staff salary increases, and the associated benefits which allow the Office of Compliance to retain extremely high caliber employees to implement the programs described herein pursuant to the Congressional Accountability Act.

CONCLUSION

The Agency approaches FY 2011 with heightened fiscal responsibility and an understanding that only minimal funding essential to meeting our mission may be available. We have examined our programs in conjunction with our statutory mandates, and we have made significant efforts to streamline our appropriations request to reflect the country's and the government's current economic difficulties. With that understanding, we present to the Subcommittee only those items necessary to meet our statutory mandates. The three items discussed herein - risk-based inspections' approach, IT improvements, and mandatory salary increases - are the three major items that comprise our minimal increase of \$298,491. Funding for these items will allow the Agency to continue to provide needed services and technical assistance to the covered community.

On behalf of the Board of Directors and the entire staff of the Office of Compliance, I thank you for your support of this Agency. I would be pleased to answer any questions.

WITHIN-GRADE PAY INCREASES AND PROMOTIONS

Ms. WASSERMAN SCHULTZ. I only have a few questions. One is just on the record that you were attempting to correct. The 11 percent increase is based on—we have to use the request submitted through the Executive Office of the President, so that is an 11 percent increase based over last year. If you are amending your budget request, it will reflect the difference, but the actual request is an 11 percent increase.

Ms. CHRISLER. And we have made that amendment.

Ms. WASSERMAN SCHULTZ. That will certainly help.

The issue of pay step increases for permanent staff, that is your most significant increase in your budget request, and most agencies absorb those increases, so I am wondering why you are not doing that.

Ms. CHRISLER. With respect to the merit promotion?

Ms. WASSERMAN SCHULTZ. The pay step.

Ms. CHRISLER. The mandatory?

Ms. WASSERMAN SCHULTZ. The pay step increases that you have in your budget request. Most of the other agencies absorb those increases; they are not part of the budget request.

Ms. CHRISLER. And routinely we have. This is an item that we included to ensure that we have the funding, and the proper funding, for those increases.

Ms. WASSERMAN SCHULTZ. Do you anticipate not being able to absorb the increase this year like you have in other years?

Ms. CHRISLER. Depending on the level of funding that we are given from the Appropriations Committee.

Ms. WASSERMAN SCHULTZ. Well, assuming that we are going to require you to absorb it like we normally do, what is it that you wouldn't be able to do in that event?

Ms. CHRISLER. May I have a moment?

Ms. WASSERMAN SCHULTZ. Yes.

[Discussion off the record.]

Ms. CHRISLER. Thank you.

We are able to absorb the mandatory pay increase, which some know as cost of living.

Ms. WASSERMAN SCHULTZ. There is no such thing as a mandatory increase. There is nothing requiring an increase. We have increases as part of the year-to-year budgetary process, but mandatory isn't there.

Ms. CHRISLER. What I am referring to is the increase that is directed by the Congress, directed by the President to provide to employees. That is an increase that we have absorbed and can absorb. We have included that in our budget request because it is difficult for us to absorb that increase. It is a very small agency with a very small budget.

Ms. WASSERMAN SCHULTZ. Noted.

OFFICE SPACE AND INFORMATION TECHNOLOGY

Can you talk about your ongoing challenge with office space and information technology? You touched on information technology and the problem that growth has caused you in your current space.

Ms. CHRISLER. Thank you for the question. I appreciate being able to address it on the record.

We have, since the inception of the agency, which is 1996, have been in the same location, which is a very good location for the work that we do. It is equidistant for staff in the House office buildings and the Senate office buildings to visit our office. And the work that we do is, as I stated, confidential, so staff come to us in an effort to maintain that confidence, and sometimes during their lunch hour, during the day. So it is important that they be able to access us during the day. It is important that they be able to access us and continue to maintain the confidence of our programs. So the very anonymous location that we have as far as the confidence in the Adams Building is helpful for staff to come and visit us.

That being said, the space that we have has outgrown operations. We have a staff of 22 FTEs, we have permanent daily contractors, we have other contractors. We have a Board of Directors of five. We have interns. We would like to have more detailees. We are trying to get more detailees for our safety and health program. The challenge that we have now is where to put them. This subcommittee has been our champion for attaining space in the past, and we continue to work with you and your staff on that issue.

Where we are now is at an impasse with respect to additional space in the Library. The Library has graciously offered an assessment of the space that we have, and they have determined that we currently are housed in about 5,800 square feet, and for the number of employees, and the number of contractors, and the number of total staff that we have, we need about 9,800 square feet of space.

There are plans, of course, for the distant future for the FOB 8 building. Of course, that will incur costs, because right now being maintained within the Library of Congress building, there are a lot of services and resources that we receive from the Library through an interagency agreement and otherwise that would be shifted, and there are certain costs that are otherwise not seen now that would be seen later, especially with our infrastructure and our IT services.

That being said, the Library has also began discussions of temporary space, of rooms that we might make use of for our overflow of our staff. There is space that the Library has dedicated, a suite space just north of our office, that, as I understand it, has been vacant for at least 4 years, but that has recently been occupied by Library staff. That space is space that I have been very vocal—

Ms. WASSERMAN SCHULTZ. Coveting.

Ms. CHRISLER. Yes. And I will continue to do so because it is ideal, and I believe that it would be a cost-efficient way to meet the needs that this agency has.

Ms. WASSERMAN SCHULTZ. But my understanding of the problem is that that is swing space that the Library wishes to preserve as swing space for the Library.

Ms. CHRISLER. That is my understanding as well, and it is my understanding also that it has not been used.

Ms. WASSERMAN SCHULTZ. Thank you.

TYPES OF HAZARDS IDENTIFIED

Mr. ADERHOLT. Now on to my question. The estimated 6,000 hazards that were noted, which is a drop from previous Congresses, what type of hazard does seem to be most prevalent in this area?

Ms. CHRISLER. We see a lot of electrical hazards. We see a lot of what we call daisy chains, which is an electric cord plugged into an electric cord, plugged into an electric cord, which is a fire hazard. So there are fire hazards, and there are electrical hazards and trip-and-fall hazards.

And I will check with my general counsel on this, most of the hazards that we see are not the most serious, what we rank as RAC 1 and RAC 2. We have a risk assessment code where we rank the severity of hazards and the potential dangers that the hazards present. Most of 6,000 that we see are not of the RAC 1 and RAC 2 nature.

So we are looking at a relatively large number in comparison to what we see, a small number. Within the last three Congresses, we have seen a reduction of over 50 percent in the hazards that we have identified. It is in large part due to the education efforts of our inspections team, but an even larger part due to the cooperation that we have received from Senate Employment Counsel, House Employment Counsel, the Chief Administrative Officer of the House and Member offices. So it is wonderful progress. We are really, really happy to see it. So the majority of those hazards are not life-threatening.

Mr. ADERHOLT. Do you anticipate further decline?

Ms. CHRISLER. Absolutely. As the Committee has directed and suggested to us, because we will continue to conduct our inspections, and continue to educate, and continue to provide the technical guidance that we do, we are hopeful that our efforts can focus on those areas where the most serious hazards have the potential of exposure, those being workplaces and work activities where hazards could be common. And we want to work closely with the employing offices as we work through the program to have the risk assessment-based approach to our inspections.

IMPACT OF A ZERO GROWTH BUDGET

Mr. ADERHOLT. What would be the impact of the zero growth to your budget?

Ms. CHRISLER. Well, as I mentioned, we have really focused our efforts to minimize our request and really look at the "need to haves" and not the "nice to haves," if I can borrow a phrase from Madam Chair.

So we have got the risk-based assessment inspection program that we are requesting additional funding for, because that is an extremely important program. We will try to limp along as best we can to develop and implement that program. I can't say how far, how much program we would have with that, but we certainly would not abandon that program. That is our major priority.

The second would be our IT infrastructure, because it is necessary for us to maintain the security of the confidential information that we do hold. Again, we would have to slow that project

down. I don't know to what point. We would have to crunch the numbers and see what it was we could do.

Mr. ADERHOLT. All right. Thank you.

LIFE SAFETY CITATIONS AND INFRASTRUCTURE DEFICIENCIES

Ms. WASSERMAN SCHULTZ. Thank you.

I just have a follow-up question from Mr. Aderholt's, and that is, first of all, let me commend you on your very proactive work with the AOC. Our hearing with them is this afternoon, and life safety and security issues are something that I prioritize as the Chair of the subcommittee, and we have seen the progress, and I think that is in large part due to the work you are doing with them.

Can you detail the most pressing life safety citations or major infrastructure deficiencies in the Capitol complex that you know of right now?

Ms. CHRISLER. Sure. They would have to be the fire safety citations that are open right now. And we have had some very, very productive conversations with the AOC on this issue. We have sat down and spent time with the AOC to collaborate on a prioritized order of abating the hazards within these citations.

Ms. WASSERMAN SCHULTZ. Is that reflected in their budget request?

Ms. CHRISLER. Yes, it is. Yes, it is.

Ms. WASSERMAN SCHULTZ. Okay.

Ms. CHRISLER. So that exercise has resulted in a good understanding of what citations remain. Some are funded; the open citations, there are nine of them, three of them have already been funded, six remain unfunded, and the AOC, I am sure, will be talking to you about that this afternoon.

But what we have been able to do is take a look at what remains unfunded and ranked them in order of—what we have done is, just to give you a little background, taken the standards that we both have agreed to be acceptable in this area and apply those standards to give a numerical ranking to the hazards that exist in the open citations. And as they are ranked, the Capitol is first, and the Russell and Senate—

Ms. WASSERMAN SCHULTZ. That is coordinated with the AOC? They have a ranking system as well.

Ms. CHRISLER. Yes. Well, with respect to the joint effort that we have undertaken to address the fire safety citations, we are in agreement with respect to that.

Ms. WASSERMAN SCHULTZ. Great.

I don't have any additional questions.

Mr. ADERHOLT. I do not either.

ADDITIONAL ASSIGNMENT FROM THE CHAIR

Ms. WASSERMAN SCHULTZ. I do have homework, though, related to your workload and your staffing. If you could provide a summary of OOC's actual and estimated workload in terms such as numbers of inspections or open cases, that will help the subcommittee understand how OOC's actual anticipated staffing requirements have changed since 2008. What business process reforms have you explored to improve productivity of your staff and your contractors?

Ms. CHRISLER. Wonderful.

Ms. WASSERMAN SCHULTZ. If you could get us this information, that would be great. And for all of the agencies, and that includes the agencies that we have reviewed here today as well as all the legislative branch agencies, we are going to ask for a summary of the impacts that a flat fiscal year 2011 budget would have on you, for the record. And particularly we are interested in knowing if staff will have to be furloughed and how that would impact your mission. That is for OOC as well as all the agencies.

[CLERK'S NOTE:—Agencies' response to homework is included in questions for the record.]

QUESTIONS FOR THE RECORD SUBMITTED BY

CHAIR DEBBIE WASSERMAN SCHULTZ

Ms. Tamara Chrisler

FY 2011 Budget of the Office of Compliance

Homework: OOC Workload and Staffing

Question: Please provide a summary of OOC's actual and estimated workload, in terms such as numbers of inspections or open cases, as to understand how OOC's actual and anticipated staffing requirements have changed since 2008. What business process reforms has OOC explored to improve productivity of current staff and contractors?

Answer:

Inspections Workload:

The work of OOC's safety and health specialists has increased substantially since FY 2008. In that year, the specialists (including our single FTE safety specialist plus two part-time and three full-time safety and health contractors) worked a total of 10,402 hours, the equivalent of 5.2 specialists each working 2,000 hours per year. The hours rose slightly in FY 2009, comprising 10,923 or the equivalent of 5.46 specialists. In FY 2010, we project the hours to increase to 12,500, or 6.25 specialists. This year's increase is due in part to the retirement of a no-cost detailee from the Occupational Safety and Health Administration, who is presently working as a contractor until he can be replaced by a full-time FTE authorized and funded in OOC's FY 2010 budget.

The principal reason for the increase in hours, however, is an increase in the number of square feet being inspected as additional facilities came on line, combined with the changing nature of the work performed by OOC's specialists, including a growing emphasis on inspecting facilities for accessibility to members of the public with disabilities. As discussed more fully below, we are in a period of transition, moving from comprehensive "wall-to-wall" biennial inspections of each physical structure within our jurisdiction located in the Washington, DC metropolitan area to a risk-based approach to both inspections and the abatement of identified hazards. This new inspections approach entails identifying operations and facilities that are potentially more likely to result in severe injuries and illnesses. In addition, since OSHA-mandated safety procedures in high-risk operations are designed to prevent illnesses and injuries, the OOC will routinely inspect and provide technical assistance in the development of safety programs in coming years. Because safety and injury reduction programs save money as well as workers, the OOC intends to place major emphasis on offering and providing technical assistance to employing offices in their development.

Beginning with the 112th Congress, we intend to concentrate our resources in high risk areas: conducting detailed observations of safety procedures and work operations, a more time-consuming process than a "sticks and bricks" inspection, and providing technical assistance to employing offices where requested to address deficiencies. In addition, we will focus our efforts on assuring that adequate progress is made to assure prompt abatement of high-risk hazards, which represent 25% of all hazards found during the last biennial inspection and, through biennial inspections, identify barriers to public access as required by the Americans with Disabilities Act ("ADA").

In locations where we have found fewer and less serious hazards in past inspections, we intend to conduct more limited "spot check" inspections provided that the employing office conducts an acceptable program of self-inspections. In determining whether a less comprehensive "reality check" inspection by the OOC is appropriate, we will consider such factors as the adequacy and accuracy of the employing office's self-inspection reports, whether comprehensive illness and injury records are maintained and made accessible to the OOC for review, and whether that office has, or is actively developing, compliant OSHA-mandated safety procedures.

Finally, as significant additional space in new facilities comes on line in the next two years, our inspectors will conduct baseline OSH and ADA public access inspections. Although the OOC believes that this increasing workload will require an additional safety and health contractor starting in FY 2011, we have not requested funding for those services in order to keep our appropriations request as low as possible. The OSH Program Manager position that was authorized and funded in FY 2010 will not by itself provide the resources required to handle the new facilities and services slated for the coming years. The Program Manager will replace our long-time detailee from OSHA, who retired January 1, 2010. We anticipate that the new Program Manager will supervise our safety and health inspectors, work with outside OSH experts and provide expert technical advice to the General Counsel and OOC staff regarding the application of OSHA standards. These services are critical to the ongoing operation of the OOC, but the new Program Manager cannot both perform that job and serve as a safety and health inspector. To fill the gap, we are asking the Occupational Safety and Health Administration to provide one or more inspectors on a short-term, non-reimbursable basis. OSHA has indicated a willingness to supply such inspectors if they are available. OSHA's own workforce has declined significantly over the past decade due to retirements and funding constraints. Accordingly, OSHA's ability to provide temporary safety and health consultants is far from certain.

- Biennial Inspection – Safety and Health

The Congressional Accountability Act ("CAA") requires OOC to advance safe and healthful working conditions for over 30,000 employees in the legislative branch. During the 110th Congress, the OOC safety and health program included biennial and requested inspections as well as technical assistance and outreach. As to the biennial inspection, in 2008 and 2009 the team inspected roughly 17 million square feet of legislative branch facilities in the Washington, D.C. area alone, to determine compliance with safety and health requirements.

While OOC's safety and health experts will spend less time inspecting lower-risk workplaces such as offices, those experts' workload will nonetheless grow in the future. During the present Congress, the OOC team is required to inspect some 18 million square feet of legislative branch facilities -- roughly one million square feet more than in the 110th Congress. The new areas include the Capitol Visitor Center, the Library of Congress' Packard Campus in Culpeper, VA, and new book modules for the Library of Congress at Fort Meade, MD. Several other projects are slated to come on line in future Congresses: additional book modules at Fort Meade and, when the AOC undertakes its comprehensive renovation of the Cannon Building, up to 250,000 square feet in the former FDA Building.

Not only will the inspection team be covering substantially more workspace, but these first-time inspections will be more time-consuming than repeat inspections. Unless there has been a pre-inspection, OOC's inspection team generally finds more hazards during a first inspection than when the team has inspected the workplace before. For example, although the CVC was a newly constructed facility, the OOC's pre-inspection of this building required more than 2,500 hours, the equivalent of at least 1 ¼ work-years, and identified more than 200 safety and health

hazards and nearly 700 barriers to public access under the ADA. For all these reasons, the biennial inspection workload will be substantially heavier in the future.

- Biennial Inspection – Americans With Disabilities Act

The CAA also requires OOC to assure public access under the ADA for the 3 million annual visitors to the Capitol complex. During the 110th Congress, the OOC ADA access program included an extensive pre-inspection of the 580,000 square feet of space contained within the CVC, the biennial inspection of legislative branch facilities, and technical assistance and outreach. Under the ADA, newly constructed and renovated spaces must comply with complex and detailed ADA Accessibility Guidelines (“ADAAG”) issued by the Architectural and Transportation Barriers Compliance Board (“Access Board”). Barriers to access exist under the ADA when features in a facility do not comply with the ADAAG. In existing buildings, the ADA requires that barriers be removed when such removal is “readily achievable.” Other barriers are to be removed as part of future facility planning that should include a “transition plan” that the ADA requires employing offices to develop for each facility.

The OOC operates its ADA compliance program utilizing the same team that conducts the safety and health program. During 2008 and 2009, more staff time was expended on ADA issues due to the completion of the CVC and the need for an ADA pre-inspection. Based upon its experience with compliance issues discovered in the CVC and the growing number of visitors to the Capitol Complex, the OOC has determined that there is a need to enhance the quality and comprehensiveness of its ADA inspections and to provide enhanced reports and technical advice that will improve ADA compliance during the planning and construction phases of renovation projects affecting access. Future ADA inspections will evaluate and rank each barrier based upon how seriously the barrier affects access; future inspection reports will contain this assessment and ranking information. These enhanced inspections and reports should provide employing offices and the Appropriations Committees with the information needed to prioritize and develop barrier removal projects within existing budget limitations. The OOC intends to work cooperatively with all interested parties to assist in the development of this type of ADA transition plan for all legislative branch facilities; however, this will be a very time-intensive effort that will be extremely difficult for the OOC to accomplish utilizing existing resources.

- Biennial Inspection Reports

After the 110th Congress biennial inspection was concluded, the OOC prepared and submitted to Congress both the Report on Occupational Safety and Health, and the Report on ADA Public Access Inspections, as required by the CAA. These comprehensive reports described how the inspection was conducted, listed the hazards/barriers that were identified, noted corrective actions taken, reviewed remedies yet to be implemented, and evaluated challenges and trends in these areas.

For the 111th Congress and beyond, the OOC intends to enhance the biennial Report on Occupational Safety and Health by providing a detailed risk-based analysis and ranking of hazards. The OOC also intends to enhance the biennial Report on ADA Public Access Inspections by providing a severity-based analysis and ranking of barriers to access. These enhanced reports should provide additional information that will be useful to Congress and all stakeholders involved in making planning and appropriations decisions regarding projects designed to enhance safety or access. The preparation of these enhanced reports will require significantly more staff hours to complete.

- Capitol Power Plant Utility Tunnel Complaint

In February 2006, the General Counsel filed a first-ever formal complaint regarding potentially life-threatening conditions in the U.S. Capitol Power Plant utility tunnels. The complaint alleged that the AOC had failed to correct citations dating from 2000 and 2001 that concerned falling concrete, asbestos exposure, heat stress, insufficient emergency exits and lack of a reliable communications system to monitor workers' status while in the tunnels. A comprehensive settlement was approved in June 2007 that requires the AOC to abate all high risk hazards in the tunnel system by 2012. Further, it mandates regular inspections and quarterly reports by the AOC and monitoring by the OOC. The Agreement provides for the OOC to designate a Liaison to be responsible for observing the hazard abatement process. During the 110th Congress, this full-time contractor played a key role in ensuring that hazard reduction continued as required by the Agreement. Although significant progress was made in eliminating hazardous conditions in the tunnels, substantial work remains; ongoing projects include steam distribution service improvement, egress installations, asbestos removal and others. If full funding for the AOC's plan continues, OOC expects that the necessary work can be completed by June 2012.

- Requestor Inspections

The CAA permits employees, their union -- if any -- and employing offices to request that the OOC inspect and investigate a workplace to determine whether there are safety and health hazards therein. The OOC is required to investigate such requests and, when hazards are found, issue a report and direct abatement. The number of such requests has declined in recent years. At the beginning of FY 2008, the OOC had 38 open requestor cases. By the end of FY 2009, the OOC was investigating 13 such cases. The OOC has made a concerted effort to accelerate the resolution of such cases in order to protect employees and visitors in legislative branch facilities. Further, the heightened awareness of workplace safety across the Capitol Complex has resulted in a decline in the hazardous conditions that prompt requests for inspection. However, resolving the type of requests that the OOC receives continues to be complicated and time-consuming. Unlike the biennial inspection process, requestor inspections entail a much closer examination of a hazard's root causes, as well as the safety programs, practices and procedures -- or lack thereof -- that may have contributed to the violation. From lead contamination to an electrical explosion to concerns about indoor air quality, among other issues, these investigations typically require a significant expenditure of time and effort.

- Technical Assistance and Educational Programs

During the 110th Congress, the OOC fielded an increasing number of requests for technical assistance from Members of Congress, their staff, and other employing offices. These included dozens of requests from Members and staff concerning a wide array of safety and health matters; several requests from the Government Accountability Office involving ADA public access issues, fire alarm testing procedures and other concerns; and inquiries from numerous offices regarding indoor air quality, machine guarding requirements and life safety issues, among others. The CAA requires the OOC to engage in education and outreach, in order to raise awareness of the rights and protections provided by the statute. The OOC has complied with this mandate by offering briefings and publications, including the monthly *Fast Facts* posted on our website, pamphlets and other materials describing safety and health concerns and remedies. As awareness spreads, more legislative branch employees are requesting information and assistance in addressing these issues. The OOC's expertise is a vital resource for these

employees; it serves as an accessible, cost-effective source of expert guidance on these critically important worker protections.

The OOC also conducts quarterly Legislative Branch OSH/ADA Working Group meetings with participants from safety offices and employment counsel, as well as from Member and Committee offices. These meetings provide continuing education by emphasizing issues with special relevance to the legislative branch. Biennial safety conferences offer more in-depth coverage of safety and health issues. These day-long conferences typically feature both expert presentations and workshops, in which conference participants can explore practical ways to address safety issues in the legislative branch. In October 2009, OOC's biennial safety conference addressed safety and health management systems, with presentations from the National Safety Council, Department of Defense safety program consultants and others with expertise in these areas. These educational offerings serve as seminars tailored to legislative branch personnel and issues, with highly-respected experts available to offer guidance and answer questions. They provide an enormous amount of information at very little cost.

- Safety and Health Program Development

Through OOC's requester investigations as well as its technical assistance efforts, OOC has frequently discovered the absence of OSHA-required programs and procedures designed to prevent precisely the hazards that prompted the request. Such programs can in turn reduce workplace injuries. For example, the Library of Congress implemented a systematic safety program between 2000 and 2007; workplace injuries dropped almost 75% during these years. Reducing new injuries caused expenses to drop. Both direct costs – cost of treatment and salary payments to the recovering worker – and indirect costs – money to train and pay a substitute during the injured worker's recovery – were avoided, saving money for the Library. See 110th Congress Report on Occupational Safety and Health at 15.

Workers' compensation costs in the legislative branch as a whole are substantial. Between July 1, 2008 and June 30, 2009, legislative branch agencies (except GPO) paid over \$11.3 million in worker compensation costs.¹ Reducing this sum by any amount would be a significant achievement. This potential cost savings is an additional reason for OOC's increasing focus on safety and health programs and procedures, and a review of employing office injury and illness records.

OSHA-mandated safety and health procedure requirements vary among employing offices depending on the nature of their operations, and may encompass such matters as emergency action plans, hazard communication programs and personal protective equipment programs; other critical programs address issues including fall protection and permit-required confined spaces, among others. In order to protect employees working in highly hazardous situations as well as reduce costs to the employing offices, the OOC believes that developing and implementing such programs should be a high priority for employing offices. Accordingly, OOC is committed to working with employing offices, particularly shops and other high risk areas, to address safety and health program issues. During the 111th Congress, the OOC has worked with the Chief Administrative Officer of the House, the Government Accountability

¹ Legislative branch employees who are injured on the job receive workers' compensation through the Department of Labor's Office of Workers' Compensation Programs ("OWCP"). That agency pays employees' medical expenses, wages (after an absence exceeding 45 days) and certain other costs. At the end of the fiscal year, OWCP "charges back" these expenses to the employing offices. The figures in the text were provided to us by OWCP.

Office and the U.S. Capitol Police, among other employing offices, to help them develop safety programs and procedures tailored to their specific operations.

While safety and health programs can save money as well as lives, OOC resources are needed to help employing offices develop and implement such programs. The OOC is fortunate to have substantial expertise in these matters on its inspection team. However, determining which procedures are required and then tailoring them to meet the needs of each employing office is a labor-intensive process. An inspector cannot simultaneously investigate a new legislative branch facility for hazards and assess whether a safety program accomplishes its goal. OOC resources may be stretched to the breaking point by this effort. But, by focusing OOC resources on these efforts in the short term, legislative branch expenditures as a whole may be reduced in the long term.

OSH and ADA Productivity Improvements

To accomplish the safety and health and public access projects discussed above, the OOC is using existing resources to redesign the inspection process and to acquire the tools necessary to improve safety and public access in legislative branch facilities.

- Risk-Based Inspections

In its FY 2010 Legislative Branch Appropriations Report, the Conference Committee challenged the OOC, not just to identify hazards requiring abatement, but to target the most significant risks. Members of this Subcommittee -- and their Senate counterparts -- directed the OOC to concentrate on areas where employees are most likely to be injured, or where there is the greatest potential for a serious injury or illness. As we develop our risk-based approach, the OOC will work closely with the Office of the Architect of the Capitol's staff, as well as with other employing offices, to establish appropriate parameters. We will identify jobs and job sites that are inherently more dangerous: these may include, for example, the Capitol Power Plant and construction worksites. OOC's goal is to concentrate our limited resources where the risks are highest, to improve our ability to provide technical assistance focused on reducing on-the-job injuries and illnesses, and to remedy violations that pose serious threats to workers' safety. By concentrating on risky worksites and the programs and procedures that can make them safer, the OOC hopes to maximize its impact. Safety management systems, in turn, can reduce injuries and increase productivity in the workplaces where they are implemented. Although the OOC's mission is to advance workplace safety and health, certainly we would be delighted if our efforts led at least in part to an increase in legislative branch productivity.

Using a more risk-based approach also is in accordance with the continuing decline in hazards found in the legislative branch. As noted in our 110th Congress Biennial Inspections Report, OOC-identified hazards dropped from 13,000 in the 109th Congress to 9,000 in the 110th Congress; we project some 6,000 in the 111th Congress. We are hopeful that this trend will continue, as awareness of safety and health issues increases across the legislative branch, employing offices maintain and expand their periodic self-inspections, and the OOC continues its technical assistance and education programs. The OOC will conduct thorough infrastructure inspections of high-risk spaces and operations and "spot checks" of less hazardous areas in all legislative branch facilities, but will encourage employing offices to expand their self-inspections and report hazards identified and their abatement progress to the OOC. The OOC's *Safe Office Awards* program will continue; not only does it appropriately recognize sustained effort by Members and staff, but it has begun to serve as an incentive for other employing offices as well.

- Partnership with CAO

The OOC continues to develop partnerships with employing offices to better meet the needs of the covered community. For example, the CAA extends workplace safety and health protections to all legislative branch employees, including those working outside the Washington, D.C. metropolitan area. However, the OOC lacks the resources required to conduct inspections of those remote worksites. The OOC is presently working with the House's Chief Administrative Officer (CAO) to develop a short, cost-effective inspection questionnaire for use by staff in district offices. We intend to test the questionnaire by working with the CAO and a few district offices near Washington D.C. in order to evaluate its effectiveness and efficiency. Once any needed adjustments have been made the OOC will work with the CAO to obtain participation by state and district offices nationwide. The OOC will then review responses and offer recommendations to improve workplace safety and health for legislative branch employees working across the country. Again, the goal is to partner with other employing offices to develop effective tools to reduce injuries and illnesses and begin to cut costs in employee time, training, and most importantly, time off due to injury or illness.

- ADA Technology Improvements

The OOC is acquiring new technology that will assist in providing more informative ADA inspections and reports. These enhanced inspections and reports will evaluate and rank each barrier based upon how seriously the barrier affects access and would provide better estimates of the cost associated with removal of the barrier. The Barrier Survey and Management System assists inspectors by allowing entry of all relevant data concerning barriers through the use of standardized forms or laptop computers in the field. The software contains queries based upon the ADA regulations to insure that all relevant data is collected. The software also assists in assessing the severity of the barrier through the use of "severity codes" that have been developed to determine how seriously a deviation from the regulation affects access. These codes have been developed using research from the Access Board to determine how many people are affected by a given deviation from the standard. The software also assists in providing various common solutions to each barrier and estimates the cost of each solution using current construction and price indexes.

The Barrier Survey and Management System would also allow the OOC to better manage the ADA inspection data. All measurements and photographs are automatically attached to the data associated with each barrier. All improvements to providing access are entered and tracked within the software. These enhancements would allow the OOC to provide more accurate and detailed reports that would provide vital information regarding the severity of the barriers to access in legislative branch facilities and the costs associated with their removal.

- Safety & Health Database Improvements

The OOC uses a system for recording and tracking hazards, known as the Facility Management Assistant ("FMA"), which is similar to that used by the AOC. We are working with the contractor that hosts our secure database to upgrade FMA in order to integrate with the AOC's system and reduce inspector data-entry time. The upgrade will allow OOC to move hazard findings to the AOC electronically, instead of the present cumbersome practice of hand delivering a CD containing the data. This in turn will expedite the AOC's abatement process and permit the AOC to apprise the OOC immediately once the abatement is complete. Further, the system enhancement will allow inspectors to carry into the field electronic copies of

previous inspection records, and potentially update the records while on-site. The OOC and other stakeholders therefore will have a closer to real-time picture of conditions within legislative branch facilities.

Dispute Resolution Productivity Improvements

- Case Management System

We are completing the final implementation of our case management system. In addition to managing the case docket, this system has been configured to track the time and expenses of mediators and hearing officers. With this information, staff will be better informed and can better manage the time spent by our contractors on the various stages of mediation and in hearings. This information will also be invaluable for future planning and budgeting. Access to this data allows staff to analyze the time spent by individual mediators or hearing officers on each phase of the process, which can include review of settlements or motions, or the writing of decisions. Although the Agency cannot control or predict the number of cases that will be sent to mediation or hearing, by using this documented data, staff can anticipate and try to predict the future needs of the Agency. There is also a notification system built in to this process that electronically reminds staff of pending deadlines and generates templates and notices that need to be sent out, clearly saving staff time.

- Shared Services: Memoranda of Understanding and Detailees

We have also been working with other agencies to increase our pool of affordable mediators and hearing officers. For example, last year we entered into a Memorandum of Understanding (“MOU”) with the Merit Systems Protection Board to utilize the services of their Mediation Appeals Program and administrative judges for mediation and hearings. By using these services, we have kept our contracting costs low and can limit those travel expenses incurred in out-of-town mediations and hearings. As appropriate, we continue to explore the use of these interagency MOU’s with other agencies, including the Office of Personnel Management for the use of Administrative Law Judges who have expertise in appropriate fields. The Agency plans on providing additional training and regular meetings for current hearing officers and mediators, especially those who work with the OOC through interagency MOU’s. These forums will ensure that the administration of OOC cases is conducted pursuant to the requirements of the Congressional Accountability Act and the Office of Compliance Procedural Rules. The Agency has also availed itself of interns and non-reimbursable detailees from other agencies, both of which have substantially increased the productivity of the Agency.

- Research Tools and Procedural Rules

We have updated our research system and added Board of Directors’ decisions to the data bases on Westlaw and CyberFeds. Prior to this update, there was no way of electronically searching Office of Compliance final decisions. Having a universal search engine has saved time and increased productivity for our staff, as the updated research system has allowed professional staff to complete needed research projects much more effectively. The OOC Board of Directors is also currently developing modifications to the Office of Compliance Procedural Rules to address issues that have arisen since the first amendments to the Procedural Rules were codified in 2004. The additional modifications will create more effective and efficient processing of cases handled under the dispute resolution program.

Flat Budget

Question: Please summarize the impact of a flat fiscal year 2011 budget. Particularly focus on the impact to staff especially possible furloughs and impact to mission.

Answer:

A flat FY 2011 budget would have the following effects on the OOC:

Given that OOC is a micro-agency and the permanent staff is very small, it will be a challenge and a balancing act to fulfill our mission properly. A flat budget will impact the staff through reduced or no pay increases. Pay step increases and promotions would have to be curtailed or cut totally. Furloughs are not a probability given that all funded FTE's/positions are filled, and every staff member is needed to perform his or her role in order for the agency to succeed at its mission. OOC is a people-driven agency: the mission we serve is people-focused and customer service oriented. If furloughs are implemented, given the micro nature of our staff, the mission would surely suffer in response and in quality, as the remaining staff would struggle to complete an unreduced work load. OOC would have to reduce the safety and health related inspections, and such reduction would impact response to hazards and requests for assistance from the covered community. In addition, a flat fiscal year 2011 budget will impede the acquisition of additional contracted services for a part-time industrial hygienist. These services are needed to fulfill the direction of the Conference Committee on the FY 2010 Legislative Branch Appropriations Bill that we develop a risk-based approach to safety and health inspection. Furthermore, the dispute resolution program would struggle to deliver the high quality service that presently exists. Since the dispute resolution program is entirely customer driven, we do not have the option to turn away a CAA covered employee for lack of staff. Overall, the positive work atmosphere of the agency could spiral downward. The remaining staff would be called upon to lift an even heavier load, if less staff were available. Therefore, given that OOC's budget is primarily composed of salaries & benefits, safety & health funds, and mediation & hearings funds, a flat fiscal year 2011 budget will significantly hamper efforts in our core mission.

Budget Request for Within-Grade Pay Increases and Promotions

Question: The most significant increase in OOC's budget request is \$187,000, according to the table on page 53 of your submission, for promotions and the equivalent of pay step increases for permanent staff. Can these costs be absorbed through normal attrition and hiring?

Answer:

The salary increases noted on page 53 cannot be absorbed through normal attrition and hiring. Because OOC is a micro-agency, the permanent staff is very small. At present, all but one authorized and funded FTE's/positions are occupied with an employee. The one unfilled position will be filled once interviews are completed and a final selection is made. We have one FTE that is authorized but still unfunded, and the position remains unfilled. The attrition rate within the agency is effectively zero. In analyzing the demographic of OOC staff, the next retirement will likely not be for four years at the minimum. Most, if not all, permanent staff members are performing the tasks/work of 1 ½ people or more. We are doing a substantial amount work with a small amount of human resources. Therefore, attrition and gaining the difference in salary levels of new hires is non-existent at the present time.

Ms. WASSERMAN SCHULTZ. With that, the subcommittee stands in recess until 2 p.m. When we will take up the Architect of the Capitol's budget for 2011 fiscal year.

WEDNESDAY, MARCH 17, 2010.

**FY 2011 BUDGET OF THE ARCHITECT OF THE CAPITOL
AND INFRASTRUCTURE NEEDS**

WITNESS

STEPHEN T. AYERS, ACTING ARCHITECT OF THE CAPITOL

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. I call the meeting to order of the Legislative Branch Appropriations Subcommittee.

This is the budget hearing for the Architect of the Capitol's 2011 fiscal year budget submission. We are in a challenging year yet again.

But first I want to congratulate you on your nomination by the President of the United States and tell you how confident we are in your ability and commend you for the tremendous progress that you have made with the agency and really making it a model agency for not just the legislative branch, but I would say for the entire government. And it is good to know that we are going to be able to have a chance—as long as we can knock some sense into the Senate to make sure that they confirm you—a chance to work with you going forward for a long time. So, congratulations.

Mr. AYERS. Thank you very much.

Ms. WASSERMAN SCHULTZ. You are welcome.

FY 2011 BUDGET REQUEST

The AOC is requesting a total of \$755 million, which is a 25.5 percent increase above the 2010 enacted budget. It includes a 6.7 percent increase to the operating budget and a total of \$262 million in projects, compared to \$136 million in last year's bill. But I am certainly not suggesting that what you are requesting isn't needed. We are just going to have to figure out what is really, really needed versus what can wait.

And I know that it is always nice to have—there are “gotta haves” in every budget, but we have a huge backlog of deferred maintenance and life and safety and security issues and, obviously, capital renewal projects. I think we made that easier last year by establishing the House Historic Buildings Revitalization Trust Fund. And I am glad to see that that was in the budget submission.

The key thing here, I believe, is making sure that we don't cut off our nose to spite our face. Because we have near-term pressures with your budget, and uniquely with your budget, that we always have to deal with, but the more that we tighten our belt here, it is not like the pressure goes away. We are just kicking the can

down the road and causing ourselves probably a more expensive problem later on.

So I, as you know, have always been for trying to figure out what is the most necessary to get done and fund those projects. So I look forward to working with you as we claw through your budget.

And after Mr. Aderholt makes remarks, you can proceed with a 5-minute statement of your summary, and your full statement will be entered into the record.

Mr. ADERHOLT. Thank you.

OPENING REMARKS—MR. ADERHOLT

I again want to, like the Chair, congratulate your nomination, and I look forward to your confirmation on the Senate side. I look forward to hearing your testimony today, and thank you for being here.

Mr. AYERS. Thank you.

OPENING STATEMENT—STEPHEN AYERS

Madam Chair, Congressman Aderholt, and members of the Subcommittee, thank you for the opportunity to testify today regarding our FY 2011 budget request.

I would first like to express my thanks to the Subcommittee and, of course, to the Congress for its support for the AOC over the past year, as we have worked to maintain and preserve the Capitol complex.

For 24 hours a day, 7 days a week, 365 days a year, the AOC serves as proud stewards of the most iconic buildings and grounds in the world. Nothing demonstrated our commitment more than our team's remarkable response to "Snowmageddon" last month. AOC crews logged in more than 35,000 hours to remove more than 11,000 tons of snow to be sure that the Congress could continue to conduct its business.

The AOC has had a really successful 2009, a year that began with a historic Presidential inaugural and ended with the first of three blizzards that hit Washington D.C. this winter. In between these major events, we have welcomed more than 2.3 million visitors to the Capitol Visitor Center during its first year in operation and we have carried out numerous projects to save energy and preserve these historic buildings.

CRITICAL NEED PRIORITIES

In that regard, our 2011 budget request focuses on priorities that are necessary to attend to the critical needs of the Capitol complex. Specifically, this entails addressing a significant backlog of deferred maintenance and capital renewal projects, as well as security, and life-safety and accessibility requirements.

As the Chair noted, we are requesting \$755 million for Fiscal Year 2011. This project portion of our budget request is devoted to addressing critical issues needing urgent attention. Although every project that we have listed in our budget is necessary and will ultimately need to be done, we realize not all can be funded in these fiscally challenging times. However, we do take our responsibility to identify, quantify, and report to the Congress the state of facili-

ties and the extent of deferred maintenance backlog very, very seriously.

Most importantly, our project prioritization tools, we believe, provide the Congress with concrete and practical assessments of our infrastructure, enabling good decision-making about future investments. Over the last year, this process has matured, including a year Capital Improvements plan which examines phasing opportunities and sequencing and other factors to better facilitate the timing of major projects.

ENERGY SAVING INITIATIVES

The AOC is committed to making the right choices by doing our part to save energy on Capitol Hill, as well. In 2009, the Congress met its energy reduction goals for the fourth year in a row and reduced energy consumption by 15.3 percent across the Capitol complex.

To help meet future energy reduction requirements, last summer we entered into the first Energy Savings Performance Contract to implement energy savings projects here in the House buildings. In December, we entered into Energy Savings performance contracts for the Senate and the Capitol Building, as well. These public-private partnerships would help us achieve very significant energy reductions over the next several years.

AOC OPERATIONS

On the operations side, we have been successful in our endeavors due to the professional men and women who make up this AOC team. Their commitment to excellence allows us to provide exceptional service to the Congress and the visiting public every day. In that regard, our annual operating budget request for \$443 million supports the critical activities necessary to support the Congress and other Legislative Branch agencies.

With regard to accommodating Members' and visitors' needs, the Capitol Visitor Center is top in its class. Now in our second year of operation, we continue to make improvements to our policies and tour procedures, including modifying the advanced reservation system to give Congressional offices more flexibility to modify, cancel, and reschedule reservations.

We have also added a Congressional staff line at the south information desk; increased the number of operators to ensure prompt response to phone calls; and are placing staff at strategic locations to help facilitate visitor flow. In addition, we continue to hold monthly listening sessions with Congressional staff to receive feedback, answer questions, and exchange information. To date, over 5,200 staff members have attended our training program.

Madam Chair, the AOC is ready to do what is necessary to keep the Capitol complex open and operating every day of the year under any circumstance, and I am honored and privileged to work alongside this great team.

Again, thank you for the opportunity to testify, and I would be happy to answer questions.

[Mr. Ayer's prepared statement follows:]

**STATEMENT OF STEPHEN T. AYERS, AIA, LEED AP
ACTING ARCHITECT OF THE CAPITOL**

**Regarding Fiscal Year 2011 Appropriations
For the Office of the Architect of the Capitol**

**Subcommittee on Legislative Branch, Committee on Appropriations
U.S. House of Representatives**

March 17, 2010

Madam Chair, Congressman Aderholt, and members of the Subcommittee, thank you for the opportunity to testify today regarding the Office of the Architect of the Capitol's (AOC's) Fiscal Year 2011 budget request.

I would like to begin by expressing my thanks to this Subcommittee and to the Congress for its support of the AOC over the past several years as we worked to fulfill our mission of serving the Congress and the American people by maintaining and preserving the U.S. Capitol complex. I also very much appreciate, and I'm honored by, the trust the President and the Congress have placed in me to lead this dedicated group as the nominee to serve as the 11th Architect of the Capitol as we continue to address the challenges ahead. We are very aware of the need to preserve the historic infrastructure on Capitol Hill while, at the same time, recognize the need for fiscal responsibility. It is a tremendous honor to have the opportunity to continue to work with this very talented team of professionals.

Twenty-four hours a day, seven days a week, 365 days a year, the AOC team serves Congress as proud stewards of the most iconic buildings and grounds in the world. Through our work, we protect the past by preserving the historic integrity of the U.S. Capitol complex, we are boldly working today to promote a safe and sustainable workplace, and we continue to build a legacy of professionalism for generations to come.

Nothing demonstrated our commitment to our mission more than our team’s remarkable response to the back-to-back blizzards that hit the Washington, D.C., metro area in early February – otherwise known as “Snowmageddon.”

Throughout both of these snow emergencies, AOC employees successfully cleared the streets, sidewalks, entryways, and parking lots across the Capitol complex in order to support the Congress as it conducted its business on the weekend and during the following week, keeping the complex cleared of snow and ice for Members, staff, and the public. At the same time, we continued to operate and maintain all our facilities, and the Capitol Power Plant’s service continued uninterrupted.



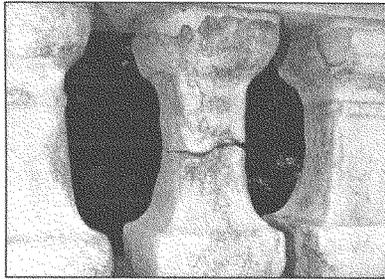
AOC crews logged in nearly 35,000 man hours to remove more than 11,000 tons of snow. Once the snow had ended, our work did not. Our crews continued to remove piles of snow from across the complex, treat the sidewalks, streets, and parking lots as the snow melted and re-froze overnight, and attended to hundreds of trees that were damaged in the storms.

This pride in our work extends throughout the organization. Stewardship of the Capitol complex is a unique challenge. The challenge is amplified by the historic significance of our buildings and landscape, aging physical infrastructure, and day-to-day operational requirements. We strive every day to improve the conditions of our facilities using innovative technologies and sustainable practices to ensure the U.S. Capitol remains the nation’s most visible and treasured icon of our government for centuries to come.

Our FY 2011 budget request details a number of projects necessary to ensure we address the critical needs of the Capitol complex as quickly and effectively as possible. Specifically, this entails a significant backlog of deferred maintenance and capital renewal projects, as well as security, life-safety and accessibility, and environmental requirements. Although every project that we have listed in our budget request is necessary, we realize that not all can be funded in these fiscally-challenging times.

However, we take our responsibility to identify, quantify, and report to Congress the state of our facilities and the extent of the deferred maintenance backlog very seriously. The prioritization tools we have developed and refined over the past several years provide Congress with concrete and practical assessments of our infrastructure. By using these tools, Congress can choose where best to make investments in the Capitol complex.

Capital Budget Request and Project Planning Process



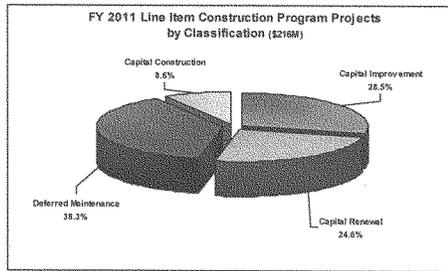
Deteriorated Exterior Masonry – Cannon HOB

We are requesting \$755 million for FY 2011. The majority of our capital budget request is devoted to addressing the critical projects we've identified as needing urgent attention, which are primarily classified as deferred maintenance. This portion of our budget is the most volatile. It fluctuates greatly from year to year based on the size and complexity of the projects that have been prioritized as having immediate urgency.

Only a small percentage of our requested increase is non-discretionary for mandatory cost-of-living increases, and other operating expenses or contract price increases. We deliberately worked to keep the growth of this segment of our budget to a minimum in order to maximize the capital budget. This will enable the greatest investment as possible in our infrastructure and to allow us to "buy down" the deferred maintenance backlog.

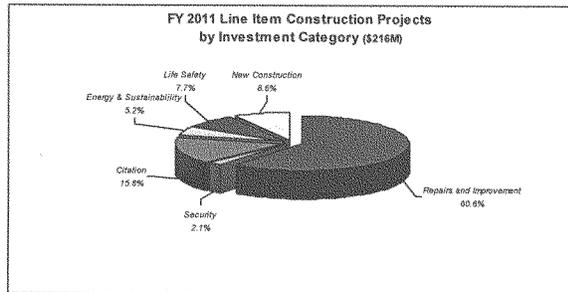
As I have discussed at previous hearings, we have successfully developed and implemented a robust and balanced process to prioritize projects based on the facilities' conditions and the level of maintenance required to ensure they remain functional and viable working environments.

This process uses several tools in the formulation of the project prioritization list including Facility Condition Assessments, the Capitol Complex Master Plan, and Jurisdiction Plans. Over the past year, this process has matured to include a Five-Year Capital Improvements Plan, which examines phasing opportunities, project sequencing, and other factors to better facilitate the timing of the execution of major deferred maintenance and capital renewal projects. As I discussed earlier, these tools assist us and the Congress in looking ahead and enable us to plan when and where to make future investments in our facilities and infrastructure. We also took into consideration the challenge of executing required programs efficiently throughout this process.



As this chart (at right) demonstrates, we continue to invest most of our resources in infrastructure projects that are designed to address the backlog of deferred maintenance.

Tied into the overall planning process is the Line Item Construction Program. During this process,



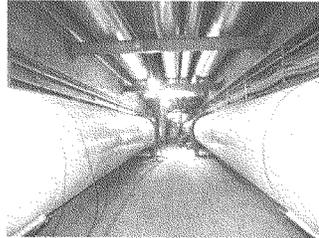
projects are scored against six criteria: preservation; regulatory compliance; mission; economics; security, and energy efficiency and environmental quality.

As we developed our FY 2011 budget, we considered \$373 million worth of capital projects, and are requesting \$216 million for Line Item Construction Program projects. The remaining \$157 million in projects were considered, but were not submitted in this budget request, and therefore remain on the deferred project list.

As I mentioned earlier, our Capital Budget request is quite volatile from year to year based on the projects that rise to the top of the priority list. The AOC's FY 2011 Capital Budget request includes nine projects that each requires an investment of \$10 million or more. They are:

- Utility Tunnel Improvement Program;
- Egress Projects in the Thomas Jefferson Building;
- Capitol Building Dome Skirt Rehabilitation;
- Capitol Building Exterior Stone and Metal Preservation;
- Copper Roof Replacement and Fall Protection System for John Adams Building;
- Roof and Skylight Replacement for Hart Senate Office Building;
- Refurbishment of Federal Office Building 8;
- Phase II Infrastructure Improvements in Dirksen Senate Office Building; and
- Collection Storage Module V for Library of Congress.

Madam Chair, I'm pleased to report that our Utility Tunnel Improvement Program is on schedule to meet the June 2012 completion date. In addition, by utilizing our comprehensive planning process, we have been able to further reduce the program's cost. This was accomplished by collecting new information from engineering studies, visual examination of the exterior of the tunnels, and additional structural testing. Funds were also saved through an efficient procurement process and execution plans that consolidated work elements, thereby saving contract overhead costs. These actions enabled the AOC to reduce our FY 2010 request and re-phase some work, thereby reducing the total projected cost of the program from \$186.4 million to \$176.13 million. We continue to seek additional ways to further reduce the program's total cost.



Energy Conservation and Sustainability Programs

The AOC is committed to making the right choices and doing our part to save energy on Capitol Hill. With Congress's support, we have implemented a number of programs and completed a variety of projects designed to produce significant results in saving taxpayer dollars and conserving our natural resources. One of our biggest challenges is ensuring that we preserve the historic elements of our buildings, while at the same time making them as energy efficient as possible. That's why the Architect of the Capitol is committed to using sustainable design practices whether we're building a new facility or maintaining one that's 100 years old, like the Cannon Building.

For FY 2009, the Congress met its energy reduction goals for the fourth year in a row, and reduced energy consumption by 15.3 percent across the Capitol complex. This exceeded the FY 2009 requirement of a 12 percent reduction (as compared to the FY 2003 baseline). For Fiscal Year 2010, a 15 percent reduction is required under the Energy Independence and Security Act of 2007, (three percent reduction per year for a 30 percent reduction by 2015), and in FY 2011, an 18 percent reduction is required. Under the Green the Capitol Initiative, a 15 percent reduction is required in FY 2010, and in FY 2011, a 20 percent reduction is the goal (five percent reduction per year for a 50 percent reduction by 2017). This applies to the House Office Buildings, 50 percent of the Capitol Building and Capitol Visitor Center, and 31 percent of the Capitol Power Plant.

To meet these requirements to further reduce energy consumption, we have requested \$11.2 million in FY 2011 for energy and sustainability projects. In addition, we're asking for an increase of nearly \$10 million in operations funding for energy and sustainability purposes. These sustainable practices include using low-impact materials, installing energy efficient equipment, incorporating durable and high-performance systems and materials, investing in renewable energy, and encouraging and supporting a culture that promotes reuse and recycling. This includes using food waste, garden clippings, and other green waste, and repurposing it as compost for flower beds, and sustaining other plantings throughout the Capitol complex.



To better identify and evaluate energy savings opportunities in Capitol complex facilities, we have been using energy audits since FY 2007. The data collected help us realize better cost-benefit results, and determine where best to invest our resources.

Last summer, the AOC entered into its first Energy Savings Performance Contract to implement energy savings projects in the House Office Buildings. The contract includes nearly \$34 million in facility infrastructure upgrades in the Rayburn, Longworth, Cannon, and Ford House Office Buildings, as well as the House Page Dormitory. Highlights include:

- Upgrading nearly 33,000 fixtures in all buildings with energy-efficient bulbs and ballasts, and installing state-of-the-art lighting controls in selected areas for daylight harvesting and dimming;
- Upgrading heating, ventilation, and air conditioning controls, control strategies, and equipment customized for each building, incorporating enhanced space condition feedback and building occupancy schedules;
- Installing new low-flow restroom fixtures, faucets, and showerheads in all buildings, as well as a condensate harvesting system for the West Court fountain make-up water in the Rayburn Building, and a showcase green roof in the central courtyard of the Cannon Building; and
- Replacing steam traps in the Rayburn, Longworth, and Ford Buildings.

This public-private partnership will help us achieve very significant energy reductions over the next several years. After implementation of all energy conservation measures over the 30-month construction period, the House Office Buildings are estimated to potentially realize:

- A 23 percent reduction in total energy consumption;
- A 32 percent reduction in total water consumption; and
- Approximately \$3.3 million in annual energy savings.

In December, the AOC entered into an Energy Savings Performance Contract in the Senate Office Buildings. The project includes nearly \$42 million in facility infrastructure upgrades in the Hart, Dirksen, and Russell Senate Office Buildings, as well as the Senate Underground Garage, and Senate Employees' Child Care Facility.

After implementation of all energy conservation measures over the 36-month construction period, the Senate Office Buildings are estimated to potentially realize:

- A 36 percent reduction in total energy consumption; and
- Approximately \$3.9 million in annual energy savings.

At year's end, the AOC also entered into an Energy Savings Performance Contract for the United States Capitol Building. The project includes nearly \$17 million in facility infrastructure upgrades in the United States Capitol Building. For example:

- Upgrading existing light fixtures with high-efficiency lamps, ballasts and reflectors as well as new replacement fixtures;
- A comprehensive Building Automation System modernization, including the upgrade of existing pneumatic and electric controls for heating, ventilating and air-conditioning (HVAC) systems with direct digital controls. These improvements will reduce energy consumption and improve temperature and humidity control;
- Replacement of the air-handling systems with variable air volume (VAV) systems to reduce energy consumption while augmenting capacity and improving temperature and humidity control;
- Replacement of existing electrical transformers with high-efficiency transformers; and
- A comprehensive audit and repair effort to restore steam trap performance.

After implementation of all energy conservation measures over the 27-month construction period, the Capitol Building is estimated to realize:

- A 38 percent reduction in total energy consumption; and
- Approximately \$2.2 million in annual energy savings.

In addition, we are continuing our efforts to complete the program to install steam, electricity, natural gas, chilled water, potable water, and condensate meters across the Capitol complex. This is a key effort in terms of being able to measure current consumption, look for improvement opportunities, and measure energy savings results. To date, approximately one-third of the meters have been installed. The remaining meters for facilities located outside the Capitol complex, as well as the rest of the Capitol complex, are included in our FY 2011 budget request, with a final initial installation funding request projected for FY 2012.

Because the Capitol Power Plant (CPP) plays a critical role in our long-term energy conservation strategy, we are continually working to improve and upgrade operations there. The CPP has served the Capitol complex very well since 1910, but in order to continue to provide these services into the future, it is time to transform the CPP and its operations. We started this transformation last February when we began using natural gas as the primary fuel source. We are now studying and evaluating potential new technologies to implement at the CPP. We recently completed our Strategic Long-Term Energy Plan, which will help to determine our future Energy Program planning, and explore various options for continued energy efficiencies.

Over the past several years we have been working to create a healthy and productive workplace where environmental awareness and sustainability are the normal ways of doing business in the Capitol complex. There are a number of initiatives that the AOC has been engaged in, and we continue to see results in our efforts to improve energy efficiency.

Here are just a few of our ongoing sustainability initiatives and projects:



- As part of office renovations, such as the one completed for the House Committee on Science and Technology (*pictured at left*), the AOC has incorporated sustainable design features. The AOC installed lighting control systems where the electricity is metered, used rapidly renewable materials and certified wood, and recycled more than 12 tons of construction waste in this Committee suite.
- For construction projects, we regularly purchase materials containing recycled content such as acoustical ceiling tiles, resilient flooring, sheet rock, doors, low volatile organic compound materials, and medium density fiberboard. Whenever possible, construction materials are purchased locally.
- We have installed daylight harvesting systems in Member and Committee Offices that use electronic sensors to lower artificial lighting levels when enough natural light is available.
- Nearly 35 percent of AOC employees use public transportation to get to work.
- We are updating our 2006 Alternative Fuel Policy so, in addition to providing E-85 fuel to official government vehicles across the Capitol complex, we require the purchase or leasing of alternate fuel vehicles when replacing aging vehicles. To date, there are 40 flexfuel, hybrid, and electric vehicles in the AOC's fleet.
- In September 2009, the American Lung Association of the District of Columbia (ALADC) commended the AOC for its use of B20 blend biodiesel fuel in its shuttle buses that service

Capitol Hill. The ALADC's Chief Executive Officer thanked the AOC for its leadership in switching to biodiesel noting, "The ALADC has long called for greater use of biodiesel to improve the air quality in our city, so it is particularly noteworthy that a highly visible location like the Capitol uses biodiesel to reduce emissions, including carbon monoxide, particulate matter and unburned hydrocarbons."

- The AOC recycles 100 percent of its e-waste in three basic ways. Computer equipment is donated by the Agency. If it's not donated, it is reused or resold. Any equipment that is not donated or reused is recycled by a commercial recycling company. Typically the equipment is either reused or broken down and its components are repurposed.
- Occupancy sensors are being installed in House offices and bi-level light fixtures with sensors are being installed in stairwells in the Rayburn and Ford House Office Buildings that dim when unoccupied, but return to full illumination when someone enters.
- An occupancy-based lighting control system was installed in the Longworth cafeteria last summer, which allows occupancy lighting control in the serving, seating and 24-hour vending areas by reducing lighting levels after normal business hours.
- We continue to install low-flow fixtures and automatic faucets in restrooms, convert from pneumatic to direct digital controls to maximize energy usage efficiency, and replace incandescent light bulbs with Compact Fluorescent light bulbs throughout the Capitol campus.

U.S. Botanic Garden/Sustainable Sites Initiative

Because sustainable design, construction, and landscape management can have a significant and positive impact on our environment, in November 2009, the U.S. Botanic Garden launched the Sustainable Sites Initiative, in partnership with the Lady Bird Johnson Wildflower Center and the American Society of Landscape Architects.

The goals of the Sustainable Sites Initiative encourage the sustainable design, construction, and maintenance of landscapes. These are the first national guidelines for building landscapes that will help to clean the air and water; mitigate temperatures; reduce flooding; provide more natural habitat for birds, insects, and animals, and help support our health and well-being.

The effort to transform the way built landscapes are designed, constructed, and maintained for generations to come is a very important one, and the AOC is proud to be among those leading this national effort.

Annual Operating Budget Request

Our FY 2011 annual operating budget request for \$443 million provides funding for continuing the critical activities of operating and maintaining the infrastructure which supports the Congress, other Legislative Branch agencies, and the public, as well as other AOC essential mission support services. Some of these services include financial management, safety, human resources, project and construction management, planning and development, communications, information technology, procurement, and central administration.

As I mentioned earlier, this non-discretionary spending has remained fairly constant over the past several years, and significant reductions in this portion of our budget would greatly impact our ability to provide day-to-day services and maintain our facilities at expected and acceptable levels.

Other operating cost increases lie outside our control, including additional price increases that exceed inflation and are imposed by vendors as the cost of doing business. In addition, the cost of leases has increased, new technologies require investment in new networks, as well as hardware and software upgrades, and mandatory pay raises combined with the increase in costs for goods and services have added to the cost of our daily operations.

Capitol Visitor Center Operating Budget Request

At the opening ceremony for the Capitol Visitor Center (CVC) in December 2008, I noted that, "Visitors now have a respectful and dignified way to come to the People's House, and I invite everyone to come and explore all that the Capitol Visitor Center and the U.S. Capitol have to offer." Little did I realize that 2.3 million people would take me up on my offer in just the first year.



We are requesting \$23.9 million for CVC operations and administration, and four FTEs to support operations including an interpretive curator.

The CVC's first year of operation has been extremely successful. Average wait times continue to be six minutes versus the three or four hours in line in years past. More than 1,100 events have

been held in the CVC’s meeting spaces in the past year, and we’re looking forward to large crowds again as Cherry Blossom season approaches.

We continue to make improvements and adjustments to our policies and tour procedures including modifying the Advanced Reservation System to give Congressional offices more flexibility to modify, cancel, or reschedule tour reservations. We’ve also added a Congressional staff line at the South Information Desk, brought on more operators to ensure prompt responses to phone calls, and will be assigning staff to strategic locations in Emancipation Hall to help facilitate visitor traffic flow of staff- and guide-led tours.

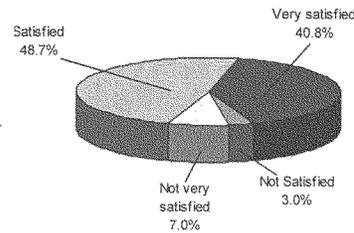
We continue to hold monthly listening sessions with Congressional staff to receive feedback and answer questions, and to date, more than 5,100 staffers have participated in the CVC’s training program.

As a point of interest, I would like to note that in April we will install new documents into the CVC’s Exhibition Hall. The new items, which include a map used by the National American Woman Suffrage Association showing their successful campaign for voting rights, the proclamation to residents of the Louisiana Territory that the United States had purchased the area from France, and the map showing the route of the Wilkes Expedition (the U.S. Exploring Expedition to the South Seas that brought to Washington a collection of living plants from around the globe) will be on display through early October.

AOC Accomplishments

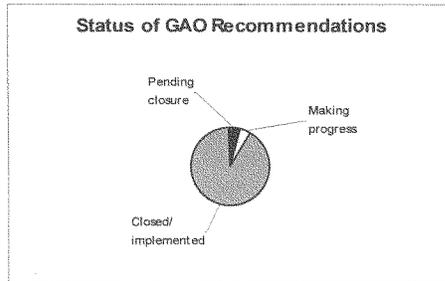
Madam Chair, this past year we have recorded a number of significant achievements. The following is a list of just a few of our many accomplishments.

- Our annual Building Services Customer Satisfaction Surveys for FY 2009 again showed that a large majority of our customers are **satisfied** or **very satisfied** with the level of service the AOC is providing them.



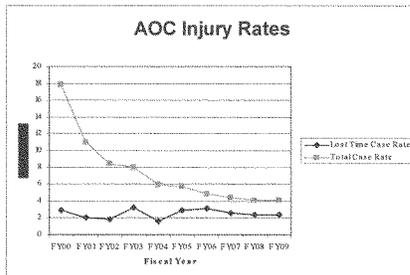
- We continued to improve our cost accounting procedures and internal controls, and received our fifth consecutive clean audit opinion from independent auditors on all of our financial statements. The Capitol Visitor Center construction project received a clean audit opinion; the third in three years. We submitted the first set of semi-annual financial statements for CVC operations in 2009, and received a clean audit opinion on those as well.

- We made tremendous progress to close out the recommendations from the Government Accountability Office's (GAO's) General Management Review (GMR) of the Agency. Ninety-one percent of the recommendations are now closed (61 out of 67). Three of the items from the original GMR are pending closure, and expected to be completed in summer 2010. The remaining open items focus on long-term



recommendations (not part of the original GMR). We are closely monitoring those activities and reporting status to GAO.

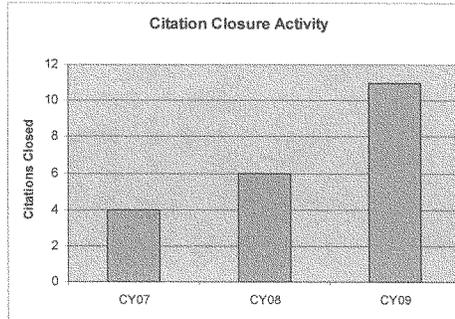
- We activated our pandemic flu plan in response to the H1N1 Flu threat, including implementing action plans to address continuity of operations; educating staff on how to prevent getting sick; providing hand sanitizing stations across the Capitol complex, and doing regular cleaning with a focus on cleaning hard surfaces, such as desks and tables.



- Worker safety remains one of our top priorities and our focus remains on decreasing our Injury and Illness Rate each year, as we have done since 2000. Safety training and education are keys to our success, with a particular emphasis on injury prevention through hazard recognition and elimination.

- We will complete the initial phase of our preventative maintenance standardization program this month. Included in this effort is the identification of common preventative maintenance issues across jurisdictions, minimum corrective procedures to follow, and timelines for completion. This information will be automated in our facilities management information system and allow us to track metrics in the future to identify opportunities for improvement.

- Since 2007, the Office of Compliance (OOC) has issued one citation to the AOC. AOC has worked collaboratively with the Office of Compliance to close older citations and has successfully closed 21 citations since 2007. Eighteen Citations remain open today; four are scheduled for closure in 2010. The remaining address longer term utility tunnel (6) and fire and life-safety (8) matters.



- During the 111th Congress, the AOC increased its emphasis on facility safety inspection, to include pre-inspections of Members' offices prior to the OOC's biennial inspections. As a result of the combined efforts of AOC and other employing offices, the OOC is reporting a decrease of 41 percent in the number of findings from FY 2010 in the nine facilities in which the OOC has completed inspections to date.
- The U.S. Botanic Garden (USBG) was recognized as one of Washington's best tourist spots in August 2009, by Nickelodeon Television. The USBG won its "Parents' Picks Award," garnering more votes than several other area attractions. In December, the USBG was voted one of the nation's best spots to "catch the holiday spirit" by the American Automobile Association (AAA).
- The AOC team that managed construction of Modules 3 and 4 and four Cold Storage Rooms at the Library of Congress Ft. Meade High-Density Storage Facility were honored with a national award in October from the Construction Management Association of America (CMAA), in the category of new construction for a project under \$50 million. The new storage units will house 33 million items from the Library's special-format collections.
- Later this month the AOC will be recognized by the Washington Building Congress with two awards that recognized special building skills. The House Office Buildings Sprinkler Installation Project will receive one award under the category of "Decorative Plaster" and the second under "Plumbing," which has also been nominated for a Star Award. The awards will be presented on March 26, 2010.

Conclusion

Madam Chair, as “Snowmageddon” has shown, the AOC is ready to step up and do what is necessary to keep the Capitol complex open and operating every day of the year – under any circumstances.

Today, we face a blizzard of deferred maintenance projects, and the forecast is not sunny. We do appreciate the investment Congress has made in our facilities over the past several years as we work to buy down the deferred maintenance backlog. The AOC has been successful in our work to be good stewards of the Capitol complex due to your support.

We also have been able to accomplish much and experience numerous successes because of the dedicated, professional men and women who make up the AOC team. I have been honored and privileged to work along side them. Because of their efforts and commitment to excellence, we continue to provide exceptional service to Congress, and have been able prevent system and facility failure due to their skills and ingenuity.

Once again, thank you for this opportunity to testify today. Madam Chair, we look forward to working with this Subcommittee, the Senate Subcommittee on the Legislative Branch, and our Oversight Committees to address the backlog of maintenance and repair projects, and continue to protect and preserve the U.S. Capitol for generations to come.

I would be happy to answer any questions you might have.

CVC SHUTTLE ACCOMMODATIONS

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Ayers.

I want to start out with some CVC-related questions. First, on the shuttles, you may have heard about the testimony we had at the public witness hearing. You know, we again had concerns expressed from the Guild of Professional Tour Guides. I understand their concern was very clear. I believe the question of drop-off at the east front is settled and they are going to just need to get over that and move on, because we have explored that repeatedly. We have sat down with the Capitol Police, discussed it at our hearings, and the Congress agrees that security is too much of a concern to make that an option.

PHYSICALLY CHALLENGED TOURISTS

That having been said, we do still have the issue of the frail, elderly, the disabled, and transporting them from the west front up that hill over to the CVC entrance. And we have been dealing with that in an ongoing way. The most recent way we are attempting to deal with it is through the purchase of those six shuttles.

So, can you give us an update on how those shuttles are working in transporting visitors from tour buses to the CVC? Have there been circumstances where you haven't had enough shuttles? And, also, what is the time frame for getting a large group with a lot of people who need that shuttle service all the way up to the entrance so that you are not separating their group and messing up their scheduled tour?

Mr. AYERS. You are absolutely correct that we did purchase six shuttles and put them into operation in August of 2009. And we laid out a process by which we would do a pilot implementation for a year and come back and reevaluate. So we are a few months into that, but I think we do have some good statistics thus far.

Of course, the first year, 2.3 million people came to the Capitol Visitor Center, and only 1 percent of them requested or used shuttle service.

TOUR GROUP ACCOMMODATIONS

Ms. WASSERMAN SCHULTZ. Now, is that in part because they just didn't know? In last year's hearing I remember Terrie repeatedly said, "If they would just call us and let us know and give us a heads-up in advance, then we can work with them." And we have repeatedly told that to the tour groups.

And has that improved compared to the way it was before?

Mr. AYERS. It has improved. We have two shuttles parked there at Garfield Circle every day, and we have a third shuttle at the other circle, in standby mode in case we need more than two at any given time.

There have also been, since August until today, 10 occasions where we have received calls in advance that say, "We are going to need all six shuttles." We have had all six shuttles there and accommodated those groups up the Hill.

Ms. WASSERMAN SCHULTZ. So you have not had a problem where you have had not enough shuttles available for a group—

Mr. AYERS. No.

Ms. WASSERMAN SCHULTZ [continuing]. Or separating a group for too long a period of time?

Mr. AYERS. No, absolutely not.

Ms. WASSERMAN SCHULTZ. Okay. So why are they complaining?

Mr. AYERS. There are a couple of important issues. One, we have to develop a better relationship with the tour companies. We are really working on that.

Ms. WASSERMAN SCHULTZ. I would encourage you to do that.

Mr. AYERS. We went out last week and met with tour company representatives and gave a presentation to their guild members. We encouraged them to call. It is really important, that they call, so that we can get the cell phone number of the person who is working with the group and stay in contact as things progress.

ADDRESSING TOUR COMPANIES' CONCERNS

Ms. WASSERMAN SCHULTZ. Right. And we stressed that to them, as well, in the public witness hearing. I mean, I have been sympathetic to their concerns, but, you know, we are at the point now where I feel like we have taken some pretty constructive, positive steps to address the issue. It is a legitimate issue. I represent a lot of senior citizens; a lot of Members do. And, you know, I have trudged up that hill with my kids, and, you know, it can be winding if you are not—you can get winded if you are not a robust person.

Do you anticipate a change as the tourist season and spring break season kicks in? I mean, do you think it is going to start to—while you haven't identified a problem now, do you anticipate there being a problem?

Mr. AYERS. We don't anticipate that.

Ms. WASSERMAN SCHULTZ. Okay. All right.

And then the other quick question I have related to the CVC is on the staffing. Actually, this question is not as quick, so I will save it.

Mr. ADERHOLT. Okay.

DEFERRED MAINTENANCE BACKLOG

You mentioned in your testimony about the large backlog of deferred maintenance, and that is across the Capitol complex. How do you put a priority on which ones that you need to move forward with more quickly and which ones that you—of all of these, the backlog that you currently have?

Mr. AYERS. That is a great question.

We have developed a robust project prioritization process that we have been working on for a number of years. We have developed and matured based on feedback from this Committee.

Every single project of the 47 on our recommended list there is, I don't know, 30 or 40 totaling over \$200 million goes through a prioritization process, and that list is in priority order.

So that process includes first, defining a project's category, whether it is deferred maintenance, meaning something that is broken and needs to be fixed; or capital renewal; capital improvement; or capital construction, meaning new construction. The reason we do that is, a deferred maintenance project in our prioritization

process will move up higher on the list versus new construction. You want to take care of what you have before you build new.

PROJECT PRIORITIZATION

Also, every project gets a numeric score from 1 to 100 on six criteria: mission, economics, energy, efficiency and environmental quality security, historic preservation, and life-safety. We look at all six of those attributes of a project and score it from 1 to 100 on some predetermined evaluation criteria.

In the end, all of this data comes together in an algorithm and produces a priority list top to bottom that is the most important tool for the Congress to use to fund the things that are on the top of the list and, when we are in a difficult environment, to not fund the projects that are on the bottom of the list.

Mr. ADERHOLT. What projects or programs are the Architect's Office exploring that will help Congress meet its goals under the Energy Independence and Security Act and other energy reduction goals?

Mr. AYERS. In the House, we are working under two primary goals. First is the Energy Independence and Security Act, which requires a 3 percent reduction in energy intensity per year for 10 years. The Green the Capitol initiative requires a 5 percent energy reduction per year for 10 years.

In addition to doing a wide variety of what we call demand side or behavioral changes, such as getting people to turn out their lights and being much better about their computer use and HVAC use, we are implementing Energy Savings Performance Contracts. We have signed the one for the House. I mentioned the Senate and the Capitol.

Those contracts are going to save us, just here in the House, nearly 30 percent of our energy use. I think that using private dollars initially to make that investment and paying them back with the energy savings is a great model for us, especially in these difficult times.

SMALL BUSINESS PARTICIPATION

Mr. ADERHOLT. Regarding participation with small businesses, what efforts are you undertaking to increase small business participation with your office?

Mr. AYERS. The Executive Branch has the Small Business Administration, and they have implemented mandatory small business programs across the Executive Branch. Those requirements don't apply to the legislative branch, but a year or so ago we made a decision to implement the small business program—the first in the legislative branch.

We have entered into Memorandum of Agreement with the Small Business Administration to develop a program that has three tiers. The first is that we set aside all of our procurements between \$5,000 and \$100,000 and drive all of those to small businesses as direct set-asides, where sufficient competition exists. Then, on construction contracts that are over a million dollars, we require vendors to subcontract with small business vendors, and we track that as well.

Thirdly, we have developed an important outreach program where we are holding small business seminars. We recently held one last month in the Capitol Visitor Center. We are holding and participating in small business seminars that bring in small businesses and educate them about how to do business with us and what kind of business we do.

So we are excited about that. I think we are leading the Legislative branch in that endeavor, and I think it is the right thing to do. It is also a sustainable thing to do.

Ms. WASSERMAN SCHULTZ. Ms. McCollum.

Ms. MCCOLLUM. Thank you.

And you get gold stars. You have the right to brag about snow now. You did a good job.

Mr. AYERS. Thank you.

Ms. MCCOLLUM. We will talk about the way you used salt later on.

ENERGY AUDITS/UTILITY IMPROVEMENT PROGRAM

I have two questions. One, in here you talk about moving forward and doing your energy audits. And I want to make this very clear, Madam Chair, I am not asking for anything to happen in my office. But if this problem is happening in my office, it is happening in others.

I have a wooden window that doesn't fit tight. You can't close it. You know, the wind howls. So, I know that is typical of all of ours. And as you are going through and as you are ranking things, where are we on window replacement? Because, as we know and as most families know, that is probably one of the best ways to become energy-efficient.

And then, secondly, I would like to request and I will continue to request an update about what is going on with the employees and their exposure to asbestos and their families' possible exposure to asbestos as their clothing came home.

Ms. WASSERMAN SCHULTZ. From the tunnels you mean?

Ms. MCCOLLUM. From the tunnels. I am going to continue to be persistent about it.

But if you could maybe just talk about your energy upgrades in general.

Mr. AYERS. I would be happy to do that.

The first window project we undertook was in the Ford House Office Building. We did replace every window in that building, and we have achieved some very significant energy savings because of that. So you are absolutely right; changing windows, caulking, and weather-stripping really does save money as well as energy.

As we move forward to undertake the top-to-bottom Cannon Building renovation, a window replacement and a complete rework of windows and doors in that building will be part of that scope.

Ms. MCCOLLUM. Well, when do you anticipate getting maybe into Longworth to shore up its windows? When do you think you will be done with the windows in Cannon? What is your ETA?

Mr. AYERS. I think Cannon renewal is probably scheduled to begin in 2016 or 2017. Then it is probably 5 years for construction.

Ms. MCCOLLUM. Madam Chair, there is an old adage, "Don't ask a question you don't know the answer to." And I knew the answer was going to be out that far.

That is really unacceptable, because we are literally pouring fuel out the window. And it is a national security issue. We have asked Americans to do something about it. I think we need to figure out a way to do a better job of leading by example.

And in the tunnel, I do realize because it is a personnel issue it can't be discussed about here so much in the open. But this remains a priority for me to find out where we are with our workers.

Ms. WASSERMAN SCHULTZ. We can provide you with an update.

Ms. MCCOLLUM. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you, Ms. McCollum.

Mr. Cole.

Mr. COLE. Thank you, Madam Chairwoman.

U.S. CAPITOL STRUCTURAL OBSERVATIONS

I have three quirky questions. But first, just thank you for the great job you do. It always amazes me, frankly, how well this building holds up, in particular, given the foot traffic and the age, and it is just amazing. So, thanks.

And so any question I have is certainly not—I now find myself spending a lot of time along the balcony of the east facade simply because that is where you can smoke a cigar. It is the last refuge left. And I worry about my leader occasionally as he comes out there, because he is out there more than occasionally.

If you look at the window—what would the appropriate term be; it is the facade around the windows—the corners are mostly gone, you know, where clearly there has been stone damage. And I am sure there is no immediate danger, but I was just curious about long-term plans. Definitely, if it is there, it must be around other places. If you look up, there it is. It must have fallen at some point.

Mr. AYERS. Absolutely. One would be surprised how, if you look up close at the Capitol Building, how many pieces of stone are broken or cracked or missing from the Capitol Building. We have done a complete survey of that stonework, and it really does need some work.

In our budget request this year, I think, just looking down, we have \$11 million scheduled for the first of four phases to repair the stone damage on the Capitol Building itself. So we are aware of those issues. We just had a piece of stone, as well as a piece of metal, fall off the dome.

Ms. WASSERMAN SCHULTZ. Always just before the times when you are here.

Mr. AYERS. I don't know how that happens.

Ms. WASSERMAN SCHULTZ. Yeah. Every year.

Mr. AYERS. But we are aware, and we do have a project on the list to begin to take care of those stone issues on the Capitol Building.

DIVERSITY DEPICTED WITHIN THE CAPITOL

Mr. COLE. Great. I would never put congressmen ahead of anybody else, but you have a lot of Members at risk out there, particularly when the weather is nice.

The second question, this is actually just a personal question. You know, as I go around the Capitol, we all enjoy the art. It just is such an amazing depiction of American history. And there are a lot of parts of it that not all of us know very much about. We called a few years ago, frankly, and we found out about the use of slave labor in the Capitol and how important and meaningful that was to a lot of people.

I go around—my background was from Native Americans. And there are depictions of Native Americans here. Some are pretty good. Some, obviously, sort of reflect the racism of the time when they were put up there.

I was curious. Is there just a list for convenience of where Native Americans are depicted in the Capitol of the United States that you guys can direct me to?

Mr. AYERS. Our Curator's Office has that. We would be happy to provide that.

Mr. COLE. I would really—I get a lot of foot traffic, particularly from my district, and that is actually, for them, a very important question. So anything you could do to direct me in the right place, I would appreciate it.

Mr. AYERS. Sure.

CVC OPERATIONS—LOGISTICAL DIRECTIVES

Mr. COLE. And, finally, if someday somebody can teach me how to actually get around the Capitol Visitor Center. I see more lost congressmen in the Visitor Center than anyplace else, because we are all the classic, "Look, I don't need a map," and then I am gone.

So, anyway, any help you could—I think I may call on you for just a tour of the Visitor Center. I saw it a couple of times during construction, but I really don't have, you know, in my own mind a very convenient map of the place, so to speak.

Mr. AYERS. I would be happy to do that.

And, of course, we just installed, a month or two ago, the temporary signs. They are on paper, and they are up on the walls. And the purpose for putting them up there is really to get some feedback.

Ms. WASSERMAN SCHULTZ. Maps?

Mr. AYERS. They are maps, and they are locators. They say "SCIF this way" or "restaurant that way" to help get people around. They have been up for a month or two, and we have gotten some good feedback. But if you haven't noticed them, then maybe we are not quite there yet.

MEMBER CONCERNS

Mr. COLE. I mean, this is a true confession, as to me. I figured out exactly how to get to where the Republican conference is occasionally located. But, boy, if I am off that path, I am in big trouble.

I literally—we will have groups up. I am sure other Members have this. They are doing receptions, and they are up from the district. And I stumble around that place for 20 or 30 minutes sometimes, not able to find where I am supposed to go. And I am not blaming that on anybody. I just have to get a better feel for that space, and I am going to need some help to do that.

Mr. AYERS. Happy to do that.

Ms. WASSERMAN SCHULTZ. If I can piggyback on what the gentleman said—we seem to always think the same way on issues like this.

I am, kind of, the central clearinghouse for complaints, as you might imagine, when it comes to concerns that Members have about the complex. CVC is the one that I hear about most often. As recently as yesterday, this exact complaint. A Member found me on the floor and said, “What is going on with the signage?” I told him that the signage had begun to be improved.

But they were very specific about there needing to be maps showing people where they are, 3-D maps because of the weird nature of the floors. When you are on the main floor, you are really on the second floor. And then you go down, and you are on the third floor. It is counterintuitive.

SIGNAGE

Another example the same Member used was, you are going down to go back to the Cannon tunnel, and it says “Cannon tunnel this way,” and then you never see another sign until you are parallel to the door that you are really supposed to turn right on, and that you would have to be sideways to see the sign, to know where you turn next.

So the signage still, clearly, has some challenges. And better mapping—Members tell me every day that they need to drop breadcrumbs from the place they left to the place they are going so that they can find their way back.

Mr. AYERS. Okay.

Ms. MCCOLLUM. Madam Chair?

Ms. WASSERMAN SCHULTZ. Yes?

CVC ALARMS

Ms. MCCOLLUM. On that point, I went to leave out through the Visitor Center yesterday, and when you go out as a visitor would, out, it says, “Alarm will go off in 15 seconds when you push this door.” So there you are, you are at an exit, and you are reading across all these doors, “Alarm will go off.”

And I watched this group of people, there were 20 people, totally paralyzed. I said, “This really is the exit.” “Oh, no, alarms are going to go off.” And I said, “Well, I will set them off.” So, you know, I pushed—and there were people on the other side, kind of, going, “Come on, you can do it, you can come through.” Crazy. And, you know, we need to do something about that, like, now.

Ms. WASSERMAN SCHULTZ. Yeah, as quickly as possible.

So, sorry to go off the back and forth, but you were so very timely.

Okay, so now we go to Mr. Honda.

Mr. HONDA. Thank you.

And congratulations.

Mr. AYERS. Thank you, Mr. Honda.

BUILDING RENOVATION SCHEDULES

Mr. HONDA. Well, you have been doing it for 3 years. And you have gone through a lot of the hard parts, too, so you might as well stay and enjoy the rest of it.

We had a meeting on emergency procedures and evacuation. Is there a calendar of events of the modernizations that will be taking place in each building, is there someplace that it is laid out there?

And do we have a deferred maintenance program, where we are trying to achieve 100 percent maintenance so that we don't have to go through the expense of trying to fix things as they break down? It seems to me, a study was done where it showed that fixing something, rather than preventing it and keeping it in good working condition, saved, like, 60 percent or more, the cost of just keeping it up. I was just wondering whether there is a program that you are looking at to put in place or is one in place already that will address that.

Mr. AYERS. I believe you have asked two questions. The answer to the first in terms of is there a calendar or schedule of major building renovations, the answer to that is yes. Certainly, that is laid out in our 20-year master plan. And I am happy to share that with you or with the emergency preparedness group, whatever is appropriate.

Secondly, you are absolutely right that, in terms of deferred maintenance, deferred maintenance being defined as something that is already broken and needs to be fixed. Any Facility Manager wants to minimize deferred maintenance. I don't think anyone could ever get to zero deferred maintenance.

CAPITAL RENEWAL INITIATIVE

We would want to minimize that and focus our money and attention on Capital renewal, which is fixing something right before it breaks. That is where you get the best bang for your money. So you fully utilize a piece of equipment for the full extent of its useful life, and you replace it just before it breaks so that you don't suffer any failure consequences of it breaking.

That is the best model, and that is what we are working to achieve. Our prioritization process helps us do that and helps the Congress make those decisions, because it pushes deferred maintenance projects towards the top of our list.

Last year was a great example. The Congress funded many of those deferred maintenance projects. Our deferred maintenance number last year was well over \$600 million backlog, and it is down to \$570 million of deferred maintenance. So we are obviously doing the right thing and heading in the right direction.

Mr. HONDA. So we have a program where we want to achieve full maintenance and not have—

Mr. AYERS. Yes.

Mr. HONDA [continuing]. Maintenance that has to be deferred because we don't have money or anything else like that?

Mr. AYERS. Correct.

Mr. HONDA. Or are you defining deferred maintenance as a plan for continuous maintenance? I guess I need those—

Mr. AYERS. No, deferred maintenance is a piece of equipment that is broken or a building system that is broken already and needs to be fixed.

TUNNEL WORKERS AND HEALTH CONCERNS

Mr. HONDA. Let me just add my sense of urgency with Congresswoman McCollum in talking about some, sort of, staff being exposed to the asbestos in the tunnels, and that we do have a procedure where, you know, we take care of our workers so that they are working in safe conditions and a safe situation.

Ms. WASSERMAN SCHULTZ. Mr. Honda, we can provide the entire Subcommittee with an update—not a public update, but an update on the status of the tunnel workers and the health situation and the current conditions and how the Architect has addressed those.

Mr. HONDA. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Aderholt.

U.S. CAPITOL POLICE RADIO MODERNIZATION PROJECT

Mr. ADERHOLT. I understand the design engineering work for the indoor coverage component of the new Capitol Police radio system is complete. Is that correct?

Mr. AYERS. The indoor space is not 100 percent complete. It is complete, I believe, in the Capitol and in the Senate buildings. And I believe the House buildings are nearing completion, but we are not 100 percent design complete in the House.

Mr. ADERHOLT. Okay. Do you have an estimate of how long it will take to complete the entire project?

Mr. AYERS. The radio modernization project schedule says it is March of 2011.

Mr. ADERHOLT. Just briefly, could you just give us an overview of exactly what is involved with the actual construction up to this point?

Mr. AYERS. From the Architect's perspective, we have three things that we need to do to support the Capitol Police on their project. The first is to design and construct the primary site where the radio communications center will be, in Manassas. We have designed that, and we have awarded a contract. We are going through the pre-work submittal process now. So we expect to be finished with that work in December of 2010, well in advance of the March 2011 equipment installation by the Capitol police and NAVAIR.

So, first is the construction of the primary site. The second thing we need to do to support them is the construction of the mirror site or the backup site, which is here just off Capitol Hill. We are negotiating today with the lessor of that building on both the lease agreement and the construction agreement. Those negotiations are under way, and we don't anticipate having any problems in meeting the March 2011 date.

Thirdly, we need to support the Capitol Police and the installation of their wiring and conduit and antenna system throughout all the buildings. The police contractor is designing that system now, and we are prepared to get to work on that right away as soon as

that design work is complete across the campus. We don't see any problem meeting the completion date for that project.

BARTHOLDI PARK

Mr. ADERHOLT. Bartholdi Park, what is the status of the repair of the fountain in the park there? And when do you anticipate that completion?

Mr. AYERS. The fountain is, of course, at a metal refinishing company. We have gone down to the company numerous times to check their progress. I have seen photographs of that work, and it really looks magnificent. When it comes back to the Hill a year from now, I think it is really going to look great. So I think the completion date of that is 14 or 15 months out.

What we are doing now is working on the basin of the statue, where the water is, as well as around the perimeter. There are some lights that need to go in there. We are redoing the pumping systems for the fountain and redoing the electrical distribution system. That work is ongoing now, but that statue I think will be back later this year, and after commissioning is complete the fountain will be running again in December or March 2011.

Mr. ADERHOLT. Okay. Thank you very much.

CVC STAFFING REQUEST

Ms. WASSERMAN SCHULTZ. Thank you.

I wanted to ask you some questions about your staffing request for the CVC. I guess it is really a request by Ms. Rouse's office. The budget request includes four additional FTEs, two of which are for responding to Members' offices. Are the two that you have now that are dedicated to responding to Members of Congress, are they overburdened? How many staff would be dedicated to Member services if we add these two positions?

And, beyond that, I would like to know what the status is of hiring a deputy for the CVC. That seems to be taking an extraordinarily long time. And now, on top of that, Ms. Rouse is asking for a special assistant. What are the duties of a special assistant versus a deputy? Why is it necessary for her to have a special assistant? I am confused.

Mr. AYERS. For the big picture on the four positions for the Capitol Visitor Center, there is a good bifurcation. The first is, the two congressional liaisons are mandatory and must-have. And then I think there is a gap in between—the bottom two are more of a process improvement for the Visitor Center. The top two are really important.

Ms. WASSERMAN SCHULTZ. The two that you have on board?

Mr. AYERS. Yes. But the key is, those two are temporary employees. They are not permanent employees.

Ms. WASSERMAN SCHULTZ. Oh, I see.

Mr. AYERS. Yes. We really think that they have been tremendously successful—

Ms. WASSERMAN SCHULTZ. So are you asking to make the two positions permanent, or to take it to four?

Mr. AYERS. To convert the two temporary employees to permanent.

Ms. WASSERMAN SCHULTZ. I see. Okay. So it is not four additional staff. It is just the two that you have now and make those permanent.

Mr. AYERS. Correct.

DEPUTY VS. SPECIAL ASSISTANT POSITION REQUESTS

Ms. WASSERMAN SCHULTZ. Gotcha. And what is going on with the hiring of a deputy to replace the one that is no longer there? And what is the purpose of a special assistant?

Mr. AYERS. We have advertised for the deputy, and conducted interviews. We have not found a candidate that we believe is suitable. So we are going to go back out and re-advertise again and re-initiate our search and continue that process until we do find someone who is suitable.

Ms. WASSERMAN SCHULTZ. Okay. And the special assistant is for what?

Mr. AYERS. We think one of the problems with the deputy is that we are really looking for someone who has great managerial experience, great Hill experience, and experience in the visitor services arena. We are really having trouble finding someone that has all of that mixed together. So we thought we can take some of that experience out, hire a lower-level special assistant who can focus on some of the visitor services duties that require that kind of experience, and really focus the deputy search on a manager who has Hill experience and can effectively navigate in this environment.

Ms. WASSERMAN SCHULTZ. Okay. And why is that a must-have item?

Mr. AYERS. Well, there is a difference between the two. I would consider the congressional liaisons must-haves.

There is a line between them. The special assistant and the Curator, are more of a process improvement. So I would not term them must-haves.

INTEPRETIVE CURATOR

Ms. WASSERMAN SCHULTZ. Okay. That is what I wanted to know.

You are also asking for an interpretive curator. Why is that a position that is independently required of the rest of the curatorial staff? That doesn't seem like a must-have item either, and we are really in must-have mode here.

Mr. AYERS. No, I don't believe that is a must-have.

Ms. WASSERMAN SCHULTZ. Okay. But why is it even necessary?

Mr. AYERS. With all of the exhibits that are in the Exhibition Hall, we think a Curator really would add value to that, in terms of finding the appropriate materials to bring in to the exhibit, as they do rotate every six months.

Ms. WASSERMAN SCHULTZ. Your curatorial staff can't handle that now? Don't you have a curatorial staff? I thought that is what they do.

Mr. AYERS. The Architect's office does have a curatorial staff. They have not yet been involved in any of that, other than fact-checking.

Ms. WASSERMAN SCHULTZ. So there isn't a separate or dedicated curatorial staff focused on the CVC at all?

Mr. AYERS. We do have a group of four or five employees that focus on the Exhibition Hall and those kinds of things. We do think a curator would add value.

Ms. WASSERMAN SCHULTZ. Because, when I went through the CVC on one occasion, it was accompanied by a curator. So who was that?

Mr. AYERS. I am not sure who it was.

Ms. WASSERMAN SCHULTZ. Ms. Rouse seems to be wanting to answer the question.

Mr. AYERS. Terrie, go ahead, if you know.

Ms. ROUSE. That was Rob Lukens, who is our Exhibits and Education Director.

Ms. WASSERMAN SCHULTZ. Okay.

Ms. ROUSE. We have educators, and we don't have a curator. A curator is an overarching scholar. But we have educators and exhibits people, so that is the difference.

Ms. WASSERMAN SCHULTZ. But an interpretive curator seems to be somebody who could be researching and labeling the exhibits.

Ms. ROUSE. In the way we are doing museum work these days, we have someone who does interpretive work. Their job is to speak outwards, to speak to children, to the families, to K through 12. What they do is interpret what the House and Senate curators do for an external public and, hopefully, for Congressional offices to use with their constituents. That was the goal.

Ms. WASSERMAN SCHULTZ. Let's get the signage and the mapping right first, and then we can move on to things like that.

Okay. My time has expired. Mr. Cole.

Mr. COLE. I am out of questions.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. Honda.

Mr. HONDA. Just a quick question.

Ms. WASSERMAN SCHULTZ. Or, no—Mr. Aderholt, do you want to—

Mr. ADERHOLT. No, I am good.

Ms. WASSERMAN SCHULTZ. Okay.

TOUR GUIDES AND TRAINING

Mr. HONDA. Just a quick follow-up. Mr. Cole had mentioned details around the—what do you call the—we have all the frescoes and the artwork, and it does reflect the art of the era.

Are the folks who take the folks through, the guides, as they tell them the story, are they also telling the story of how the Capitol was built, some of that history, where we can't depict it on the wall but we can, sort of, explain why we have it today and what it means then and today and, you know, the different groups of people in this country, because I guess it is the history of the establishment of this country that it is supposed to depict. I think that there are probably opportunities for us to do some good education, you know, with people walking away saying, "I didn't know that."

Mr. AYERS. Yes.

Mr. HONDA. Is that something that is being thought of or that is being done right now to, sort of, offset that lack of information?

Mr. AYERS. I think you are speaking of the Frieze of American History that was started by Constantino Brumidi and then under-

taken by Filippo Costaggini and then finished by Allyn Cox. And that Frieze of American History does tell the story from the landing of the pilgrims through the Wright Brothers. So it is a great story of American history and a great story of diversity, as well.

We have spent the last year really training our guides and visitor assistants and Congressional staff, the 5,200 staff that have been through our training program, on how to interpret and tell those stories. You know, in cherry blossom season, our visitor counts are nearly 20,000 people a day. There are other times of the year where our visitor counts are 3,000 people a day. So during those low visitor times, we have really focused on training, training, training.

Ms. Rouse has really done a fantastic job of making that a priority and bringing in the curators, bringing in the scholars, and bringing in the right people can train Congressional staff and our guides so that we do enliven those stories and tell those stories.

HISTORICAL DETAILED STORYTELLING

Mr. HONDA. You know, what I was driving at was a little bit more—not only telling the story of who did it and the epic, but in today's context, when we look at that, we should be able to say that, you know, the attitudes are different today in how we perceive, say, native folks, indigenous people, people of color, the building out of this place and how we have received that show that, you know, contractors were using slave labor to build things. It is just bringing everything up to date so that the context is explained, but also the content of the time and how we see it today in 2011.

I think it would be fair to all our visiting public because, if this is the Nation's Capitol, this is the place to tell the story. It is like we say Columbus discovered America, but we know that there were other people here prior to that. And so the issue is, who wrote the book will tell you how the history is going to be told.

So we have an opportunity to tell the history again, but in—and it is not to rewrite history. It is to bring it up to date and be a little more precise, so that folks walk away having a better sense that contributions were made, although it be under different circumstances.

Mr. AYERS. I really do believe our guides do that kind of storytelling and interpret what they see. You bring up the slave labor in the construction of the Capitol. That is part of the explanation on tours, as well.

CVC TRAINING CURRICULUM

Mr. HONDA. So there is a curriculum that is established that people follow so that is consistent and—

Mr. AYERS. Yes. Over the last year, that curriculum has been enhanced and further developed by outside experts and scholars who have helped to interpret the story.

Mr. HONDA. And this is true both with different statues and everything else like that?

Mr. AYERS. Yes.

Mr. HONDA. Okay.

RECYCLING PROGRAM

Ms. WASSERMAN SCHULTZ. Thank you.

Do either of you have any more questions?

Okay. I am going to go through a number of them, then. I have my own reasonably quirky question, as well.

I know that you have been working on improving the recycling program, the complex-wide recycling program. But we still hear a lot of confusion among Members and staff who report seeing facilities maintenance employees putting presorted recyclable materials into the same collection receptacles.

And, you know, people are really struggling here to do the right thing. We are all trying to do every type of recycling imaginable. We all have about a thousand canisters that we have to separate things into, and we are committed to doing it, but it does take extra time. So it is distressing when you see all of what you sorted going into the same bin. And then you lack the confidence that it is actually being recycled.

So what is the best way for us to support your recycling efforts? And can you explain how it works once we have separated it and it is taken over by your folks?

Mr. AYERS. Well the most important thing that the Congress can do is to keep recycling and keep doing what they are doing. We have certainly heard about and I have heard about this issue before, and we have done a number of things to help prevent, the promulgation of that perception.

I recall, 2 years ago, we brought in a contractor to do an independent review to really tell us, are our people really putting these things together in the trash, and it is ultimately going to the landfill? What the contractor told us is, no, that is really not happening.

We did see some people co-mingle together into a trash truck; but when they got to the dock, they separated it back out as they should, and have recycled the recycling portion and put in the trash the trash portion.

RECYCLING PERCEPTION

Ms. WASSERMAN SCHULTZ. Do you have a single-stream facility that all of the separating we do all goes together and then they sort it back out?

Mr. AYERS. No, it doesn't work that way.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. AYERS. In the House, you will see that we have three different recycling products, and we are using now three different colored bags to help change the perception. There is a pink bag, a green bag, and a white plastic bag to help prevent a perception that everyone is going in one place. If you take the pink bag and the white bag, it is okay if you put it in the same container. In the end, when they get to the dock, those things are put in the appropriate places.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. AYERS. So that is helping the perception a little bit. We have also—we have a full-time recycling manager in the House who was working day shift, and we took that manager and moved his shift to work the same shift that the recycling folks are working so that

we can watch this full-time. We have heard these kinds of complaints, and those perceptions are really, detrimental to the success of the program.

The program is, from a statistic point of view, improving. Last year, we recycled about 2,000 tons out of the House, and this year it is 2,700 tons out of the House. So we are doing the right things, but I do think we have a public perception problem that we still have to work on.

Ms. WASSERMAN SCHULTZ. Okay. Great. Thank you.

CANNON RENEWAL PROJECT

I want to ask you about the Cannon renewal and get an update on the planning and the design work. GAO testified to House Administration in May last year that the AOC planned to request \$37 million in 2011 for design work on Cannon renewal. Your 2011 submission asks for \$43 million under deferred projects, which are going to be requested in future years.

So what is the status of the planning and design activities? What is the result of the delay? And what activities are you anticipating on the Cannon renewal project for this year and next year?

I want to piggyback a question about FOB-8 on that also, because you have asked for funds for FOB-8 this year, but you are still in the full planning phase of Cannon. So are they in line? Why do you need to outfit FOB-8 when you are still only in the planning phase of Cannon, if the first thing we are doing with FOB-8 is swing space for the Cannon renewal project?

Mr. AYERS. Today, we are working on the Program of Requirements for the Cannon Building renewal. So that will take us fiscal year 2010; it will take us much of fiscal year 2011 to complete. We expect to be able to start the design work for Cannon in 2012.

It has taken us some time to get started and to get the appropriate decisions as to what Cannon is going to look like in the future. We have that now, so we are proceeding with that.

For FOB-8, we don't believe that GSA will be ready for us to occupy until sometime in 2013. Let's say it is mid-2013. So we would then begin moving people to FOB-8. That process could at least take a year or two to move the appropriate people to FOB-8 to free up enough space in Rayburn, Longworth and Cannon so that we can vacate a wing of Cannon.

That is a really big effort, to cherry-pick pieces out of Rayburn, cherry-pick pieces out of Longworth and others, ultimately get them moved and renovate that space, so that we can then move Members out of Cannon into those renovated spaces.

Ms. WASSERMAN SCHULTZ. But is your timing of outfitting—needing the funds to outfit FOB-8, and when you would need to move people there, are they running in tandem?

Mr. AYERS. Yes. Yes.

Ms. WASSERMAN SCHULTZ. Okay. How? Because if you are only in the planning for Cannon renewal and you are asking for funds to outfit FOB-8 and you won't need to occupy FOB-8 until, the earliest, 2013, you can't start moving the—your process would start in 2013 or would start in 2011?

Mr. AYERS. Start in 2013.

Ms. WASSERMAN SCHULTZ. Okay. So why do you need to outfit it in 2011?

Mr. AYERS. That construction process will take a year and a half to do, to outfit it.

Ms. WASSERMAN SCHULTZ. So you need to start it now or in the coming year—

Mr. AYERS. In 2011.

Ms. WASSERMAN SCHULTZ [continuing]. So that it is ready by 2013?

Mr. AYERS. Correct.

Ms. WASSERMAN SCHULTZ. Okay. That is what I wanted to know. Thank you.

STAFF POSITION CONVERSIONS

Your SES legislative proposal—GAO has an agreement with OPM where that gives them the opportunity for transferability between GAO and executive branch agencies. Is that something that you considered in terms of a similar arrangement for your employees?

You are wanting to convert four existing staff to SES. I don't get the sense that your exit interview, to the degree that you do one, gathers enough information to know whether or not the concern you are trying to address is a real one.

Mr. AYERS. Well, I think there are a couple of points to be made for that.

Our desire and our objective is to be the best. We believe firmly that to be the best, we have to be able to recruit and retain the best people. So, obviously, that makes sense.

Ms. WASSERMAN SCHULTZ. No argument.

Mr. AYERS. So, if we are working to recruit an executive from the executive branch, certainly the pay and benefits package that we are able to offer them today is not comparable to the pay and benefits package they have in the executive branch. It is not comparable. Anyone can show that. We have the data, GAO has the data, and GAO has even stated that in their review.

So a great example of that is someone in the SES cadre in the executive branch can carry over 720 hours of annual leave a year, and an executive in the AOC can only carry over 240 hours of annual leave. So an executive there would have to forfeit that—

Ms. WASSERMAN SCHULTZ. No, and I understand that. But do you—

EXIT INTERVIEWS

Ms. WASSERMAN SCHULTZ. As people depart employment with the AOC for other jobs elsewhere, do you consistently do an exit interview with all of those people to determine whether or not this is an issue that is related to their departure?

Mr. AYERS. We do exit interviews. I can't say they are consistent. They are not 100 percent. But we certainly do them.

Ms. WASSERMAN SCHULTZ. Because it would be easier for me to be supportive of your request if you had consistent data that you have been gathering over a period of time that demonstrated that this was a problem. But other than anecdotal information, unless

you can show me that it is not just anecdotal, I would want to see more evidence of this really being a problem.

Mr. AYERS. Certainly, just looking at the package, the pay and benefits package of the Executive Branch and the pay and benefits package of AOC Executives, they are not equal. So you can't analyze and predict what you don't know. We can't predict who is out there looking as well as making a decision not to apply.

Ms. WASSERMAN SCHULTZ. But you can ask them when they depart whether or not that was a factor in their departure.

Mr. AYERS. Yes. In the last 2 years, we have had one SES depart clearly for that reason. We have had eight GS-14 and -15 employees depart from our feeder pool to the executive branch—

Ms. WASSERMAN SCHULTZ. Like I said, I am not taking issue—

Mr. AYERS [continuing]. We think for some of those reasons.

Ms. WASSERMAN SCHULTZ. I just think that you need more than anecdotal information before it justifies the request that you have made. I mean, because this is—you know, we are in—I have to look for places in everybody's budget to tighten, and, you know, having that backup is important.

ENERGY SAVING PERFORMANCE CONTRACTS

I want to follow up on Mr. Aderholt's energy savings performance contracts question. They continue to cause me great concern. What is the status and estimated value of current and anticipated ESPCs? And how do the current and anticipated ESPCs fit into your overall energy reduction goals?

Mr. AYERS. Well, there is no question, the three ESPCs that we have awarded are key to our strategy to meeting the goals. We won't meet the goal without ESPC contracts. And I noted we have awarded one in the House, we have awarded one in the Senate and we have awarded one in the Capitol. *****

In the House, I think the vendor is investing \$34 million. Ultimately, we will pay out \$67 million over the course of the life of that project. We will get about 23 percent energy reduction out of that and, I think, \$3 million or \$3.5 million a year in financial savings out of that which will ultimately go to repaying the vendors for their investment until the term of that loan expires, and then we retain the savings after that.

ESPCS LONG TERM COSTS/SAVINGS

Ms. WASSERMAN SCHULTZ. Uh-huh. So why is there so much criticism of the Energy Savings Performance Contracts? I mean, my understanding is that they are completely out of balance for what they cost us in the long term versus what they save.

Mr. AYERS. Well, there is no question that Energy Savings Performance Contracts cost more than direct appropriations. I have seen figures from 5 percent up to 60 percent. The latest figures I saw from the House IG quote 60 percent. I have seen GAO quote in the range of 5 to 57 percent. So there is no question they do cost more, because it is just like a mortgage; you are getting a private vendor to loan you money to make these investments. That is the criticism from a purely financial perspective.

From my take on it, with what is on my plate, a big pile of deferred maintenance and renewal work, Office of Compliance cita-

tions—if we were to take appropriated dollars and do those investments—there is only so much bandwidth, as you know. We would not be doing citation work or deferred maintenance work, and instead we would be investing that money in energy projects to meet the statutory goal.

I think this is a great alternative, though in the end it costs us more. But it is a great alternative to help balance that entire program.

Ms. WASSERMAN SCHULTZ. It is something that we are going to be examining, as to whether or not it makes sense to continue to go in that direction or to devote resources specifically through direct appropriations and get more direct bang for what we spend. I am very concerned about how much we are paying out to, you know, reap benefits that are not equivalent to what we are paying. So, you know, time sensitivity versus how much we are spending, I think it is a real concern.

Mr. AYERS. There is a great alternative—we can strike a balance sometimes. These contracts allow you to buy down if you wanted to do that. We could invest half and finance half through these companies. So there are a variety of things we could do if we wanted to change the terms, and they are very, very flexible mechanisms.

Ms. WASSERMAN SCHULTZ. Okay, good. Well, if we could spend some time talking about that, that would be great.

Mr. AYERS. Sure.

Ms. WASSERMAN SCHULTZ. Okay. That completes my questions. If any other Members—

Mr. ADERHOLT. Yes, one last thing.

Ms. WASSERMAN SCHULTZ. Sure.

EAST HOUSE UNDERGROUND GARAGE

Mr. ADERHOLT. On the East House Underground Garage, what is the status of that project?

Mr. AYERS. On the East House Underground Garage, we took the first several months of this fiscal year to update the design of that project to incorporate energy-saving measures in there. It was designed many years ago and the design didn't incorporate any energy-conservation measures.

So we thought, before implementing the construction, which this Subcommittee funded last year, we would tune up the design to incorporate some energy-saving features like installing carbon monoxide detectors so that, instead of exhaust fans running 24 hours a day, 7 days a week, we put in carbon monoxide detectors that, when carbon monoxide gets to a certain level, the fans turn on. So that is a great new technology for parking garages, and we thought it would really be a good investment for us to make some energy-conservation measures in there.

So we are on tap to finish that this spring, and then we will move to award that contract. It will probably be this fall before it is actually awarded and probably next winter or early spring before it is in construction.

There is another good story about that. We requested and the Subcommittee appropriated \$6 million for alternative parking schemes, and we have determined that we are no longer going to

need to do that. In fact, House Parking is going to be able to accommodate all of the parking that comes out of that garage. So that money is available for us to reprogram to things that are on the list of higher priorities.

Ms. WASSERMAN SCHULTZ. Great. Excellent.

What about the chunk of the ceiling that fell out of the Cannon tunnel the other day?

Mr. AYERS. There was a piece of plaster that fell—

Ms. WASSERMAN SCHULTZ. Which, again, always seems to happen right before your hearing.

Mr. AYERS. That pesky House superintendent. I don't know how he does these things, but he is very good at it.

We did have a piece of plaster fall, and it was just some water incursion that did that. We tested all of the plaster around it, and we are not concerned that it is a bigger problem. It is just an isolated incident.

Ms. WASSERMAN SCHULTZ. Okay, great.

FACILITY RENEWAL SCHEDULE/COST UPDATES

Seeing no other questions, the homework that I wanted to ask you for is if you could provide a timeline including currently estimated schedules and costs for planning, design, and construction on all major facility renewals through 2020. We are just trying to get a handle on, given that we have the Revitalization Trust Fund, what is coming down the pike and the priority order.

Mr. AYERS. Yes. Very good. Thank you, Madam Chair.

[CLERK'S NOTE.—AOC response to homework is included in questions for the record.]

Ms. WASSERMAN SCHULTZ. Okay. Thank you very much.

With that, the Subcommittee stands adjourned until next Tuesday at 10:15, where we will hear from yet another legislative branch agency—the Capitol Police. Thank you.

The Subcommittee stands adjourned.

QUESTIONS FOR THE RECORD SUBMITTED BY

CHAIR DEBBIE WASSERMAN SCHULTZ

Mr. Stephen T. Ayers, AIA, LEED AP
FY 2011 Budget of the Architect of the Capitol and Infrastructure Needs

Homework: Major Facility Renewals

Question: Please provide a timeline, including currently estimated schedules and costs, for planning, design, and construction on all major facility renewals thru 2020.

ANSWER: Prior to submitting its Fiscal Year 2011 budget request, the Architect of the Capitol developed a draft Five-Year Capital Improvements Plan covering Fiscal Years 2011 through 2015. The projected construction schedules and cost estimates for major facility renewals included in the draft Five-Year Capital Improvements Plan are shown on the attached chart. The major projects included are consistent with this plan as well as the Capitol Complex Master Plan and individual Jurisdictions Plans. The attached chart includes major building renewals and larger building system replacements such as roof replacements and infrastructure improvements. Smaller deferred maintenance and capital renewal projects, capital improvement projects, and new construction projects are not included in the chart.

The cost estimates range from final estimates based on completed designs to rough order of magnitude estimates used for planning purposes. Construction projects listed in Fiscal Year 2011 have completed designs and final cost estimates. Construction projects identified for execution during Fiscal Years 2012 to 2015 may be currently in the design phase or design may not yet be initiated. For those that are currently in the design phase, a provisional cost estimate is provided with explanatory notes on the chart. For projects not yet under design, the best possible cost estimate or rough order of magnitude cost is included. In some cases, emergent projects are shown with a "To Be Determined" cost.

Projects with design beginning beyond Fiscal Year 2015 are not depicted on the chart. The Architect of the Capitol projects a significant number of major building and facility system renewals will be required from Fiscal Year 2016 to Fiscal Year 2020. These may include building renewals for the Library of Congress buildings, Longworth House Office Building, Russell Senate Office Building, and Rayburn House Office Building, as well as utility tunnel renewals and additional Capitol Power Plant system renewals. In future Five-Year Capital Improvements Plans, the Architect of the Capitol will continue to refine the out-year program to maximize phasing and schedule efficiencies, refine cost estimates, and minimize construction fatigue. The Architect of the Capitol will continue to provide Congress with updates to the Capitol Complex Master Plan and Jurisdiction Plans, and reflect changes in future Five-Year Capital Improvements Plans.

Flat Budget

Question: Please summarize the impact of a flat Fiscal Year 2011 budget. Particularly focus on the impact to staff especially possible furloughs and impact to mission.

ANSWER: The Architect of the Capitol's budget request includes \$216 million for Line Item Construction Program projects; \$50 million to maintain and replenish the House Historic Buildings Revitalization Trust Fund; and \$46 million for other multi-year projects such as minor construction, Library of Congress space reorganization, House Chief Administrative Officer projects, and energy reduction efforts. The Architect of the

Capitol requested \$443 million for day-to-day operations and maintenance efforts for the Capitol Building; House and Senate Office Buildings; Capitol Grounds; Capitol Police Buildings Grounds and Security; Library Buildings and Grounds; the Capitol Power Plant; the Capitol Visitor Center; the Botanic Garden; and central staff General Administration functions such as financial management, procurement, information technology, human capital, and planning and project management.

The Architect of the Capitol has reassessed the overall budget submittal at the request of the Subcommittee. All of the projects in the original submission are immediate priorities; and the operational funding request reflects the funding necessary for the Architect of the Capitol to perform its mission to maintain, operate and preserve the Capitol complex. Although not an ideal solution, the Architect of the Capitol has identified a means to decrease the budget request by approximately \$153 million. This could be accomplished through a combination of project phasing, deferrals, and the use of a small amount of available prior-year funds. The majority of the \$153 million decrease (or \$130 million) would need to be taken from deferred maintenance and life-safety projects. This will result in a significant impact to the Architect of the Capitol's planned program to address this backlog of projects, and will result in a need for additional funding in subsequent years to complete the projects at a cost that will include inflation.

A project classified as deferred maintenance is one where the maintenance, repair, or replacement work already is past due and causing failure or partial failure. The Architect of the Capitol requested funds for three large deferred maintenance projects that cannot be accomplished using existing resources, and will be difficult to phase further, and thus would need to be postponed to a future year. These projects include the Capitol Building Exterior Stone and Metal Preservation (\$11.2 million), John Adams Building Copper Roof and Fall Protection (\$14.7 million) and Hart Senate Office Building Roof and Skylight Replacement (\$15.8 million). Deferral of these projects will continue to impact the required maintenance on each building and could also drive schedule issues.

Based on a potential deferral, the Architect of the Capitol currently is reassessing the sequencing of the Capitol Building Exterior Stone and Metal Preservation project's five phases to avoid visible scaffolding during the next inauguration, and to prevent conflict with the Dome Rehabilitation project. This revised sequencing may require that the first phase on the north side of the Capitol Building (which has not been restored in over 100 years) may no longer be the first phase. A recent failure on the West Front causes a concern that we are likely to see an increased amount of similar failures that are a risk to public safety. Architect of the Capitol staff removed damaged stone (approximately 4,500 cubic inches) to prevent life-safety hazards and damage to the infrastructure below the area. The Architect of the Capitol will incur increased inspection and mitigation costs until the project is funded and completed.

Postponement of the John Adams Building Copper Roof and Fall Protection Replacement project complicates a series of other capital projects in terms of sequencing, construction logistics, and increased costs. Operations funds will continue to be expended to manage the leaks. If the project is deferred, the damage to the building's infrastructure and the threat to the Library of Congress's collections will increase. The potential for electrical shorts, fire hazards, and mold growth will escalate. In addition, Architect of the Capitol personnel will continue to be at greater risk for accidents due to lack of a certified roof fall protection system. Maintenance and repairs needed on the edge of the roof will continue to be deferred leading to the potential for greater roof leakage issues.

The Hart Senate Office Building Roof and Skylight Replacement project would improve the building's Facility Condition Index from fair to excellent. Deferring the project will result in further deterioration, increased project cost, increased facility maintenance expenditures, and increased risk of continued failures. Additional operational man-hours will need to be redirected to monitor and mitigate the impacts of water infiltration from the roof and skylight leaks, and to ensure sufficient mitigation of life-safety issues.

Additional projects would need to be deferred to meet a zero-growth budget. These include three projects within the existing Library of Congress Buildings and one mission-critical capital construction project. The final phase of the Library's Secured Storage Facilities would be deferred and the Library's Platinum Collection (including the original manuscript of the Star Spangled Banner, one of 12 Stradivari violas in existence, the Law Library's Russian Imperial and Canon Law collections, very rare 14th century hand-drawn sea maps, the first photographs of Abraham Lincoln, a Gutenberg Bible, the original rough draft of the Declaration of Independence, the initial draft of the Emancipation Proclamation, and the drafts of the Gettysburg Address) will continue to be at risk for environmental damage and security. The replacement of air handling units in the Thomas Jefferson Building would need to be deferred despite the Fiscal Year 2011 construction meshing ideally with Library personnel and collections movements. Additional cost will be incurred to remove collections for later construction. Additional life-safety risk will be incurred with the deferral of the next phase of Library elevator modernization. With a deferral of the construction of Collection Storage Module 5, the Library will face significant safety, retrieval, storage and preservation issues that will impact their ability to meet their mission of sustaining and preserving a collection of knowledge for current and future generations.

To meet a zero-growth budget, the Architect of the Capitol would also need to defer information technology refresh and improvement projects that would increase operational efficiency. The deferral of energy projects will increase the risk that the Architect of the Capitol will be unable to meet reduction goals mandated by the Energy Independence and Security Act of 2007 and the Green the Capitol Initiative. The Architect of the Capitol will not be able to meet United States Capitol Police requests for additional maintenance and operational support.

The Architect of the Capitol would need to defer some of the requests for new Full Time Equivalents for expanded mission areas, but would not recommend cutting funds that would lead to any furloughing of existing employees. Deferring projects leads to additional operations efforts that necessitate the retention of the current workforce size but will lead to unpredictable decreases in other operational support. Deep cuts to our operational budget would significantly tie our hands to address the day-to-day maintenance that keeps our facilities going. Our employees maintain the Capitol complex in the relatively good condition you see now with the funding we've received in our current appropriations and with sheer ingenuity. Without maintaining this level of investment, over the long term our facilities will suffer from the effects of daily wear and tear. By reducing our operational budget, we'll no longer have the resources to address these issues in the short term.

Federal Office Building 8 Cost and Schedule

Your budget submission requests \$14,100,000 to design and begin construction to outfit Federal Office Building 8, in large part for use as swing space during the Cannon House Office Building renewal.

Question: What portion of these funds is for design, and what portion is for construction?

ANSWER: The entire \$14.1 million requested in the Fiscal Year 2011 budget request is for the tenant improvement construction phase.

Question: What is the total amount required for the construction phase?

ANSWER: There are two construction phases for Federal Office Building 8: security improvements construction and tenant improvements construction. The first, security improvements construction, is underway and costs \$10.4 million. An additional \$3.2 million was applied for security improvements' design services for a total security improvements cost of \$13.6 million. Tenant improvement design costs are funded by the General Services Administration and not required from the Architect of the Capitol. The total amount required for the tenant improvements construction phase is \$31.5 million. Of this required amount, approximately \$5.8 million will be applied from previously appropriated funds. The remaining construction phase funding of \$25.7 million will be required in Fiscal Years 2011 and 2012. The total current estimate for the Architect of the Capitol's Federal Office Building 8 pre-lease costs is approximately \$45.1 million.

Question: Can the construction and design portion of this project be delayed without affecting the schedule for the Cannon HOB renewal?

ANSWER: No, Federal Office Building 8 construction funding cannot be delayed without the potential of impacting the Cannon House Office Building Renewal schedule. According to the General Services Administration, Federal Office Building 8 will be ready for occupancy in October 2012. During Fiscal Year 2013, the current plan relocates selected occupants (support offices and functions) from House Office Buildings to Federal Office Building 8. Starting in Fiscal Year 2014, the vacated spaces in the House Office Buildings will be renovated, and Members' offices situated within the area defined as the Cannon Renewal Project's Phase 1 will be relocated to these renovated spaces.

Question: What would be the cost implications of a postponement of the requested construction or design work until FY 2012?

ANSWER: The project could be subject to construction delay and escalation costs, including lease costs of a rough order of magnitude of \$13 million. A delay in the ability to relocate people to Federal Office Building 8 could drive a delay in the Cannon House Office Building Renewal Project that would ultimately add to the project's overall construction costs.

Capital Improvements Plan and Deferred Maintenance Backlog

Your submission and testimony mention how the Capital Improvements Plan (CIP) has refined the way Architect of the Capitol projects deferred maintenance and capital renewal requirements.

Question: What target level for condition of a given asset does the Architect of the Capitol use to estimate how much work needs to be done? Are improvements expected to restore an asset to a like-new condition, or are there other performance-based measures available?

ANSWER: In its Strategic Plan, the Architect of the Capitol has defined an acceptable range of property, plant, and equipment to be "Good" to "Excellent" based on the Facility Condition Index (a measurement of deferred maintenance cost to estimated building replacement cost) with a goal of 90 percent of facilities assessed within this range. A less-than "Good" rating indicates that the facility requires a significant amount of maintenance.

Improvements made during whole building renewal programs, such as the proposed Cannon House Office Building, will restore the facility to a like-new condition to the extent possible while adhering to historic preservation requirements. Renewals replace obsolete equipment with modern technology that provides enhanced functionality, higher performance standards, and allows a comprehensive incorporation of sustainable principles to achieve overall improvements to the workspace environment while reducing a facility's carbon footprint, as well as energy and water consumption. Historic preservation principles may affect efforts to produce "like-new" facilities. In some cases, it is more important to preserve original fabric; therefore, broken stone, worn stair treads, and other age-driven wear-and-tear may remain to ensure that the historic integrity is intact. Original windows may be refurbished rather than replaced, while additional measures can be implemented to improve thermal performance and security protection.

Some Capital Improvements Plan projects are requested to repair aging infrastructure in advance of a whole building renewal if a building component or system is at the point of failure and cannot be sustained until the planned renewal. Other projects provide improvements to meet urgent life-safety or security requirements, which otherwise could be provided during a whole building renewal program. These types of projects provide partial upgrades to facilities but do not restore an entire facility to a like-new condition.

Question: What other ways has the Architect of the Capitol explored to refine the model used to generate the CIP to give us a better picture of what work absolutely will need to be done to maintain assets and mitigate risks to operations or life- safety?

ANSWER: Development of Architect of the Capitol's draft Five-Year Capital Improvements Plan began with an unconstrained list of projects with proposed timelines, and a cost estimate or rough order of magnitude, depending on where the project was in terms of design completion. This list was then refined to logically group projects and sequencing for economies of scale and construction efficiencies. The scheduled execution of major work was compared to the proposed time lines of whole building renewals as envisioned in the Capitol Complex Master Plan. Work elements in the Facility Condition Assessment database were reviewed to determine if there were any significant building system work elements that were not addressed through a Capital Improvements Plan project in a timely manner.

The Architect of the Capitol assessed the Strategic Plan to assure that the Capital Improvements Plan addressed goals to improve the Capitol complex's Facility Condition Index (a commonly used metric established to gauge the present "health" of a facility by comparing the value of deferred maintenance to the current replacement value.) The need for facility upgrades or improvements, and mandates such as energy reduction goals, Office of Compliance citation abatement, physical security enhancements, and emerging client needs were also considered. The Architect of the Capitol then examined opportunities for phasing work to spread the cost impact over several years, and assessed whether there were sequencing conflicts, or access or usage issues, and adjusted accordingly.

The Architect of the Capitol also matured the urgency rating methodology. Under the prioritization process, projects are given an urgency rating of "Immediate" (work must be executed within one to two years to avoid system failure), "High" (the execution window is three to five years), and "Medium" (execution can be deferred five or more years). Congress is provided with the entire list of requested and deferred projects in order to give a more accurate view of what work needs to be done and when.

The resulting draft Five-Year Capital Improvements Plan shows an escalating projected requirement to maintain the facilities and sustain Congressional operations. As reflected in the Architect of the Capitol's Fiscal Year 2011 budget request, \$216 million in Line Item Construction Projects is required. This increases to \$400 million in Fiscal Year 2012, reduces to \$300 million in Fiscal Year 2013, and increases in Fiscal Years 2014 and 2015 to \$500 million per year. These peaks and valleys are due to planning model estimates for work such as restoration of the Dome, the Cannon Renewal, and other significant projects.

The Architect of the Capitol's Fiscal Year 2011 budget request reflects the resources necessary to meet requirements based on the analysis and prioritization methodology described above. To continue to assure that the portfolio investment strategy addresses the most critical mission needs, new analysis is underway assessing projects necessary to support direct Congressional operations. The goal is to identify the most essential work needed to assure those most critical facilities maintain functionality. This mission-focused program triage looks first at each facility, determines to what level that facility supports Congressional operations, and then examines the work being proposed in the facility. It is anticipated that a matrix of options will result indicating funding requirements necessary to assure Congressional operations, followed by incremental options that provide needed improvements that may have to wait if funding is not available. The cost of deferring these options may rise due to inflation, and decisions regarding acceptable levels of risk may need to occur. An example of such a decision may be whether funding should be made available to provide emergency lighting improvements where inadequate lighting exists today, or whether it is feasible to defer roof replacements and deploy interim operational fixes to address leaks and infrastructure damage instead.

Question: Although the CIP moderates the pace of new construction, it still calls for program increases in the next five years which will be difficult to sustain in our current budget environment. What annual level of project funding would be necessary to maintain the deferred maintenance backlog at current levels?

ANSWER: In order to maintain current levels of deferred maintenance backlog, capital renewal must be considered since, if not addressed, it becomes deferred maintenance. The Architect of the Capitol projects that the combined deferred maintenance and capital renewal backlog for the next 10 years will be approximately \$1.5 billion. In order to decrease the current deferred maintenance backlog level, annual funding of approximately \$150 million would be required, but required funding levels will vary year to year. As time passes, additional items age and become deferred maintenance or capital renewal. The Architect of the Capitol updates the Facility Condition Assessments for 20 percent of the facilities per year. These Facility Condition Assessments will identify new deferred maintenance and capital renewal requirements, thus it is anticipated that there will continue to be deferred maintenance and capital renewal requirements on a yearly basis, even if the all of the current estimated backlog for the next 10 years is funded. Please note that this estimate does not include life-safety, security, or energy projects, new construction, capital improvement, or operations funding. The Architect of the Capitol realizes that not all of the backlog could be funded during these fiscally challenging times. However, the estimates reflect the Architect of the Capitol's responsibility to identify, quantify, and report to the Congress the state of the Capitol complex facilities.

Capitol Power Plant Staffing

Question: How have changes in the power plant's fuel mix affected staffing requirements?

ANSWER: While the Architect of the Capitol uses natural gas as the primary fuel source at the Capitol Power Plant, extreme situations may necessitate the use of other fuels to ensure the Plant can continue to deliver steam to all the facilities it serves without interruption. This requires that the Architect of the Capitol retain a set of personnel with the skills to work with coal, fuel oil and the related equipment. These personnel have been cross-trained and predominantly work in other areas such as piping insulation repairs and various day-to-day operational duties such as operating non-coal-related equipment. These employees are performing work that was previously contracted out, which allows the Power Plant to utilize those funds for other critical repairs and maintenance.

Question: Your budget proposes to add an additional 3 full time equivalents for the Capitol Power Plant to operate and maintain energy metering systems. At the same time, GAO and independent consultants have reported as recently as 2006 that CPP has excess staffing relative to similar facilities. How have workload requirements changed since 2006?

ANSWER: The Capitol Power Plant's manning ceiling includes both operations and project-funded Full Time Equivalents. On the operations side, workload requirements have changed as the use of coal was decreased and these staff members are now being utilized to perform previously contracted operations and backlogged preventative maintenance repairs. In addition, the installation and operation of campus-wide meters has increased the Capitol Power Plant's overall workload requirements. The Architect of the Capitol recently received the results of an independent study of the Capitol Power Plant's workload requirements. The independent assessment was a bottom-up workload analysis based on defined work using data from the Capitol Power Plant's time and attendance, and work management systems. This analysis identified a slight shortfall for day-to-day operations (not including project-funded Full Time Equivalent requirements). This assessment did not take into account the installation of more than 300 new utility meters campus-wide, and the workload associated with monitoring energy usage and maintaining the meters. It also did not take into account the required work (or preventative maintenance backlog) that was not being performed due to staffing levels. The Capitol Power Plant requires an increase of three Full Time Equivalents to accommodate this new mission workload concerning the new utility meters.

Question: Per the recommendations of the 2006 "Ross Report," what actions have you taken to cross-train maintenance and operations staff?

ANSWER: The 2006 version of the Ross Report was a “reference-based” or a “benchmark” analysis that did not go into the specifics of the Capitol Power Plant’s workload requirements. Based on this reference look, the Ross Report recommended reductions in Power Plant administrative personnel and a greater reliance on centralized support (especially in the areas of safety and project management). The report did not identify a reduction in workload, just a difference in where people are charged.

The Ross Report also recommended cross-training, along with a consolidation and reduction of the mechanical, electrical, and instrumentation shops (from 27 Full Time Equivalents to 12.) The Architect of the Capitol does not agree with these recommendations. In many cases, there is a need to retain specific skill sets and it is not possible to decrease the number of Full Time Equivalents. The Architect of the Capitol’s position is that it is not prudent, efficient, or economical to attempt to cross-train operators to perform hazardous electrical work. The Capitol Power Plant has cross-trained staff in the areas of equipment operations, insulation repair and digital controls operations. In addition, the new independent study included a review of all shop maintenance workload and found that even with 27 Full Time Equivalents, the shops are understaffed and the Capitol Power Plant must use approximately nine percent additional man-hours (as over time) to perform all of the necessary work.

Question: Can existing power plant staff be trained to perform functions related to metering?

ANSWER: The existing Capitol Power Plant staff could be cross-trained to perform meter monitoring and maintenance work. However, the large number of meters (more than 300 campus-wide) is too large to be managed with current staff. The Architect of the Capitol requires additional Full Time Equivalents to perform this new mission. The new independent report stated, “It is important to note that we would expect additional defined work for the [CPP] Engineering Organization as the program to automate and meter the plant and distribution system gets completed. This and other defined work associated with the environmental and energy efficiency compliance has not yet been defined and was not included in this analysis.” Thus, the Architect of the Capitol believes that the three new Full Time Equivalents are necessary.

MAJOR FACILITY RENEWALS
(\$ in Millions)

Project Name	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950
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MAJOR FACILITY RENEWALS
(\$ in Millions)

Description	Fiscal Year											
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total Cost
Administration												
CG Summerhouse Renovation												3 + 4
SOB Tenth Memorial Renovation <i>(Cost model based upon recently completed Program of Requirements, which is in the first phase of design.)</i>												3 + 5
BG Bartfield Park Renovation, Phase IV & V												2.2 + 4.2
SOB Extension Envelope Repairs & Renovation, RSCOB <i>(Construction cost model is based upon a completed study to be completed during the design phase scheduled for F.Y. 2011.)</i>		3.8										\$1.8 + 75.8
HOB Garage Concrete Replacement, RHOB <i>(Design and construction cost models are being reviewed to provide a comprehensive program of work prior to the HOB funding decision in a proposal alternative to the Alternative Plan.)</i>		1										B + 191
CHICKENS												
CG Chiller Replacement, AC?			0.4									13.4
CG Independence & Louisiana Avenue Reconstruction, CG <i>(Designing, engineering above curb and schedule are currently being evaluated.)</i>			TBD									TBD
HOB Cannon Renovation <i>(If cost and schedule based upon an early planning study to be confirmed at the conclusion of the design phase, which is in the first phase of design.)</i>			44									75.1
CPP V-Tuned Replacement			10									119
CG Capitol Square Renovation, Phases I - VIII, CG <i>(A/R is awaiting the completion of several studies to fully inform the design and construct best building options. Construction continues through 2013.)</i>					TBD							TBD
CR Window Replacement					4							24 + 71
CPP New Tunnel West <i>(Cost model assumes an North & Butler Plant. Construction continues through 2012. Total project costs include building repairs through 2011.)</i>					20.39							210 + 270
CPP Administration Building Renovation, CPP <i>(Cost model is currently under development of final scope of work.)</i>						1.3						16 + 33
SOB Senate Underground Garage Expansion <i>(Cost model is currently under development of final scope of work.)</i>					20.45							180 + 299
CPP Baker Plant Renovation <i>(Final scope of work, associated cost models, and schedule dependent upon the final scope of Construction.)</i>						6.4						35 + 88

WEDNESDAY, MARCH 24, 2010.

U.S. CAPITOL POLICE FY 2011 BUDGET REQUEST**WITNESSES****PHILLIP D. MORSE, SR., CHIEF OF POLICE, U.S. CAPITOL POLICE****GLORIA JARMON, CHIEF ADMINISTRATIVE OFFICER, U.S. CAPITOL POLICE**

Ms. WASSERMAN SCHULTZ. Good morning. I am going to call the Legislative Branch Subcommittee of the House Committee on Appropriations hearing to order.

Today, we have our hearing on the Capitol Police's 2011 budget request. We have Chief Phillip Morse, the chief of the Capitol Police, and Gloria Jarmon, the Capitol Police's chief administrative officer, with us this morning.

We have a lot to cover, to say the least. And we absolutely appreciate—"appreciate" isn't even a strong enough word—the work and dedication and devotion and commitment of the officers and their leadership that protect us every day.

And I want to particularly thank them—I mean, there is always something to thank them for, but particularly ask you to thank them for their efforts over the last several days. Because, clearly, since the inauguration, this last few days was the most trying and difficult time that the Capitol Police had, in ensuring that the Members were protected and also in crowd control and keeping temperatures simmered to a degree that they didn't get out of control. And there were some incidents; the Capitol Police addressed those incidents.

But it is really important to emphasize—and, you know, we, as Members, are inside the Capitol and certainly aren't privy to all the conflict that went on. But, as a result of the health care reform debate, it was very obvious that that was a pressure-cooker situation outside that could have easily spiraled out of control and that, thanks to the good work of the Capitol Police, did not. And the Members were protected, and the public that was there that was in opposition to most of that crowd was protected as well. So, thank you.

I want to go over, at least to some degree, the idea of officer morale, because that is always an issue. It is an issue that we should make sure that we pay attention to. I know it is an important issue to you. It is one that you are a big defender of and promoter of. But the demand on these people, which is—we have to remember that they are each individuals in a high-pressure situation, and we have to make sure that they feel that they have all the support that they need, not just from you, which I know you try to provide them with that every day, but also from us as Members who represent the public.

But that is one of the reasons that I am incredibly disappointed—it would be hard to overstate my disappointment—in the fact that the Capitol Police has not been able to get a handle on fiscal management and has not been able to responsibly and properly handle your budget. Even after dramatic changes, even after bringing in accountability measures, even after bringing in in-

dividuals who were supposed to be responsible for cleaning up the mess, the mess isn't clean. And we have to do something.

And I know you and I have talked about it. I know that you are committed to taking the steps that need to be taken. But I am going to have several questions for you that I think we need to talk about publicly so that we can get to a point where we can feel confident that the budget, going forward, is going to be one that we can rely on. I mean, that is the most important thing that we do in the Appropriations Committee.

So, with that, I look forward to hearing your testimony. We are also going to be reviewing the reports on the budget from the Inspector General, which I hope is going to be forthcoming sooner rather than later.

But just to provide the details, the amended budget is \$9 million more than the original request. The police are now requesting \$385.5 million, which is 17 percent more than the fiscal year 2010 level. Within that total, you are requesting 52 new sworn officers, 12 new civilians, and \$29 million in overtime. That, it should be noted, is almost \$4 million than the current year's budget for overtime.

I look forward to your statement. And your full statement will be entered into the record. And, after Mr. Aderholt, you can proceed with a 5-minute summary.

Mr. ADERHOLT. Thank you.

Thank you, Chief, for being here. Thank you for your service. I also want to welcome the Chief Administrative Officer today to join us, as well, for the hearing.

Thank you for coming to the office last week. We had a chance to visit and discuss a little bit about the financial problems that you have been confronted with. I, too, like the Chair, share concerns about the seriousness of the mismanagement and am glad to see that you are on top of that, that you are working diligently on that; also, the decision for the Inspector General to audit the occurrences. And hopefully his recommendations will help us clarify the mistakes that have occurred and what needs to be done to ensure that they are not repeated.

As the Madam Chair says, I would be remiss if I didn't mention the work of the Capitol Police force, all that they do on a daily basis and all that they do to not only protect those of us who work here in the Capitol but also our visitors, which are literally millions each year. So we thank you for their tireless efforts.

So, thank you both for being here. Look forward to your testimony. And we will probably have some questions in a few minutes. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you.

Chief.

Chief MORSE. Good morning, Madam Chair and members of the committee, Mr. Aderholt. It is a pleasure to be here. It is my honor to be here and to testify before you for the fiscal year 2011 budget.

First, I would like to thank the committee for its sustained and unwavering support of the men and women of the United States Capitol Police. You and your staffs have continuously and very generously supported both the mission and our personnel, and not just

in a monetary way but also in a private and public recognition to our operational accomplishments.

Over the last year, the men and women of the United States Capitol Police have, with your support, successfully performed their law enforcement and security roles with expertise, poise, and integrity. From a historic inauguration through colossal snowstorms—and, yes, they all came to work—and, most recently, through some of the groundbreaking legislation where we had late nights, weekend sessions, demonstrations, all these men and women balanced security of the campus with the facilitation of the legislative process.

Additionally, the department implemented the Library of Congress Police merger. We are transitioning our primary fleet to a leasing program through the General Services Administration. We have replaced our ballistic vests for our officers. And we have proceeded with the migration of a financial management system to the Library of Congress for cross-servicing.

However, the past year has not been without setbacks, primarily within our financial management areas. And, as you note, the department recently discovered that we made a salaries miscalculation error in our fiscal year 2010 budget request, and that resulted in projected salary shortfalls. This miscalculation also resulted in the department submitting a budget amendment for the 2011 budget request, which is now before you for your consideration.

Once I learned of this problem, I did take immediate action to assess the issue, to coordinate with the Capitol Police Board, and to notify you, our oversight committees, and to immediately develop a plan to address the problem. And I took full responsibility for this issue. As the Chief of Police, that is what I am supposed to do. And it is now my duty to make sure that it does not happen again and that the impact to our agency is minimal.

In doing so, we conducted an internal review of funding for potential reprogramming to address the shortfall, with a primary focus on maintaining our security and law enforcement mission and also mitigating possible impacts to our workforce.

And to find out why our budget process failed, I have asked the Inspector General of the United States Capitol Police to conduct an audit of our fiscal year 2010 and 2011 budget formulation processes, to provide me with a report as soon as possible so that I can take immediate corrective action.

In closing, I am well aware and I understand the economic climate that affects our country, the legislative branch, and the entire Federal Government. And I want to assure, Mr. Aderholt, Madam Chair, that we will adapt to the resources that you provide us, and we will continue to safeguard the congressional community.

So, again, I just appreciate all your good comments, great comments to our agency. It is our duty to be here, and we take a great privilege in protecting this institution. So, thank you very much.

[Chief Morse's prepared statement follows:]

**UNITED STATES CAPITOL POLICE**

OFFICE OF THE CHIEF
119 D STREET, NE
WASHINGTON, DC 20510-7218

**Testimony of
Phillip D. Morse, Sr.
Chief of Police, United States Capitol Police
before the
Committee on Appropriations
Subcommittee on Legislative Branch
United States House of Representatives**

March 23, 2010

Chairwoman Wasserman Schultz, Representative Aderholt, and Members of the Committee, I am honored to be here today, and appreciate the opportunity to present the United States Capitol Police budget request for fiscal year 2011.

First, I would like to thank the Committee for its sustained and unwavering support for the men and women of the United States Capitol Police. You and your staff have continued to generously support both the mission as well as our personnel – not just in a monetary way, but also in private and public recognition of our role and responsibilities. The security and protection of this great institution is indeed our job, but we consider it a sacred duty and privilege to serve you, the congressional staff, and the millions of visitors from every corner of the world who come to the United States Capitol complex every day of the year.

Due in large part to your support, the Department continues to progress and evolve toward our shared vision of becoming a premier security and law enforcement agency.

With your support, the Department has over the last year successfully implemented the Library of Congress Police Merger, transitioned our primary fleet to a fleet leasing program through the General Services Administration, replaced ballistic vests for our officers, and proceeded with the migration of our financial management system to the Library of Congress for cross-servicing.

With regard to our progress on addressing administrative deficiencies and improving corresponding business practices, we continue to experience challenges.

In recent weeks, we discovered some calculation errors that occurred with regard to the formulation of our FY 2011 budget request. I am able to report to you however, that we identified the sources and scope of the errors, and have submitted an amended budget request to the Congress for consideration. I also requested that the Office of Inspector General begin a review of the Department's budget formulation process.

These calculation errors originated in our FY 2010 budget causing a need to identify funds within our accounts to address funding requirements. We

have identified these funds and will be asking for your support through a reprogramming request in the near future.

The modifications to our intended FY 2010 budget execution will ensure our ability to maintain the security of the Capitol Complex and to support our workforce by maintaining our critical human capital programs. They will not be without pain for the Department but are necessary for our mission capability.

Our amended FY 2011 budget request does not change the scope of the mission requirements within the request before you. It is still with two basic principles in mind — moving forward and achieving continuous improvement — that our fiscal year 2011 budget request is based.

Our mission-focused request is grounded in the USCP strategic goals that describe our mission and frame our budget planning: 1) assessing the threat to the Capitol community, 2) taking proactive measures to mitigate the threat so as to prevent disruption to the legislative process, 3) responding in the event of a disruption so that Congress can continue to operate, and 4) supporting USCP's mission through constructive internal business processes and controls that foster effective and efficient mission delivery.

This budget is strong in support of those goals — with modest increases and initiatives that move us soundly toward our vision of a model, state-of-

the-art federal law enforcement agency — yet it is flexible enough to achieve and maintain solid mission-critical results with efficient use of resources at a funding level near our FY 2010 appropriated level.

The proposed FY 2011 budget is designed to address and mitigate identified security challenges that potentially affect the safety of the Capitol complex and keep up with the changing security environment and threat level, and also contains requests to solidify innovative, protective technological initiatives previously funded and underway, for example, the Radio Modernization Initiative and continuing support of the Alternate Computer Facility. In addition, it incrementally augments our force development goals to maximize personnel depth and strength.

I would first like to offer the Committee an overarching summary of our FY 2011 request. I will follow the summary with a discussion of specific budget items of particular significance to you and the Department.

The fiscal year 2011 request totals \$385 million representing an overall increase of 17 percent, or \$57 million over the enacted FY 2010 funding level of \$328 million. Our request represents increases in three areas: 1) Personnel or “salaries;” 2) General expenses; and 3) Special projects and new initiatives.

With regard to personnel, we are requesting an overall increase which includes funding for 52 new sworn positions and 12 new civilian positions.

With regard to general expenses, we are requesting an overall increase which is primarily due to the modifications made to general expenses in 2010 including funding for operational travel; outfitting and training new sworn personnel, if approved; enhanced management systems, et cetera.

With regard to the third area of special projects and new initiatives, we are requesting funding that would support the final phase of the Radio Modernization Initiative and certain other new annual and multi-year initiatives that would fund security requirements primarily associated with projects expected to be undertaken by the Architect of the Capitol, as well as other security related programs.

The combined bottom line for all three of these areas represents an overall increase of 17 percent over enacted fiscal year 2010 funding levels.

The first subject area that I would like to provide more detail for is in the area of personnel salaries and overtime, where we are requesting an increase of which includes staffing enhancements and funding for overtime.

Personnel costs are reflective of salaries and benefits – to include an anticipated cost-of-living increase, insurance benefits and retirement, within-grade step increases and promotions, and overtime. In addition, personnel costs also include funding for workers compensation, specialty-assignment pay for sworn personnel, metro-transit subsidy, incentive awards, and student loan repayment programs.

The Department's FY 2011 personnel request reflects our continuous efforts at all levels of management to effectively manage our existing resources to achieve the best possible balance of staff-to-mission requirements. We are constantly analyzing our workforce to align job functions, assignments, workload, risk management, and organizational readiness along with the ever-changing threat assessments and mandatory mission requirements of a dynamic Congressional community and its environs.

Using the 2007 Enlightened Leadership Solutions (or ELS) manpower study, we now have a multi-year roadmap to help guide our budget and staffing recommendations regarding the resources needed to accomplish each operational process as identified in the study.

To better manage our sworn resources and to work toward determining the actual manpower needed to meet our existing mission, in conjunction with the ELS study, a custom-designed formula was devised to determine the true

number of work-hours in a year that each officer is available to perform work. This "utility" number is used to determine overall staffing requirements, and balances the utility of available staff with annual salary and overtime funding along with known mission requirements such as post coverage, projected unscheduled events such as demonstrations, late sessions, holiday concerts, et cetera, and unfunded requirements that occur after the budget is enacted, such as unforeseen critical emergency situations.

The Department's current authorized sworn strength does not entirely provide the necessary resources to meet all our mission requirements within the established utility. Thus, mission requirements in excess of available personnel must be addressed through use of overtime, identification of efficiencies such as post realignment and/or reductions, technology, and cutbacks within the utility, such as reductions in the number of hours of training.

With that in mind, our requested FY 2011 personnel costs support the current authorized staffing levels of 1,800 sworn and 443 civilians as well as a request for 52 new sworn and 12 new civilian positions, resulting in a total overall increase in personnel from 2,243 to 2,307.

In FY 2011, the addition of 52 new sworn positions would address mission needs and work toward our goal of closing the gap — as validated by

the ELS manpower study — between existing mission requirements and current staffing levels through assignment of the additional personnel to the Uniformed Services Bureau.

The approval of additional sworn strength in FY 2011 will have a positive effect on our ability to manage the inter-related balance of mission requirements, overtime use, and officer training.

The request for 12 new civilian positions will provide much needed professional and technical support for the Department in the areas of fleet management; budget analysis; IT security, network operations, systems administration, and telecommunications; and physical security operations, as well as three (3) positions in the Office of Inspector General, consisting of one (1) criminal investigator, one (1) financial management and internal control auditor, and one (1) information technology and contract auditor.

It should be noted that half of the requested new civilian positions would replace existing contract employees, with the resulting savings in contract dollars offsetting the cost of additional personnel added to the permanent employment rolls.

At current overtime levels, we are able meet our mission by continuing to adjust officers' training hours and finding efficiencies in post requirements.

However, any additional or new mission assumptions will require additional sworn personnel or equivalent overtime to meet new requirements.

At current staffing levels, the Department's FY 2011 basic overtime projection of approximately \$27 million reflects an increase over the \$25.5 million that was provided for in FY 2010. This increase of \$1.5 million includes cost-of-living increases.

Other requested increases to overtime include an additional \$201 thousand in funding to cover Library of Congress' non-reimbursable events, and \$1.84 million for overtime necessary to secure new multi-year AOC initiatives, to include the Capitol Dome Skirt, and Utility Tunnel projects.

These items bring the total FY 2011 overtime request to \$29.094 million which is an increase of \$3.6 million — or 14.1 percent over the enacted FY 2010 level for overtime.

The second area of detail is our requested general expenses budget, which includes protective travel; hiring, outfitting, and training of new sworn personnel; supplies and equipment; management systems; et cetera.

Significant savings in our general expense budget provides an offset to our requested increases by realizing reductions in major areas such as

contractual services, executing efficiencies in physical security systems, movement of our financial systems from the Department of Interior's National Business Center to the Library of Congress, and the realigning of core training requirements to specific and critical job competencies.

The third and final area of detail is a request for multi and no year funding for special projects and new initiatives, to include the final phase of the Radio Modernization Initiative, Alternative Computer Facility fit-out, and the design and installation of security equipment and systems for utility tunnels, hallways, and garages throughout the Capitol complex. The total funding requested for these special projects is \$32.187 million, of which \$15.956 million is for the final phase of the Department's multi-year Radio Modernization Initiative.

Over the past two fiscal years, the Congress approved the USCP's requests to develop an encrypted, interoperable digital radio system able to communicate securely and immediately across the Capitol campus as well as with other first responding federal, state and local law enforcement partners.

The upgrade to a new-generation VHF trunked radio communications system will achieve reliable, secure radio contact in routine day-to-day operations and in emergency situations from any location within the jurisdiction of the USCP.

We are grateful for the Congress's substantial response to our previous requests in the FY 2009 Supplemental and FY 2010 annual appropriation that addressed this critical communications vulnerability, supporting our endeavor to provide dynamic enhancements — in this post-9/11 security environment — to our aging, outdated radio equipment and infrastructure.

I am especially pleased to report that the system delivery for Phase I of the radio modernization is on schedule and within budget for completion within budget estimate.

The current FY 2011 budget request of \$15.956 million over two years is for the final indoor portion of this highly complex project. This request falls within the contract's broadly estimated range of costs, including contingencies, which we provided for you during the FY 2010 budget discussion. The final phase will provide the infrastructure changes necessary to support the new radio system.

To calculate the cost of completing the Radio Modernization Project, our NAVAIR contractors — who are highly experienced in design and implementing communications systems for other Federal agencies — conducted a detailed design engineering study of each building, garage, tunnel, and outdoor site in the Capitol complex — each with unique characteristics requiring different

engineering design solutions. With Congressional approval of this request, we expect the project to be completed on-time and within budget in 2012.

Further, the Department is requesting \$16.231 million to support eight additional new security initiatives. These include: security enhancements for the Alternate Computer Facility; security designs for the utility tunnel system; design and installation of a security program for the AOC's Dome Skirt Rehabilitation project; design of a security management system for the Federal Office Building 8; design and installation of a security camera system in egress points within House and Senate office buildings; design and installation of security management systems within House and Senate parking garages; a perimeter security and a garage and tunnel screening.

Based on the Department's rigorous Force Development business process that includes review by our Executive Management Team, Executive Team, and Police Board of our budget requirements, the Department identified for FY 2011 budget consideration only those increases most critical to further our mission and support certain projects planned by our legislative partners.

We are well aware of and understand the economic climate that affects our country, the Legislative Branch and the entire federal government, and I want to assure you that the USCP will successfully adapt our resources and continue to safeguard the Congressional community.

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I appreciate the opportunity to appear before you today and would be glad to answer any questions you may have at this time.

RESPONSIBILITY FOR BUDGET FORMULATION AND EXECUTION

Ms. WASSERMAN SCHULTZ. Thank you. Thank you so much, Chief Morse. And, again, thank you for your service and the service of your officers.

The thing that I have emphasized, that we have emphasized the most as a subcommittee since the subcommittee was reconstituted is fiscal responsibility and responsible fiscal management. And that is applicable whether it was the CVC or the Capitol Police or GPO or any other problems that have come up.

In the case of the Capitol Police, the comparison that came to mind for me with you—not you, personally, but with the police management—continuing to be responsible for developing and executing your budget, it is like asking a coal miner to run a restaurant. I couldn't think of a better analogy than that because those are two things that are so completely separate in terms of responsibility and skill, quite frankly, and time management.

I mean, we discussed in my office that I fully appreciate all the responsibility—actually, there is no way I fully appreciate all the responsibility that you have, but I appreciate that it is significant. And it is significant and unrelated to administrative responsibilities. Ideally, you are able to hire people who you can surround yourself with to handle responsibly that budget development and execution. But that hasn't happened. And it is not just you; it has been ongoing for a long time.

Previously, the Capitol Police was not responsible for development and execution of your budget. So, given that we don't want coal miners running restaurants because we want to make sure that coal miners can do their job and that the food we eat, you know, comes out better than a coal miner might prepare it, why shouldn't we just simply turn the budget development responsibilities over to the legislative branch agencies, as it was done in previous years, leaving the Capitol Police Board obviously in place for review and oversight, so that you can focus on your mission?

And I realize that you have some concerns about that, but I would like to know what they are.

Chief MORSE. Sure.

With respect to this budget issue, you are right, it is very disappointing. It impacts the police department in so many ways. And the disappointment, for me, is the successes that we had in this area over the past couple of years and at the direction of this committee. You know, we obtained clean financial statements. So that means that we made tremendous progress in correcting material weaknesses, that we were able to fill vacancies and stop chaos and move forward. And, in doing so, we were able to prepare and formulate a budget submission in 2009 that was correct and that represented the needs of the agency as well as the needs of the Committee.

So, what happened? And the question is, why does it continue to happen? With this particular issue, with what happened, you know, specifically, the Inspector General's audit will hopefully give us that answer.

But when it comes to taking the budget away from the Capitol Police, my first response to that is, no, we can't do that in totality.

Because the budget does support the mission, and the mission is so critical. So we have to have input into that.

Is it something to look at possible—

Ms. WASSERMAN SCHULTZ. I am not even suggesting—let's not go too far. I am not suggesting that you would have no input. I am just suggesting that, administratively, a way would be developed to ensure that you weren't primarily responsible for developing and executing the budget plan; that you would do it in conjunction with people who had, perhaps, more expertise, more time, and more controls in place than you have been able to establish.

Chief MORSE. Yeah, I think there are options that other agencies use, not just because of this issue, but with helping take away some of the more tedious tasks in budgeting—budget formulation, the preparation of financial statements, and things like that.

I think that we can look at ways to focus our attention on making it right and having options for some of those tasks, to take away some of the workload that is there that may be distracting.

But I think that the Inspector General's audit is going to really help us and tell us where we need to go with those types of options, to help us get to where the Committee would like us to be.

Ms. WASSERMAN SCHULTZ. And I agree. And I hope that is forthcoming sooner rather than later.

We had the acting Comptroller General here, Gene Dodaro, and we asked him the same questions. And we required them to do a 30-day review, which had begun but was not the reason that this mistake was discovered. He indicated that they could be significantly more involved than that 30-day review, without the responsibility being completely removed from the Capitol Police, but that they could help put controls in place, and also without compromising their independence, because, obviously, their independence and accountability role is important. So as part of your process, from soup to nuts, it would compromise that.

How would you feel about involving GAO, going forward, in a much more significant way to avoid this happening again?

Chief MORSE. Well, first, I would like to say, you know, what you always read may not always be the truth. We have a very good working relationship with GAO. It is one that I worked very hard to establish when I became Chief, because the relationship there was essential for us to move our agency forward. We had many recommendations in many different areas other than just the budget. So it was important for us to establish a relationship, one that was cooperative and working together in making the agency better.

So, we do that. We are actively doing that. And I do not see that as any obstacle to our success, but more of a component of our success. So having them assist us again and make recommendations to us to make this better is certainly something that I do welcome. And, like I said, the relationship is good, so we understand how the operation works now.

Ms. WASSERMAN SCHULTZ. My time is expired, but I am talking about more involvement than just them giving you recommendations. I mean, I don't mean this disrespectfully, but I have lost confidence in the Capitol Police's ability, going forward, to handle this without assistance and without more backup. And, like I said, not disrespectfully, simply because I think you have a mission, you

have expertise, and you could benefit from the expertise that is unrelated to your mission.

My time has expired. Mr. Aderholt.

Mr. ADERHOLT. The current way that the budget operates now—and this is my first Congress to be on this subcommittee, so I have not in past Congresses been involved with it—but has this current way that you operate currently with the budget, how long has that system been in place? Do you know offhand?

Chief MORSE. Since about 2003.

Mr. ADERHOLT. And what was the system before 2003?

Chief MORSE. The system prior to this was, the Capitol Police were on two different payrolls, and there was the House and Senate disbursing offices. And then I believe, respectively, they assisted in the formulation of the budget. And then the Capitol Police, actual officers at the time, as we transitioned to civilianization, would actually work on the budget. I mean, I remember that from my days as an officer and growing up in the agency, that Capitol Police officers, officials, used to execute the budget and make budget submittals.

So, I don't know if Gloria can give more detail on what they actually did and how they formulated the budget, but that is what I recall.

Mr. ADERHOLT. Do you have anything you want to add to that?

Ms. JARMON. No, that sounds similar to what I understand. I have only been with the Capitol Police for 2 years, but it is my understanding that that is the way it was in 2003.

Mr. ADERHOLT. And you said it was 2003 was when some of the changes were made under the current system we are today of how the budget is set up.

Chief MORSE. I believe that is an accurate date, yes.

Mr. ADERHOLT. And what was the situation back in 2002 or 2003 when they did the switchover? Do you have any information about that?

GROWTH OF CAPITOL POLICE

Chief MORSE. Tremendous growth of the agency, both from the standpoint of monetary as well as people. And, in order to support people, you need a larger administrative staff to do that. So the agency was in very rapid growth. It was right after 9/11, anthrax, ricin. And so, therefore, there were current and emerging threats. The agency was growing. There were concerns about security and so forth, with terrorism. So there was a huge growth of the agency. And so, it was a matter of trying to catch up with that.

And I think, when you are dealing with those types of issues, and you are trying to deal with the administrative functions, sometimes you can't catch up. And the recommendations build, and, the ability to correct that and overcome that sometimes is lagging.

Mr. ADERHOLT. What was the expansion between September 11th and, like, say, 2 years later? Do you have offhand a percentage of how many officers were added?

Chief MORSE. The exact figures I don't know, but I would say several hundred officers increased in the agency. And then it continued, obviously, to grow subsequently in years after that in order

for us to meet the missions that we are, assigned. So it was rapid growth and very large.

Mr. ADERHOLT. Thank you.

Is my time up?

Ms. WASSERMAN SCHULTZ. No.

RESPONSIBILITY OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. ADERHOLT. Let me just ask the Chief Administrative Officer: Over the—your budget justification states that one of the accomplishments of the Chief Administrative Officer was to implement the budget formulation execution system. And, of course, we have seen the problems with that, as has already been alluded to today.

What particular or specific controls were put in place to try to deal with this, and how did you ensure that these controls were complied with?

Ms. JARMON. What I tried to do when I came in, budget formulation was—one of the statutory responsibilities of the Chief Administrative Officer was to bring in people who I thought had the expertise in the budget area. And the process that was supposed to be followed was to review how it was done in 2009 and try to enhance the process and to make sure that all the components that were in our budget formulation in 2009 were also there in 2010.

And I relied on experts and people in senior executive positions who I brought in to help me in that area. I didn't go behind the numbers and get as involved in the details of what they had done because of their level of expertise.

FY 2010 BUDGET SHORTFALL

Mr. ADERHOLT. So were you able to identify the particular problem that—you know, like you said, you had delegated that out. But have you been able to identify the problem that allowed this new problem to grow to the extent that it did?

Ms. JARMON. Well, from my review, what we have found happened was that some of the differentials—like, officers are paid extra for working Sundays and nights and holidays. So the differential, the increased salary they receive for that was not properly calculated and included in the budget estimates for 2010.

Also, the average salary that was used for 2010 was lower than it should have been. It didn't include the pay raises that it should have included. And, also, promotions for our new officers, for recruits, was not properly included. And terminal lump-sum payments—when officers leave the Department and retire and we pay them lump sums for their annual leave—had not been properly calculated.

Seems like, from our preliminary review—and like the Chief said, the Inspector General will also be doing an audit to see if there were other issues that were found—but it appears that those four areas were not properly included.

Mr. ADERHOLT. When were you personally made aware of the shortfall?

Ms. JARMON. I was made aware of the extent of the shortfall in mid-February. We had had some meetings related to our review of the first-quarter budget execution in January and had heard that

there may be some differences, but we weren't told that it was, you know, as much as it was until mid-February.

Earlier, when we were told there could be some problems, we had provided a lot of additional questions, and the people who were doing the budget formulation, they were following up on those things. That was in January. And we weren't satisfied with the answers we were receiving.

Mr. ADERHOLT. So mid-February is when it really came to—

Ms. JARMON. When we realized the extent of it.

Mr. ADERHOLT [continuing]. To the extent of it.

Ms. JARMON. Right.

Mr. ADERHOLT. And who brought it to your attention at that time?

Ms. JARMON. It was based on the reviews that we were performing. And it was the director of the Office of Financial Management and the budget officer. And the people in the budget shop were the ones who brought it to our attention, but it was part of our review of the first-quarter budget execution.

Mr. ADERHOLT. Thank you.

Ms. WASSERMAN SCHULTZ. Ms. McCollum.

CAPITOL POLICE PERFORMANCE

Ms. MCCOLLUM. Thank you, Madam Chair.

First off, I also want to offer my thanks for what you do here. But I want to also thank you for the cooperation that you gave the St. Paul Police Department, for the help that you gave my district office. And I think that that is something that is, kind of, becoming newer and newer to your job, probably consuming different job descriptions and everything like that. But the coordination, this summer and even last week, between Capitol Police, St. Paul Fire Department, St. Paul Police Department—and I know you are talking to the FBI and everything. Thank you so much.

I also want to point out that I know that you are always evaluating and adjusting things on the ground. On Saturday, there wasn't any presence inside the office buildings; on Sunday, there was presence there. My staff thanks you, because they key in and out, and so people knew that they were staff because they were using keys.

Just knowing that there were officers on other floors in the building made my staff feel more secure and, I know, changed behavior. I am on the same floor as both Chairman Van Hollen and Mr. Hoyer, so people were—I will even use my phrase—fired up and ready to go. So, thank you so much for that.

STAFF ACCESS

I want to touch on one other policy thing that has been recently in the paper, and that is how to handle staff coming in and out of the building. I have my own internal rules. And the first time staff comes in the building, they go through a metal detector. Then, if they leave the building with me, they go with me the whole time, as Irene has, then there is a big, long line, then, you know, we go through. Never asked for that going through the Capitol. The Capitol I treat as something totally different.

But it is confusing, and I watch other Members do other things. And, quite often, because I am on the State and Foreign Operations Subcommittee, I will have parliamentarians with me from other countries, especially Middle East countries. They have gone through; they come with their own security detail, and then we are bringing them over to the Capitol.

I would like to maybe, you know, try to see the rules of the road here, kind of, formalized or informalized.

But I want to make clear one thing: I do bring my staff through metal detectors, at this point in time. My Chief of Staff today, I met him outside. He had a briefcase; he went through. Now, if he goes over to the Capitol and back again and there is a long line, I really appreciate the courtesy that is extended; he won't have a briefcase with him and other things like that. But if he had driven into the Rayburn Building, he would have gone through nothing. So there is an inconsistency just with that, and then with Members at times, you know, like, not bringing a staff member through.

So I am not asking you to solve the problem today. I think we need to be part of the solution. I think your officers deserve to have consistency. So this is something that we need to talk about, and you can work things out with the Chair and we will figure it out.

And, yes, Madam Chair, I am very much aware of that. Thank you. So we need to—that is why I am not asking for anything today.

We need to figure this out. Because it is not fair to the officers. It is not fair to the officers, because they do see Members abuse it. They do. So I want to be consistent.

POLICE BUDGET MODELS

Let me just go back to, kind of, the point of the discussion today. There are models, Madam Chair, that I think we can look at. There are models that are used by police departments all across this country and sheriff's departments and State highway patrols in the way that they perform and do their budgets. So I don't know if you have had discussions, so that you still have your input, your autonomy that you need in doing that, because there needs to be a bit of a separation here.

So, Madam Chair, I don't know if, when we get our report from the Inspector General, if the inspector general will have looked at, like, what the League of Minnesota Cities has recommended for doing a report on the—

Ms. WASSERMAN SCHULTZ. Why don't we ask him? He is here.

Ms. MCCOLLUM. So I would be interested—because I think there are models out here that we could look at for actually—

Ms. WASSERMAN SCHULTZ. Why don't you come to the table?

Mr. HOECKER. Ma'am, that was not part of our initial—

Ms. WASSERMAN SCHULTZ. If you could state your name for the record.

Mr. HOECKER. Carl Hoecker. I am the Inspector General for the United States Capitol Police. I think you have my card.

That is not part of our initial scope, to do best practices or good practices comparison. Our scope is to look at what the controls were, were they adequate for budget formulation; and, if they were, then why this happened.

That study may be useful, but that certainly wouldn't fit in the timeline that I have described.

Ms. MCCOLLUM. Madam Chair, I would just suggest, because I don't think we have to have a study to study the studies. I think we have bright enough and smart enough minds around here to maybe look at some best practices. And then this committee, working with our colleagues in the Senate and working with like-minded places, can come up with, not reinventing the wheel, but putting in something that allows to you be 100 percent focused on your work but know what your parameters are for your budget and how to advocate for them, either up or down, depending upon what is there.

SIGNAGE IN THE CVC

Madam Chair, with that, I will conclude, except to say I exited the Visitor Center the other day. And I had my stealth staff check it out today. It is still not signed that you can exit without the buzzer going off in 15 seconds. But, oddly enough, I have had elves at my window. I think I asked for the reverse.

Could you please fix the signage so I don't have to keep—

Ms. WASSERMAN SCHULTZ. Is that because the doors still say that they alarm when they open and they don't?

Ms. MCCOLLUM. Fifteen seconds. This Saturday and Sunday when I walked through, there were people once again trapped in there. Yeah, because who wants to set the metal—you know, any detector off in this building, right? And who wants your—you know, your folks want people to leave, so they are on the other side of the window going, "Leave, leave," and people are going, "No, the alarm."

So, thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Aderholt.

INSPECTOR GENERAL AUDIT OF THE CAPITOL POLICE BUDGET SHORTFALL

Mr. ADERHOLT. I had a question for the Inspector General. Thank you for being here, as well.

Can you, sort of, just run us through briefly just a little bit of the process that you are undertaking in doing this audit of this current situation?

Mr. HOECKER. Yes, sir.

Well, I have already mentioned the objective, sir. And the way we are carrying that out is we are doing interviews of all parties, all knowledgeable people. That looks like right now it is going to be somewhere between 15 and 20 interviews. We are under way with those.

We have e-mails, we have a couple of computers that we have down in my office that we are going to analyze. We have other documents that we will be looking at. We will analyze the documents, analyze the information from the interviews. We may have to go back and reinterview, based on clarifications, discrepancies found in the supporting documents versus the interviews.

And, you know, we will try to get an overarching picture of what happened so that you can make the decisions from the Committee's standpoint and the Chief can make his decisions.

Mr. ADERHOLT. When do we expect a final report or recommendations that would be available?

Mr. HOECKER. Last week I would have told you May 31st, but my auditor working this has experienced a death in the family, and that will push it a couple of days. So it will be early June.

And I will give briefings up and to that point, sir. It wouldn't be just like, "Here is the report." We will have discussions, periodic discussions, perhaps halfway and maybe 30 percent of the way through, updating the Committee on what is going on.

Mr. ADERHOLT. Okay.

CAPITOL POLICE RADIO MODERNIZATION BUDGET REQUEST

With the \$16 million—and, Chief, let me direct this to you—being requested in the fiscal year 2011 request, the total budget for the radio modernization program will be \$97.6 million.

How confident are you that this cost estimate will be met and that there will be no significant overruns?

Chief MORSE. I am confident that it will meet the requested appropriation funds, and there is a number of reasons for that. One is, so many experts have reviewed it, and we also have our partners with GAO who have monitored this and given us advice throughout the process.

We also have an executive sponsor, a single point of contact within our agency, who is now reporting to myself, the assistant chief, and the CAO, weekly progress reports on how we are doing. We scrubbed all of our obligation plans to make sure that they are on time, on budget, that there are no issues with that. So, with that type of oversight, we feel confident that we will stay on time and within budget.

We do have a contingency fund that is associated with this project, where it is typical that in a project of this size that sometimes you will find various challenges that you must overcome. And working in the environment that we do, in the historic buildings, and some of the work that the architect has already been doing with respect to the buildings and the work, we would expect we will run into things, but we think that our contingency fund will certainly cover that.

So, right now, we are on track and within budget to complete the project in the spring of 2012.

Mr. ADERHOLT. I think there was about \$6.5 million in the contingency fund for this particular project, is my understanding. Do you anticipate dipping into that contingency fund?

Chief MORSE. We certainly anticipate that we will run into challenges that may be necessary to do that.

At this point, Gloria, have we run into this contingency fund requests?

Ms. JARMON. No, not yet. And, like you mentioned, we were going to make sure we contact the committee and let the committee know about the use of the contingency fund.

Chief MORSE. The one thing that I recently did—and this was, like, last week when I reviewed it—is to ensure that the contin-

gency funds are in one pot and that, whenever we have a request for that, that it is justified, verified, and that it becomes an obligation plan. In other words, we come to the committee and say, "We need this contingency money to be obligated to mitigate this situation." That was not something that was in place prior to last week. But it is something that, when I reviewed the last obligation plan, that I found to be not solid enough to be transparent to our oversight committees on what we were doing with the money. So I immediately corrected that last week.

So, the obligation plan that I just signed recently to come forward does not include contingency money, because what it says is, "This is the work that needs to be done. This is the money that it takes to do it." If something comes and interferes with that or there is a challenge, then the people responsible for that need to tell me why they need the contingency fund, we have to verify that, and then we can approve it and then ask the committee, "Can we obligate this money to that effort?" So that enables us to track the money for the project appropriately and, separately, track appropriately the contingency fund.

Mr. ADERHOLT. And you said that, unless you run into problems—so what would you envision that might be a problem that would dip into the contingency fund?

Chief MORSE. Well, we may have an issue—and I am trying to think of them. We may have, for instance, an aesthetics issue, a location of an antenna. We could have an abatement issue. We could, where we have our plans to put fiber or antennas maybe in close proximity, for instance, to a secure area that we need to mitigate.

So we may find things out like that as we go—or we may not—that may require additional work that was not planned or could not be anticipated. So these are not things that we didn't anticipate; they are things that sort of pop up with the historic nature of the building or, perhaps, new construction that has occurred since the design plan was made.

Mr. ADERHOLT. Okay. I think my time is up.

Ms. WASSERMAN SCHULTZ. Your time has expired. Thank you very much.

CAPITOL POLICE MATERIAL WEAKNESSES

Mr. Hoecker, since you are here, I want to ask you some additional questions.

In the fiscal year 2008 examination of the effectiveness of the internal controls of the Capitol Police, there were three material weaknesses that were found. Those were in payroll processing, financial management, and information systems. Two, if not all three, of those weaknesses could have led to the problems that resulted in the budget issues that we have right now.

Have those material weaknesses been fixed by the police up to this point?

Mr. HOECKER. They are still material weaknesses. We have not—

Ms. WASSERMAN SCHULTZ. All three?

Mr. HOECKER. Yes, ma'am.

But what we do is we test those—we only clear those and close those at the financial statement audit. So when we complete the fiscal year 2009 financial statement audit, the auditors will find if there is sufficient progress made on those.

But, just overall, I think there has been some progress made, but they are still open. And to the extent that some of them are open, that will be part of my review in terms of what happened——

Ms. WASSERMAN SCHULTZ. Okay.

Ms. Jarmon, this is really all your responsibility. I mean, all of this is under your jurisdiction. So, since you have come onboard, why haven't these material weaknesses been addressed?

Ms. JARMON. We have been trying to address the material weaknesses. There are a lot of issues at the Capitol Police, going back many years, that I have been trying to address, and the material weaknesses have been my focus. Some of the problems are long-standing problems that are just taking longer to fix than I had really anticipated.

Ms. WASSERMAN SCHULTZ. Okay. Well, what is the time frame for getting them addressed? Because we cannot go through another fiscal year where they are not addressed and these problems are prone to happening. Can you give me assurance that they will be addressed within the next 6 months?

Ms. JARMON. Of the 28—we have 28 remaining——

Ms. WASSERMAN SCHULTZ. I am talking about the three materials weaknesses.

Ms. JARMON. The three material weaknesses, I can give you assurance that we will make significant progress in the next 6 months. We expect to have closed 17 of the 28 that were open from——

Ms. WASSERMAN SCHULTZ. But, see, lots of times, people focus on the easy ones, because people like to cross things off, and they spend an extraordinary amount of time doing the easy things, and they leave the hard things for last. The hard things are what is causing your problems.

So, are you devoting a significant enough amount of attention to addressing those material weaknesses?

I mean, I would rather see you deal with the less important things later so that you can make sure that you can provide us with budget estimates and budget proposals that we can count on and that I don't have to worry about the other shoe dropping every time I get a Capitol Police budget proposal.

Ms. JARMON. Right. I will commit to you that I will do all I can to close the material weaknesses in the next 6 months——

Ms. WASSERMAN SCHULTZ. Okay. Well, I have to tell you——

Ms. JARMON. I can't say they will all be——

Ms. WASSERMAN SCHULTZ [continuing]. That response leaves me less than confident.

[CLERK'S NOTE.—A further explanation by the Capitol Police follows:]

USCP Recommendations with Financial Management Weaknesses

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
Status Closed					
Financial Management - Asset Management					
Source: OIG					
2007-04	2.4a	(A) Continue efforts to integrate the data between the accounting system with information in the new property management system.	8/2/2007	12/12/2008	
2007-04	2.4b	(B) Additionally, policies and procedures for regular and systematic communication and coordination between PAMD and OFM must be created and implemented to facilitate asset recognition and current status of assets.	8/2/2007	12/12/2008	
2007-04	2.4c	(C) Lastly, all property custodians must have real time access to the property management system to ensure that all data is accurate regarding the disposition and location of all USCP property.	8/2/2007	12/12/2008	
Financial Management - Financial Statement					
Source: GAO					
2004-01	FM-3	Consult with congressional stakeholders to determine the format of audited financial statements that would be useful to those stakeholders and explore interim steps, such as preparing a statement of budgetary resources, to be completed prior to developing a full set of financial statements in accordance with generally accepted accounting principles (GAAP) for federal entities, so that congressional and other stakeholders are provided with audited information that meets their needs.	1/30/2004	5/1/2008	
Financial Management - Internal Controls					
Source: GAO					
2005-11	FM-6	Establish, document, and formalize specific policies and procedures for year-end reprogramming transactions.	11/10/2005	5/1/2008	
Source: OIG					
2008-03	2.5	Develop and implement policies and procedures to facilitate communication among the various divisions within OFM.	12/11/2007	12/12/2008	11/17/2008
2008-04	1	Comply with its regulation to deposit receipts within 72 hours.	4/30/2008	3/19/2009	2/25/2009
2008-04	2	Establish a specific timeframe for acknowledging contributions. USCP's Office of Financial Management should revise regulations to incorporate the specific timeframe and ensure that donors are acknowledged in a timely manner.	4/30/2008	3/19/2009	2/25/2009
2008-04	3	Separate incompatible duties such as receiving, safeguarding, recording, and depositing of contributions among employees to the greatest extent possible to reduce the risk of error, waste, or wrongful acts.	4/30/2008	3/19/2009	2/25/2009

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2008-04	4	Revise its standard operating procedures to include requesting Capitol Police Board approval for distributions prior to requesting name and banking information from potential recipients.	4/30/2008	3/19/2009	2/25/2009
2008-04	5	Establish a specific format and time frame for reporting Fund activities.	4/30/2008	3/19/2009	2/25/2009

Financial Management - Procurement

Source: GAO

2004-08	FM-3	Assess the procurement workload to identify the current backlog of procurement transactions and identify any additional staffing needed to address the backlog and projected future procurement activity.	8/6/2004	5/1/2008	
2004-08	FM-6	Systematically monitor the purchase card program to identify potential fraudulent, improper, and abusive uses of the purchase cards, as well as any patterns of improper cardholder transactions.	8/6/2004	5/1/2008	
2005-02	FM-6	Evaluate the process for procurements that require multiple actions, approvals from higher levels, and additional follow-up, to determine what additional resources are needed to efficiently complete the procurement request and to reduce the procurement workload.	2/18/2005	5/1/2008	

Financial Management - Staffing

Source: GAO

2005-11	FM-1	Evaluate its financial management staffing needs to (1) determine the proper mix of contractor and staff support needed during the current period of high demand and in the future, (2) determine whether staffing levels are sufficient to address future workload demands, and (3) meet its long-term financial management goals.	11/10/2005	5/1/2008	
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Financial Management - Travel

Source: OIG

2009-02	1	We recommend that the United States Capitol Police finalize its draft Directive 2070.001, Travel Policy. This directive should provide needed policy and procedures related to the USCP Travel Card Program including travel authorization, appropriate use of the official government travel card, and the submission of claims for the reimbursement of travel expenses. The current interim travel guidance should be disseminated immediately to all employees.	3/27/2009	1/4/2010	11/30/2009
2009-02	4	We recommend that the United States Capitol Police review the General Services Administration E-Gov Travel Service and consider the feasibility of obtaining and utilizing a common automated and integrated approach to managing its travel function. At a minimum, the Department should obligate funds prior to travel to ensure that sufficient funds are available to cover travel vouchers, thereby reducing the need to reprogram at year end.	3/27/2009	1/4/2010	12/15/2009

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
<u>Human Resources - Payroll</u>					
<u>Source:</u> OIG					
2007-01	1.1	Develop and implement policies and procedures to ensure that employee personnel files are current and clearly document grade, step, and benefit information for each employee, and that disbursements is readily available.	10/1/2006	12/12/2008	
2007-01	1.5	We recommend that the CAO enforce policies and procedures regarding supervisory approval of time records in Workbrain and reinforce policies and procedures regarding leave approval.	10/1/2006	12/11/2007	
2007-01	1.6	We recommend that the CAO develop policies and procedures to properly safeguard sensitive information related to personnel to prevent unauthorized access and loss and implement them.	10/1/2006	8/2/2007	
2007-01	1.7	(a) We recommend that the CAO develop policies and procedures to regularly perform a robust reconciliation of and received from NFC to verify its integrity. Additionally, (b) we recommend that the CAO develop policies and procedures to regularly obtain the SAS 70 report from NFC and document an evaluation of the potential impact that NFC weaknesses can have on USCP.	10/1/2006	12/11/2007	
2007-01	1.8	We recommend that the CAO develop policies and procedures to prevent non-compliance with Title 5, Part III of Section 3110, Employment of Relatives restrictions. Multiple levels of control may be needed to guarantee that the law will not be violated.	10/1/2006	12/11/2007	
2008-03	1.9	Monitor compliance with policies and procedures to properly safeguard sensitive information related to personnel to prevent unauthorized access and loss and implement them. Employees with access to sensitive data should attend privacy training and supervisors should monitor those employees' work space to ensure compliance.	12/11/2007	12/12/2008	12/1/2008
2008-03	1.13	Develop additional procedures to ensure that when payroll expenses for an individual pay period fall into two fiscal years that USCP send NFC the proper timesheet codes needed to apply the appropriate allocation between fiscal years.	12/11/2007	12/12/2008	10/30/2008
2008-06	7	Immediately determine the availability of funds from prior years and correct any payment(s) made from the wrong appropriation.	7/18/2008	9/5/2008	
<u>Human Resources - Student Loan Program</u>					
<u>Source:</u> OIG					
2007-04	1.9	Develop detailed procedures to guide employees and supervisors responsible for the implementation of the program. Additionally, performance metrics must be defined in order to measure the success of the program. The USCP OIG is issuing an additional report on this subject.	8/2/2007	12/12/2008	11/17/2008
2007-07	1a	We recommend that the United States Capitol Police ensure that its Office of Human Resources maintains the Student loan Repayment Program in accordance with the Department's Directive.	9/26/2007	3/13/2008	

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2007-07	1b	We recommend that the United States Capitol Police require additional supporting documentation such as official transcript from the educational institution attended such as, a loan summary that provides loan type, date created, loan balance, and loan payment status, and copy of loan application with the lender at date of creation to verify the validity of each loan before disbursement of funds.	9/26/2007	3/13/2008	
2007-07	2a	We recommend that the United States Capitol Police take immediate action(s) to collect reimbursements totaling \$142,695 from participants that did not comply with service agreements.	9/26/2007	3/13/2008	
2007-07	2b	We recommend that the United States Capitol Police consider whether reimbursement, in whole or in part, if recovery would be against equity and good conscience or against the public interest, from participants that received: · \$81,735 in excess of the \$10,000 annual limit, · \$104,294 but did not meet the 6-month eligibility requirement, and · \$701,254 but did not meet the annual performance rating criteria.	9/26/2007	3/13/2008	
2007-07	2c	Maintain adequate supporting documentation so that an appropriate determination can be made regarding unsupported costs totaling \$1,304, 675;	9/26/2007	3/13/2008	
2007-07	2d	Establish debt collection procedures to collect from participants that do not comply with properly executed service agreements,	9/26/2007	3/13/2008	
2007-07	2e	Establish adequate controls over the Student Loan Repayment Program to ensure compliance with established regulation and directive thereby avoiding repayment for amounts in excess of annual limits.	9/26/2007	3/19/2009	2/28/2009
2007-07	2f	Clarify its Administrative Directive PER 2.8 regarding the service agreement obligation period when a participant has concurrent agreements	9/26/2007	3/19/2009	2/28/2009
2007-07	3a	The United States Capitol Police: institute a formal yearly reporting process in accordance with USCP Directive PER 2.8	9/26/2007	3/13/2008	1/7/2008
2007-07	3b	Link its goals and measures of the program with retention and recruitment of Department personnel.	9/26/2007	3/19/2009	3/4/2009

Information Technology - Capital Investments

Source: GAO

2004-01	IT-5	Limit future IT investments to small, low-risk projects until the appropriate controls have been implemented.	1/30/2004	5/1/2008	
2004-01	IT-6	Ensure that the members of USCP's IRB are adequately trained on how to carry out the IRB's IT investment responsibilities.	1/30/2004	5/1/2008	

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2004-01	IT-7	Develop and implement an appropriate set of system acquisition policies and procedures, based on relevant Software Engineering Institute (SEI) guidance, that at a minimum (1) addresses relevant key processes and practices identified in SEI guidance, including acquisition planning, solicitation, and transition to support; (2) ensures that reliable project cost estimates are prepared; and (3) addresses how to handle questions from potential bidders.	1/30/2004	5/1/2008	

Information Technology - Security

Source: GAO

2004-08	IT-2	Assess USCP's near-term exposure to the risk posed by not having a continuity of operations plan for all essential administrative functions, and take appropriate steps to mitigate this risk.	8/6/2004	5/1/2008	
2005-11	FM-7	Establish electronic approval paths that are properly designed and implemented in the new financial management system to help ensure that adequate segregation of duties is in place and that only approved reprogramming transactions are processed in the system.	11/10/2005	5/1/2008	

Source: OIG

2007-01	3. 2	We recommend that the policies and procedures for separating incompatible duties be approved by management and implemented.	10/1/2006	8/2/2007	
2007-01	3. 3	We recommend review of computer room environmental controls as part of a certification and accreditation process for the general support system. During that process, management should assess risk associated with the computer room's environmental controls and make improvements as appropriate. that the policies and procedures for separating incompatible duties be approved by management and implemented.	10/1/2006	8/2/2007	
2007-01	3. 5	USCP should develop and implement security awareness training policies and procedures. All employees with computer access should be required to attend security awareness training both upon hire and annually for refresher training.	10/1/2006	8/2/2007	
2007-01	3. 6a	We recommend that USCP develop policies and procedures for adding new users to the system to include a standard user access authorization or. This form should be signed by a new user's manager and retained on file. also, new users should be required to sign a Rules of Behavior document that outlines acceptable uses of the information system before access is granted. All accounts should be assigned to an individual and not to a group of users to ensure accountability.	10/1/2006	8/2/2007	
2007-01	3. 6b	We recommend that management ensure access rights for all terminated employees are removed in timely manner, and that reviews of account listings and inactive accounts are performed in a timely manner.	10/1/2006	8/2/2007	

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2007-01	3. 6c	We recommend that management ensure that a standard security benchmark for all systems is developed and implemented. Organizations such as the National Institute of Standards and Technology (NIST) AND Center for Internet Security (CIS) provide guidance on security benchmarking for federal government systems.	10/1/2006	8/2/2007	
2007-01	3. 7	We recommend that USCP develop a security program plan that includes all major components of OMB Circular A-130, including performing risk assessments, documenting system security plans, and completing certification and accreditation for all major a applications and the general support system.	10/1/2006	10/1/2006	
2007-01	3. 8	We recommend that management certify and accredit all of its major applications and general support systems and maintain and update documentation supporting each system as necessary to reflect the current environment.	10/1/2006	8/2/2007	
2007-01	3. 9	We recommend that management perform a certification and accreditation of the new financial system and include internal control procedures to ensure that outsourced system operators provide appropriate levels of security assurance for USCP.	10/1/2006	8/2/2007	
2007-01	3.10	We recommend that management develop standard procedures for sanitizing and disposing of media that may contain sensitive data.	10/1/2006	8/2/2007	
2008-03	3.10	Ensure that terminated employees accounts are disabled in a timely manner (e.g. 24 hours). To accomplish this objective, we further recommend that the employee exit procedures are enhanced to ensure that OIG is an integral part of the termination process.	12/11/2007	12/12/2008	
2008-03	3.14	Finalize and implement policies and procedures governing account creation that allow for centralized tracking of access requests.	12/11/2007	12/12/2008	

Information Technology - Systems

Source: OIG

2007-01	3. 1	We recommend that the CAO develop and implement standard operating procedures for information systems.	10/1/2006	10/1/2006	
2007-01	3. 4	We recommend that formal system software change policies and procedures be created. These should be properly reviewed and tested, and responsible personnel should be trained to carry out such procedures. Specifically, a change management policy should be created and implemented. The SDLC methodology should also be approved and implemented.	10/1/2006	8/2/2007	

Linking Resources to Risks, Threats, and Vulnerabilities

Source: OIG

2007-02	1	Consistently link resource allocation to security risks as well as establish adequate managerial communication thereby ensuring an integrated team approach to achieve the Department's overall mission.	12/28/2006	1/12/2010	
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<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
Property Management					
Source: OIG					
2007-06	1	Implement a centralized, perpetual inventory management system without delay.	9/12/2007	3/19/2009	12/30/2008
2007-06	2	Consider adopting double counts for its physical inventory to ensure accuracy. This might entail having a second count team verify the data capture accuracy of the first team, resolving any discrepancies noted. Obvious data capture errors, such as fields left blank, or incorrect building numbers, would likely be detected and corrected on the spot using double counts.	9/12/2007	3/19/2009	12/30/2008
2007-06	3	We recommend that USCP confirm the complete list of sites for all USCP property to ensure that all locations are included in the physical inventory count and quality assurance process.	9/12/2007	3/20/2008	
2007-06	4a	We recommend that USCP storeroom staff receive training on physical inventory procedures, including precount organization and preparation.	9/12/2007	7/9/2008	
2007-06	4b	We recommend that the GPO storeroom locations install a complete rack and bin system, separating each group of items that is assigned a unique asset ID# and affixing a label on each bin with the item description and ID#.	9/12/2007	7/9/2008	
2007-06	4c	We recommend that all vendor boxes be unpacked upon delivery, and that the individual items be stored in the bins to allow efficient inspection and count.	9/12/2007	7/9/2008	
2007-06	5	We recommend that Property Custodians be assigned to each USCP organizational component/location, and that these assignments be documented by written agreement between each field and headquarters location and the Property Asset Management Division.	9/12/2007	3/20/2008	
2007-06	6	Research items affixed with U.S. Senate property asset tags, to determine the correct agency owner.	9/12/2007	3/19/2009	12/30/2008
2007-06	7a	We recommend that each site USCP Property custodian review the ProBar count sheets for accuracy and correct identified errors.	9/12/2007	3/20/2008	
2007-06	7b	We recommend that a USCP employee who is knowledgeable of the items/equipment being counted be physically present and directly supervise any contractor count teams used to conduct counts.	9/12/2007	3/20/2008	
2007-06	8	A complete list of USCP locations, including each building room number, be pre-populated in the inventory property barcode system. Counters will be able to pick from a drop down list of locations, to ensure consistency in naming conventions, and the accurate identification of specific site locations.	9/12/2007	3/19/2009	12/30/2008
2007-06	9	We recommend that each site USCP Property Custodian for each site review the ProBar count sheets for accuracy and correct identified errors, as recommended in #6a above.	9/12/2007	3/20/2008	

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2007-06	10	We recommend that procedures be established to process real-time updates to the centralized inventory records to ensure the property accountability system remains current and accurate.	9/12/2007	7/9/2008	
2007-06	11	We recommend that USCP staff research the disposition of these assets to ensure they are included on the correct site count sheet. Quality Assurance spot checks at each site should then be conducted to ensure items on-hand, for a given site, are correctly recorded into the count sheet for that location.	9/12/2007	3/20/2008	
2007-06	12	We recommend that USCP staff ensure all accountable property items are affixed with a USCP asset property barcode tag, and entered into the property management system.	9/12/2007	3/20/2008	
2007-06	13	We recommend that USCP research and resolve the data inconsistencies in the final ProBar count data, and make adjustments as necessary to accurately reflect on hand inventory.	9/12/2007	3/20/2008	
2007-06	14	We recommend that USCP staff survey sites to identify potentially damaged, unserviceable, or obsolete items and segregate these items from regular inventory.	9/12/2007	7/9/2008	
2007-06	15a	Locations that may carry perishable items include a data field to track expiration dates.	9/12/2007	3/19/2009	12/30/2008
2007-06	15b	Expired items be properly segregated from regular stock, marked for disposal, and removed from the inventory records.	9/12/2007	3/19/2009	4/30/2008

Recommendation Accountability

Source: GAO

2007-03	AO-1	Set goals, timetables, and establish accountability for implementing outstanding GAO recommendations.	3/23/2007	5/1/2008	
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Total Recommendations: Closed 76

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
Status Open					
<u>Financial Management - Asset Management</u>					
<u>Source: OIG</u>					
2009-01	2.6	Develop procedures to ensure that Momentum transactions classified as FA are in fact new additions and not corrections of previously existing assets. Additionally, FD transactions should be actual disposals and not corrections.	12/12/2008		8/7/2009
2009-01	2.7	Ensure that OFM and PAMD continue to work vigorously together to ensure that their past efforts are not wasted.	12/12/2008		10/31/2009
<u>Financial Management - Financial Statement</u>					
<u>Source: OIG</u>					
2009-01	2.2	Continue to implement policies and procedures covering all matters impacting USCP's financial statement and yearend closing activities and take steps to document and consistently implement new activities throughout USCP.	12/12/2008		10/31/2009
<u>Financial Management - Internal Controls</u>					
<u>Source: GAO</u>					
2004-01	FM-2	Provide training and other guidance to Office of Financial Management (OFM) staff to ensure consistent application of the applicable policies and procedures relating to financial management operations.	1/30/2004		9/30/2010
2004-08	FM-4	Assess whether adequate segregation of duties exists over financial management activities to ensure that proper control procedures are in place over USCP resources to reduce the risk of erroneous or fraudulent transactions.	8/6/2004		10/31/2008
2005-02	FM-4	Continue to develop and implement all necessary policies and procedures covering financial management operations, and adequately train all staff involved in financial management activities to ensure consistent application of the applicable policies and procedures, and to reduce risk in financial management operations	2/18/2005		9/30/2010
2005-11	FM-4	Increase efforts to develop and implement all necessary policies and procedures covering financial management operations, and adequately train staff involved in financial management activities to help ensure consistent application of the applicable policies and procedures, and to reduce risk in financial management operations	11/10/2005		9/30/2010
<u>Source: OIG</u>					
2007-01	2.1	Continue to implement policies and procedures covering all matters impacting USCP's financial performance, take steps to ensure that they are implemented consistently throughout USCP and provide training for all employees.	10/1/2006		12/31/2010

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2007-01	2.3	Develop and implement policies and procedures to facilitate the flow of information from the General Counsel to OFM and additionally require the General Counsel to respond adequately and timely to auditor request for a letter of legal representation.	10/1/2006		5/31/2010

Financial Management - Procurement

Source: GAO

2004-01	FM-1	Develop and implement detailed policies and procedures covering USCP's procurement activities and provide training to the appropriate staff.	1/30/2004		12/31/2010
2004-08	FM-1	Finalize detailed policies, procedures, and internal controls covering USCP's procurement and purchasing activities and provide training to the appropriate staff.	8/6/2004		12/31/2010
2004-08	FM-5	Provide training and other guidance to USCP operations staff who procure goods and services or oversee contracts to help ensure consistent application of the applicable policies and procedures relating to financial management operations.	8/6/2004		3/15/2009
2004-08	FM-7	Continue to assess the risks associated with the management of all credit card programs, including fleet and travel, and take appropriate action where necessary to strengthen controls and to minimize the risks of fraudulent, improper, and abusive credit card	8/6/2004		12/31/2010
2005-02	FM-2	Continue efforts to finalize detailed policies, procedures, and internal controls covering USCP's procurement and purchasing activities, and adequately train staff to reduce risk in the procurement area.	2/18/2005		12/31/2010
2005-02	FM-3	Monitor the effectiveness of recently implemented reporting requirements and procedures established to improve accountability over large-dollar contracts.	2/18/2005		12/31/2010
2005-02	FM-5	Continue to implement proper internal control, such as monitoring, over all credit card programs to minimize the risks of fraudulent, improper, and abusive credit card transactions.	2/18/2005		12/31/2010
2005-11	FM-3	Finalize detailed policies, procedures, and internal controls covering USCP's procurement and purchase activities, and adequately train staff to reduce risk in the procurement area.	11/10/2005		12/31/2010
2005-11	FM-5	Evaluate alternatives for contract administration over large-dollar contracts to determine which would be cost beneficial and effective to help ensure that contract requirements are met and deliverables are received.	11/10/2005		12/31/2010

Source: OIG

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2009-05	1	We recommend that the United States Capitol Police update and communicate policies and procedures to address the identified internal control deficiencies noted for the Purchase Card Program culminating in a comprehensive purchase card management plan. This plan should include the requirement for a. formal training and refresher training for all purchase card participants (cardholders and certifiers) including maintaining records of attendees; b. establishing sound internal controls, such as periodic monitoring (at least monthly) of purchase card activities by the purchase card program coordinator, c. a credit worthiness evaluation prior to issuing a purchase card to first time applicants. In order for a first time purchase card applicant to receive a Citibank charge card, a credit score must be obtained for that employee. For current cardholders for which no credit scores exist, justification should be documented; and d. a senior level official to begin monitoring purchase card transactions on-line to ensure that all transactions are valid and are consistent with policies. The monitoring should include running queries and analytical reports on a regular basis to determine a baseline upon which variance analysis could be conducted. The results (positive and negative) should be documented as well as the follow-up and resolution of any discrepancies.	6/26/2009		12/31/2010
2009-05	2	We recommend that the United States Capitol Police update the PCard guidance to include requirements a. describing the nature and extent of documentation to be maintained, beginning with the procurement request (defining need/requirements/specifications) and ending with documentation of the receiving process; creating detailed reconciliation procedures to complement the procedures in the PCard Guide that describe how to maintain a purchase log that is in agreement with billing statements. b. detailing procedures for the approving official that certifies the reconciliation, which should include an explanation as to why the control is important and the possible consequences of not completing a diligent review. c. establishing a clearly defined reconciliation period as the five days after the statement period ends. Each cardholder should receive electronic notification of statement availability with the understanding that the five days commences upon receipt of the notification.	6/26/2009		7/31/2010
2009-05	3	We recommend that the United States Capitol Police require the Purchase Card Program Coordinator to conduct monthly monitoring of purchase cardholder statements and purchase log reconciliations to measure compliance.	6/26/2009		12/31/2010
2009-05	4	We recommend that the United States Capitol Police review reported questionable transactions and make a determination as to their appropriateness and valid Government need.	6/26/2009		10/31/2010

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2010-02	1	We recommend that United States Capitol Police distribute to the Procurement Division and all Financial Liaison Officers a copy of the Standard Operating Procedures for sole source justifications. Additionally, the Office of Financial Management should provide or ensure that applicable personnel receive training in Federal procurements as well as Agency and Division policies and procedures.	3/31/2010		5/4/2010
2010-02	2	We recommend the United States Capitol Police update its procurement policy to include a required amount of time for which contract specialists should publicize proposed contract actions as a means of enhancing competition. In addition, we recommend the procurement division not issue purchase orders with assigned vendors before a request for quotation has been placed on GSA and has gone through full and open competition.	3/31/2010		7/31/2010
2010-02	3	We recommend the United States Capitol Police safeguard government contract records by establishing physical control over vulnerable assets. Access to records should be limited to authorized individuals, and accountability for their custody and use should be assigned and maintained.	3/31/2010		7/31/2010

Financial Management - Staffing

Source: GAO

2004-08	FM-2	Hire additional staff to fill vacant positions and maintain authorized staffing levels to meet USCP financial management goals.	8/6/2004		12/31/2010
2005-11	FM-2	Immediately address high-priority staffing and contractor needs and fill vacancies to reduce risk associated with any workload and staffing imbalance.	11/10/2005		12/31/2010

Financial Management - Travel

Source: OIG

2009-02	2	We recommend that the United States Capitol Police provide travel cardholders training or, at a minimum, require all cardholders to take the U.S. General Services Administration on-line training course for cardholders and document such training. Additionally, the Office of Financial Management should review the questionable vouchers and determine if questioned costs should be collected from cardholders.	3/27/2009		5/31/2010
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<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2009-02	3	We recommend that the United States Capitol Police strengthen its controls surrounding voucher payment process. Specifically, require cardholders to mark duplicate travel vouchers clearly as "COPY" when resubmitting to the Office of Financial Management. Additionally, the Office of Financial Management should develop and implement a mandatory specialized training course for the approving, authorizing, and certifying officials reiterating their roles and responsibilities. Refresher courses should be provided on a periodic basis. Until a training course is developed and implemented, require applicable officials to review the FTR and Department policies and procedures related to reviewing travel vouchers and approving travel expenditures.	3/27/2009		5/31/2010

Human Resources - Payroll

Source: GAO

2008-09	1	Determine the correct amount that should have been allocated for regular payroll for the last pay period for fiscal year 2005 and make the corresponding adjustments to the applicable appropriation accounts	9/26/2008		7/31/2009
2008-09	2	Confirm whether additional adjustments in regular payroll allocations are needed for fiscal years 2004 and 2007, and if so, make the necessary corrections.	9/26/2008		8/31/2009
2008-09	3	Develop and implement specific guidance and written procedures, including preventative controls, to correctly allocate regular payroll at year-end when the last pay period spans fiscal years to ensure that payroll data (i.e., hours worked) forwarded to NFC are correctly charged to the corresponding days in each fiscal year.	9/26/2008		7/15/2009
2008-09	4	Correct the errors identified in Field Training Officer Program and Hazardous Duty Pay transactions and determine whether additional allocation errors exist in these programs and make the corresponding adjustments to the applicable appropriation accounts.	9/26/2008		3/30/2009
2008-09	5	Develop and implement specific guidance and procedures, including preventative controls, for specialty pay programs that clearly state which fiscal year appropriations to charge for pay earned.	9/26/2008		5/31/2010

Source: OIG

2007-01	1.2	Develop and implement policies and procedures requiring all employees to positively attest to the accuracy of pay period information transmitted to NFC.	10/1/2006		7/27/2009
2007-01	1.3	Enforce existing policies and procedures to require supervisors to approve the accuracy of pay period information before it is transmitted to NFC.	10/1/2006		7/2/2009
2007-01	1.4	Continue monitoring implementation of policies and procedures to permit USCP to efficiently and effectively track and certify all hours incurred by all employees.	10/1/2006		7/27/2009

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2008-03	1.10	Develop detailed procedures to guide employees and supervisors responsible for the maintenance of separated employee documentation. Testing found one form CP-559 (employee separation checklist) was missing from twelve employee files tested. A thirteenth file could not be located.	12/11/2007		8/15/2009
2008-03	1.11	Develop detailed procedures to guide timekeepers and supervisors responsible with procedures to document and/or obtain collaborating evidence to support employee assertions.	12/11/2007		7/27/2009
2008-03	1.12	Develop procedures to guide supervisors responsible for reviewing and approving certification reports in identifying under what circumstances civilian personnel would be entitled to night differential pay.	12/11/2007		7/27/2009
2008-06	1	Develop and implement a sound, effective method of accounting for each specialty assignment and proficiency pay program in the National Finance Center and the Momentum accounting systems. During the interim, the Office of Human Resources should establish written procedures for processing and reconciling its cuff records with actual disbursements.	7/18/2008		5/31/2010
2008-06	2	Take action(s) to collect questioned costs totaling \$196,420 and provide supporting documentation for \$30,600.	7/18/2008		3/1/2010
2008-06	3	Consider whether all the specialty assignment and proficiency pay programs are needed and, if so, determine the most efficient and effective method of implementation and allocate the necessary resources to effectively administrate the program(s).	7/18/2008		5/31/2010
2008-06	4	Clarify Specialty Assignment and Proficiency Pay Program Administrative Directives regarding a. Exclusion(s) or payment(s) from multiple programs when using the same defining criteria such physical fitness, firearms proficiency, risk to self, and maintenance of certification or proficiencies, thereby avoiding costs of \$279,219 and putting funds to better use. b. the aggregate of 50 percent of the previous six-month period for pay purposes for hazardous duty and plainclothes. c. the 45-calendar day requirement for specialty assignment pay.	7/18/2008		5/31/2010
2008-06	5	Finalize its draft firearms and field officer training directives and enforce the consistent use of a standard CP-1352 Form.	7/18/2008		5/31/2010
2008-06	6	Strengthen tracking and reconciliation procedures to ensure employees do not improperly receive payments within the same fiscal year or when ineligible for such pay.	7/18/2008		5/31/2010
2008-06	8	Take action(s) to clarify its Maximum Annual Payable Rate in light of Public Law 108-7. In addition, we recommend that the Chief of Police request the Office of the General Counsel provide a legal opinion regarding: (1) USCP authority to defer payments to the next calendar year when an employee may exceed the annual salary limitation; and, (2) appropriate options for collecting amounts from employees who received amounts in excess of the annual salary limitation.	7/18/2008		2/28/2010

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2008-06	9	Consider whether these specialty assignment and proficiency pay programs are needed to compete with other police forces and, if so, then the Department should link its goals and measures of these programs with retention and recruitment of Department personnel.	7/18/2008		2/28/2010
2009-01	1.6	Develop policies and procedures that specifically outline when reconciliations are to be completed to whom the reconciliations are to be provided for supervisory review.	12/12/2008		7/4/2009
2009-01	1.12	Implement a procedure to add a system date to the certification reports to document the date when timekeepers print the reports.	12/12/2008		11/18/2008

Information Technology - Capital Investments

Source: GAO

2004-01	IT-4	Manage IT investments in accordance with relevant guidance, to include defining and implementing (1) policies and procedures for measuring IT project progress, (2) a process for Investment Review Board (IRB) oversight of implemented IT projects, and (3) a process for collecting and maintaining information in its catalog of IT systems and using that information to make investment decisions.	1/30/2004		11/30/2011
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Information Technology - Enterprise Architecture

Source: GAO

2004-01	IT-1	Manage development, maintenance, and implementation of USCP's enterprise architecture (EA) in accordance with relevant guidance.	1/30/2004		9/30/2012
2004-01	IT-2	Ensure that EA products are sufficiently complete to include (1) the business operation description to address the business strategy and business rules governing how agency strategic goals and objectives will be achieved, including a description of key business processes and how they are to support the agency's mission, and identify opportunities to re-engineer, unify, and simplify systems and processes across the agency; (2) the technology architecture description identifying the physical components of the IT infrastructure and the policies, procedures, and processes for, among other things, system development, acquisition, and integration activities, and (3) all descriptions addressing how security will be achieved.	1/30/2004		9/30/2012
2004-01	IT-3	Ensure that the modernization program management plan (or transition plan) includes a governance and control structure for aligning the organization's business transformation with systems modernization, including a schedule that shows legacy system replacement and resource needs for accomplishing this replacement.	1/30/2004		9/30/2011

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
Information Technology - Security					
Source: GAO					
2004-08	IT-1	Ensure that adequate resources to implement planned and ongoing information security activities and continuity of operations planning efforts are provided.	8/6/2004		4/1/2011
Source: OIG					
2007-04	3.8	Officially appoint a CPO and develop policies and procedures to ensure all personally identifiable information is identified and safeguarded.	8/2/2007		8/30/2010
2007-04	3.9	Ensure that a standard security benchmark for all systems is developed and implemented. Organizations such as the National Institute for Standards and Technology and the Center for Internet Security provide guidance on security benchmarks for Federal government systems.	8/2/2007		7/30/2010
2007-04	3.10	Ensure that all system users (including contractors) receive security awareness training on an annual basis, and that management develops procedures to ensure all users agree to abide by the Rules of Behavior for using USCP systems.	8/2/2007		7/30/2010
2007-04	3.11	Develop new procedures to ensure that all users of major financial applications review and acknowledge system specific Rules of Behavior prior to gaining system access.	8/2/2007		3/31/2009
2007-04	3.12	Conduct risk assessments in accordance with guidelines and recommendations for protecting Federal information systems. This risk assessment process and the documented results should be integrated into a comprehensive process for Certifying and Accrediting major systems.	8/2/2007		6/30/2010
2007-04	3.13	Create system security plans in accordance with guidelines and recommendations for protecting Federal information systems. System security plans should document all controls protecting the system and the final document should be approved by management before it is integrated into a comprehensive process for Certifying and Accrediting major systems.	8/2/2007		6/30/2010
2007-04	3.14	Ensures that there is an independent assessment of security controls conducted as part of a comprehensive Certification and Accreditation process.	8/2/2007		7/25/2010
2007-04	3.15	Develops a process to track and manage all know own system weaknesses. This process should include a centralized method of documenting and managing known issues, their associated corrective action plans, and the status of change implementations.	8/2/2007		3/30/2009
2008-03	3.9	Obtain and review a SAS No. 70 report or equivalent for the MAXIMO system as part of USCP's continuous monitoring process.	12/11/2007		9/30/2009
2008-03	3.11	Establish and implement policies and procedures that ensure inactive network accounts are periodically reviewed and addressed in a timely manner.	12/11/2007		2/17/2009

<u>Report No.</u>	<u>Rec. #</u>	<u>Recommendation</u>	<u>Original Date</u>	<u>Date Closed</u>	<u>Actions Completed</u>
2008-03	3.12	Ensure that key infrastructure components of the general support system are continuously monitored for security violations and malicious activities, and reported to management in a timely manner.	12/11/2007		6/30/2010
2008-03	3.13	Revise and update the OFM COOP in accordance with best practices for Federal organizations, as well as ensure that all key areas of the COOP are adequately tested and documented. We further recommend that the recovery timeframes are appropriately established as part of COOP revision process.	12/11/2007		9/30/2010
2009-01	3.15	Implement policies and procedures to require that a test plan and objectives be developed prior to testing contingency plans. The test plan should include a clear scope, scenario, and logistics as well as indicate the personnel who will be involved. Additionally, we recommend that a formal report be documented upon completion of the test. The report usually includes successful and non-successful steps as well as lessons learned. Furthermore, we recommend that the contingency plan be updated to reflect the discovered deficiencies.	12/12/2008		8/30/2010
2009-01	3.16	Perform account reviews for all Momentum users and ensure that all users have appropriate access and assigned roles.	12/12/2008		1/31/2010
2009-01	3.17	Perform account reviews and ensure that all active accounts are assigned to an active Momentum user or are otherwise disabled.	12/12/2008		1/31/2010

Linking Resources to Risks, Threats, and Vulnerabilities

Source: GAO

2005-11	OP-3	Conduct periodic testing and evaluation of the risk matrix to help ensure its continued effectiveness as a risk assessment/resource allocation tool.	11/10/2005		12/31/2009
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Operational Efficiencies - Off-Site Deployments

Source: OIG

2009-06	3	We recommend that the United States Capitol Police immediately implement procedures to capture and document estimated and actual costs in all off campus activities. Further, analysis of estimated to actual costs should be performed to ensure that anticipated costs provided to the Committees are reasonable estimates.	8/31/2009		12/31/2010
2009-06	4	We recommend that the United States Capitol Police develop written measures and standards for off campus activities. This effort should coincide with the Department's written off campus decision process recommended previously in this report. The Department should consider "principle based" guidance which enables the Department to articulate how a potential off campus activity benefits the Department.	8/31/2009		12/31/2010

Total Recommendations: Open 73

BUDGET PROCESSES

Ms. WASSERMAN SCHULTZ. Let me just continue with you. Like I said, this is your responsibility; you are responsible for budget and human resource functions.

I want to get a specific analysis from you on how this process broke down. I am not someone who dwells a lot on, you know, how did we get here, and I am not interested in beating anyone up over this. But when it comes to a budgeting problem, the look-back is important, because you need to know how it happened so that you can prevent it from happening again. If you don't address the weaknesses that cause the problems, then you are not going to be able to prevent them.

So I just have some specific questions. Are you getting, for example, the information that you need from the operational side to effectively manage the budget? A specific example is, when a decision is made to move officers to nights or Sundays, that affects pay. Is the administrative side notified about that so that the whole budget picture is established? Is that something that occurs now?

Ms. JARMON. It occurs. It could occur more effectively. That is something I will focus on also.

Ms. WASSERMAN SCHULTZ. Okay. Is that something that you were already working on?

Ms. JARMON. Yes, it is something I am already working on.

Ms. WASSERMAN SCHULTZ. Okay. What about, where does the budget office get actual data on officer usage?

Ms. JARMON. The budget office gets actual data on officer usage from the Chief Operating Officer's office, in terms of their monitors—

Ms. WASSERMAN SCHULTZ. Is that one of the people that was responsible for this error, the individual in question?

Ms. JARMON. We don't know—that is probably one of the people that will be talked to by the Inspector General.

Ms. WASSERMAN SCHULTZ. How does the Capitol Police ensure that its budget staff are informed of new hires?

Ms. JARMON. The budget staff are informed by the Office of Human Resources of new hires.

Ms. WASSERMAN SCHULTZ. Okay. Are there sufficient processes and controls in place to make sure that that happens in a timely and specific fashion?

Ms. JARMON. That is part of the controls that we will be looking at as part of the audit.

OVERTIME

Ms. WASSERMAN SCHULTZ. Okay. All right.

Chief, I wanted to talk to you about overtime and staffing. And I am going to ask this question in a simplistic way. I know overtime and staffing is not as simple as I am going to ask you this question.

But you are asking for \$29 million in overtime, and you are asking for 52 additional officers. So, I mean, one of the major frustrations of the Capitol Police's budget is the increase of use of overtime. Why wouldn't we just take the \$29 million that you are asking for in overtime and give it to you instead to hire additional offi-

cers so you can handle the workload with more officers rather than adding to the overtime of the officers you have?

Especially now in light of the concerns over the retirement system and the pensions, which, depending on who is right, overtime isn't going into the officers' retirement benefits package. So, it would seem to me to make more sense to broaden the number of officers you have so that you are not exacerbating and inflating the retirement issue, which is a separate question.

Chief MORSE. Okay. The easiest way to explain overtime and staffing is, we have a mission; and what that means is, a door is a mission. And there is an assignment of personnel to that door and a number of hours. Our current staffing does not meet that mission, so the gap in between is overtime.

The current overtime request with our staffing still does not get us to our mission. So, in other words, with \$29 million—although, in the \$29 million, the increase is from the COLA and stuff from this year, and then there are some specialty projects with the AOC that we are doing that will require overtime. So that is where the increase is.

So, every time you add officers, you get closer to covering all those missions. The closer you get to covering all those missions, the lower overtime gets.

Ms. WASSERMAN SCHULTZ. Right.

Chief MORSE. The less officers you have and the more missions that come in—the threat changes or we have unpredictable sessions or we have demonstrations that occur—then the mission keeps spreading and the overtime keeps getting higher.

So when we request additional officers, we have restraints on how many we can ask for. I could ask you for 350, which would get us all the way to the end, but I could never recruit that many, I can't train that many, there are general expenses associated with that, and salaries. You would still have overtime, though, because you still have things you can't predict.

Ms. WASSERMAN SCHULTZ. Oh, yeah. I mean, I am not suggesting that we could eliminate overtime.

Chief MORSE. Yeah, I am trying to give a very simple answer to a complex question. So we—

Ms. WASSERMAN SCHULTZ. If we added 52—I am sorry to interrupt you.

Chief MORSE. Sure.

Ms. WASSERMAN SCHULTZ. If we gave you the 52 officers—and I assume you are asking for 52 officers, which is, sort of, the maximum that you think you could absorb now and train and fund.

Chief MORSE. Along with attrition.

Ms. WASSERMAN SCHULTZ. Along with attrition. Then would the \$29 million go down if you have 52?

Would you need \$29 million if we gave you 52 officers?

Chief MORSE. Yes. The reason why is because you don't hire all those 52 at the beginning of the fiscal year. They are hired throughout the year. And then there is approximately—once they are finished training, FTO programs, et cetera, you are looking at about 30 weeks. So you don't reap the benefits of a full year of 52 additional officers until your following year. So you would get some

benefit from that as they came on, but you wouldn't get the full benefit of those 52 until the following year.

But you have to also remember that, whenever a request to increase the mission—in other words, unfunded mission—comes in, that absorbs that and can, sort of, counter that.

So, that is my simplest explanation of it, is, mission is here; overtime gets us as close to that mission as we can without hiring more people.

Ms. WASSERMAN SCHULTZ. Okay.

I am over time. Mr. Aderholt, I wanted to finish this last piece of my question. It is only you and me here anyway.

What is the number of officers that we could give you—which I assume we could not really give you all in 1 year; or, depending on the allocation, I guess we could—that would allow us to put our finger in the dike of increasing overtime, let you over a few years ramp up to the amount of officers on the force that you need, you know, barring unforeseen security issues, so that we have a more predictable and reasonable overtime budget that we can count on?

Chief MORSE. With the existing.

Ms. WASSERMAN SCHULTZ. Yes, under existing mission requirements.

Chief MORSE. Under the existing mission requirements, with the exception of any unexpecteds, because I can't predict what may or may not happen, we could give you a number of officers we would need that would give you sort of a correlated overtime. So, as an example, I could say, if you give me 150, the overtime would be this. If I gave you 200, the overtime would be this.

But let me just add this, there are things we can do, and there are things that we are doing and continue to do to generate more officers through things that we are already doing. One example is we just completed—or at least I was told it is completed and with the Assistant Chief now—an assessment of the Library of Congress because we completed our merger. So we did an assessment of that division. What our assessment tells us, without diminishing security at the Library of Congress, without diminishing that, is that we will be able to put 20 officers back into the field other than that division.

Ms. WASSERMAN SCHULTZ. Okay.

Chief MORSE. But there is a process that we have to take yet, and I have to speak to my board. We have to speak to our union, and we have to make sure that it is absolutely correct, but it looks like it would yield that. We are looking at technologies, obviously, that input more officers, so we still have a little bit of work to do on that, and we are doing it and have done it.

The other thing is the consideration of changing sort of the hours of operations of doors, et cetera, so we are working on proposals for, for instance, our lowest access doors at certain hours, and could we, for instance, close those because of the access level, pedestrian access level, and move those officers toward the more busy hours and the higher threat hours? So we have a proposal that we are working on with that, too, that we are going to submit.

So I think that we need to really flush those things out first and make sure that we are utilizing our people the best. And with the help of the oversight committees, hopefully, maybe, we can change

some of the environmental things that we have been dealing with for many, many years. I mean, the hours of operation of the doors, in many cases, have been the same since I was an officer in 1985, so perhaps we need to look at that and see if it should change. That is what we are doing.

Ms. WASSERMAN SCHULTZ. I would just like to work with you, to the degree that we have a role in this since we provide the budget for it, to more effectively help you adapt and to have us have more predictability so that we are not—I mean, I just think that using overtime over the long term to solve our mission gap problems is not responsible.

Chief MORSE. The other piece here is, as we grow—you know, we have grown out of facilities space. So there is a master plan. I have worked with the Architect of the Capitol and their planners in developing plans for a new headquarters building, a model for that, should the need exist for the expansion. Certainly, you know, we feel like we need it now, but we also understand the way times are now. So we are very respectful of that and are very humble with what we have.

So, if we expand with officers, it does have a facilities requirement attachment to it as well, but we have this information, and we would definitely be able to answer any of your questions and would be able to provide you with any details that you would need to make decisions.

Ms. WASSERMAN SCHULTZ. Great.

I have long since past gone over my time. I am so sorry.

POLICE MERGER

Mr. ADERHOLT. It has been roughly 6 months since the merger of the Capitol Police and the Library of Congress Police.

Can you bring us up to date on how things are going with the merger?

Chief MORSE. I mentioned one just a second ago.

We completed our assessment, our manpower assessment. We are reviewing that now, and that is from the sworn perspective and the mission, without diminishing it; the transition was smooth. We have some continued work to do with the communications piece of this and a similar assessment with communications. We are working and have been to transition the command center and to become unified in that. So we are on track with and are taking measures to sort of complete the operational transition of this. There have been no other issues.

We had, when you talk about a seamless transition of security, we had one of our officers the other day who, in doing his screening process, observed an individual enter the building, and he was involved in a bank robbery just a few days before. So the transition has occurred. They are proud to be U.S. Capitol Police Officers. We are proud to have them, and they are doing a wonderful job. So we continue to work on the transition of mission.

OFF-SITE DELIVERY SCREENING STUDY

Mr. ADERHOLT. I know the Architect of the Capitol is requesting \$1.7 million to further study and develop a program of requirements for an off-site delivery screening center.

What are the current problems that exist, as it is today, that would facilitate the need for this new screening center?

Chief MORSE. Well, the model that we are looking at is with regard to security and enhancing our security capability to screen items, both perishable and otherwise, that come to the campus before it gets here and to be able to do that very expeditiously and very safely and, you know, to continue to facilitate the services that you see now without any interruption. But the concept is about the safety and security of the campus and doing the screening at an off-site facility at a higher level and being able to get it here without some of the gaps that we face now. So it is an enhancement of the security process.

Mr. ADERHOLT. So the gap seems to be that there are problems with the current system.

Chief MORSE. Right. We have filled those gaps, but those are temporary in nature and not sustainable. So, therefore, we need a more robust capability with respect to off-site screening and so forth. I believe the study that is requested is specific to, you know, the building size, the type of operation that needs to take place and how that takes place in order for it to be a very efficient process so that we don't see any impact here with the services that are provided by vendors and such.

Mr. ADERHOLT. Has that been studied in the past, or is this a study that you are undergoing right now?

Chief MORSE. As I recall—and it has been some time ago, maybe 4 to 5 years ago, and before I was chief, I did read studies that were more about the concept of, what type of model do you need? Do you need a complete transfer model where government trucks bring things in after they are screened? Do you need a hybrid method, meaning some things are and some things are not? And then sort of assessing the various current and emerging threats.

This particular request came from a task force looking at how the operations of this off-site would actually occur. So the actual physical operations and demands of an off-site like that and how to most effectively and efficiently run it.

DESIGN FOR NEW CAPITOL POLICE RADIO PROJECT

Mr. ADERHOLT. We talked about the radio modernization program just a minute ago. Have they now completed a detailed engineering design for the radio system?

Chief MORSE. They have.

Ms. JARMON. Yes, they have completed the detailed design engineering for the radios.

Mr. ADERHOLT. So that has been completed?

Ms. JARMON. Yes.

Mr. ADERHOLT. When will the procurement for the radio equipment begin?

Chief MORSE. In fiscal year 2011, we are going to see a significant increase in obligation plans. That is where a significant bulk of the money will be spent. Up until now, we have had obligation plans that have included, obviously, the concepts to operations, the build-outs of the mirror sites and the main facility in Manassas. We are now seeing obligation plans begin to affect the construction of the project itself, as in the recent obligation plan that was sub-

mitted, but in fiscal year 2011, we will see a large bulk of the money begin to actually build out the project.

Mr. ADERHOLT. Has my time expired? You are being a little lenient.

Ms. WASSERMAN SCHULTZ. I went for a little more than my time.

Mr. ADERHOLT. Okay.

THE ARCHITECT OF THE CAPITOL AND THE POLICE RADIO PROJECT

The Capitol Police, the Architect and, of course, now the mayor all have been critical in putting this radio system modernization program into place.

Has that worked? Has the relationship between those three entities there gone well? How would you characterize that?

Chief MORSE. I think they have a good working relationship, and I think that—I haven't been told of any differences, but as you know, we work with the Architect of the Capitol all the time, and they are great partners in everything that we do. I don't just say that because Mr. Ayers is in the room.

Mr. ADERHOLT. I am sure you would say that even if he were not here.

Chief MORSE. Yes, I tell him that all the time, and I tell his people that.

We have a good working relationship. We have a good liaison with each other, and we work very closely with each other. Now, there is obviously someone who has been working on other projects here who we have a good rapport with. So, if there are any difficulties that are currently existing, then I don't know about them. I would have to turn to Ms. Jarmon to ask her, you know, specifically if there is anything that I am unaware of.

Ms. JARMON. We work hard there in AOC to make sure we address any issues or concerns, so I feel like all of the issues or concerns that have happened are ones that we have been working on with them and are trying to resolve, so there are none that, I think, are unresolved or that can't be resolved.

Mr. ADERHOLT. Are there some things that you can do, Chief, in your role, to make sure that this is put into place in a timely fashion?

Chief MORSE. Yes.

One thing I recently did—and I am talking last week—is I talked to Ms. Jarmon about this, and we felt it was the best course of action so that we could focus more on the administrative responsibilities. This is regarding the executive sponsor of this program, meaning the single point of contact as to where the buck stops. Unless they are, you know, communicating to me, it is now the responsibility of our CIO, who was a part of this project in the first place.

I feel that the CAO, in being executive sponsor of such a large project and with all the other issues that we need to deal with in administration, is not good for the project or for the administrative side of the House. So I changed the executive sponsor, and have the person reporting to me and my executive staff directly on a weekly basis to ensure that every aspect of the project is covered, and that it is what I want it to be and what the committees want it to be—on time and within budget. So I think that my involve-

ment in it is more direct now, and the executive team's involvement will be on a weekly basis with progress reports.

Mr. ADERHOLT. All right.

Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. You are welcome.

Chief, continuing to focus on the radio project, you have asked for just about \$16 million for the common phase of it. Most of the bulk of this project, \$71.6 million, was funded in 2009, which are the infrastructure changes that are necessary to support the new radio system.

Are those funds going to be transferred to the Architect because that is really for indoor infrastructure work?

Chief MORSE. Yes, ma'am.

That money is critical in fiscal year 2011 because, in fiscal year 2012, there is only about \$1.7 million left to complete the project. In other words, that is when it is supposed to be completed. That is what we expect. So, once we get to the point where the \$16 million will be used, it would be inclusive, you know, of an obligation plan directly related to the work that NAVAIR is doing.

Ms. WASSERMAN SCHULTZ. And the schedule of that phase of the project is through 2011?

Chief MORSE. Yes.

Ms. WASSERMAN SCHULTZ. Then it would be just the last little bit that would be in 2012?

Chief MORSE. Right.

Ms. JARMON. Some of the indoor coverage work may actually start sooner than later. It could actually start in the beginning of 2011 rather than toward the end.

CAPITOL POLICE RETIREMENT

Ms. WASSERMAN SCHULTZ. Okay.

I just have two more questions. I do want to address the police retirement issue with you.

Year in and year out, we have heard concerns and complaints about the failures of the current retirement system that is used by the Capitol Police. There was a troubling article in the newspaper today. We, obviously, are concerned when there are officers who are leaving the force who have trouble making ends meet. Now, that is the case with a lot of people in this country today, so it is at least, in part, understandable. But your spokeswoman made it clear in the same article that the Capitol Police retirement plan is exactly on par with other law enforcement plans, with other Federal law enforcement plans, which would logically lead me to ask you, are all of the Federal retirement plans subpar compared to other police agencies or, quite frankly, compared to government retirement plans in general?

I mean, I understand you have an officer who doesn't have his or her overtime counted, and you have a requirement to retire at 57. So there is, you know, an artificial depressed period of time. They lose those 10 years that non-sworn officers who are Federal employees have to add to their retirement years, which are productive years. So they don't get that. They get an extra boost because of the nature of their work, but they lose 10 years of that boost because they have to retire at 57, which is 10 years or so.

So is there a problem here?

I recognize also that there are plenty of people, whether they are police officers or not, who simply do not plan for retirement, ignore it, like people who are young and healthy, who feel they are invincible and will never get sick, so they don't have health insurance. There are people who are young, who are not thinking about the fact that they may one day retire and may need to actually have money to survive.

So what is really going on here?

Chief MORSE. Yes.

First of all, I was extremely disappointed in the article this morning because that is not my position, so I don't know where they got that.

Ms. WASSERMAN SCHULTZ. From your spokesperson, you mean?

Chief MORSE. No. My spokesperson's responses really come from the OPM and the GAO report.

Now, do I know exactly what other Federal law enforcement agencies get? No, not unless I read the report.

But let me say this, so that the article is correct the next time: I support anything that is good for my police officers, okay. I have been here 25 years. I know how difficult it is, and I know what they experience when they leave here. So it is very important to me that, if there is something out there that is good for them, it is good for me, but I think there is a lot of work to do.

What I said is that I have worked with the chairman of the union to provide them and support them with information that is needed for them to put together or to even examine what might be able to be done, if anything, to improve the system or understand the system better. I think that is where we are, and that is inclusive of the two reports we cited.

But of course I support our officers and their needs, and the story this morning was certainly something that we do see across the Nation, and it is concerning.

So by putting it into perspective with respect to the questions that you are asking, those are the types of things that would have to be fleshed out, is, you know, what we have versus someone else and those types of things. What I do know is that we have made tremendous strides, especially since I was an officer, but our Federal law enforcement status was not something that we had before, and that is a compatibility. It may not be in money or percentage, but it is a compatibility.

The other thing is, we try to make sure, through entry level and in training and then through retirement seminars, to inform the officers of what their retirement is. Whether it is good or bad is irrelevant. What is it? What does it provide for you? How do you go about making the best decisions throughout your career? That is our responsibility. I think we do a very good job of that.

Ms. WASSERMAN SCHULTZ. There was an officer in the article who said that he probably could have planned better for retirement than he did. I mean, that is the case with a lot of people, but you know, if you end up with \$38,000 a year in this environment and if you have a financial burden of children and a home and a spouse who doesn't have a job, all the awareness in the world of what you

are facing upon retirement isn't going to change the \$38,000, and it isn't going to get you through your retirement years.

Chief MORSE. Right.

If I am not mistaken, I think the officer who was mentioned may have served this country in two different capacities, both in the military and here. You know, it is an inherently dangerous job. We know we have to work long hours. We know it is dangerous. I mean, that is what we do and who we are, but there are futures, you know, of these people, which are of concern, and I think that, you know, it requires close attention.

Did I say that I am adamantly opposed? No, I did not. To say that I am interested in having something to make a decision on, if any, is reasonable.

Ms. WASSERMAN SCHULTZ. Are there any reports which you think need to be done, any formal examinations of the current retirement system for the Capitol Police, which would be helpful so that you could, for example, compare and contrast and also use that information so that, in going forward, if there are changes which are necessary on the authorizing side and then as well on the appropriations side, we can act on those?

Chief MORSE. Well, I think that we—I guess we first need to understand some of the questions that you asked: What are the answers to those questions? I mean, what are the comparisons? Who are we comparing ourselves to? What are those comparisons? Are they different? How are they different?

Ms. WASSERMAN SCHULTZ. When is the last time anything like that was done?

Chief MORSE. The only two—well, the two reports that I have seen, I believe—and I am not sure of the names of them, but I believe there is an OPM and a GAO report on the retirement systems.

Ms. WASSERMAN SCHULTZ. Do you know when those were done?

Chief MORSE. I thought I had it with me, but I don't.

Ms. WASSERMAN SCHULTZ. The law changed in 1990, right? The last time there was a specific modification to the retirement plan in law was in 1990; is that right?

Chief MORSE. Well, I know that the retirement changed two classes prior to me in 1985 because my assistant chief is a CSRS and I am FERS, so we are different. So I know that that piece of it has changed. The Federal law enforcement status—

Ms. WASSERMAN SCHULTZ. I will bet he hangs that over your head all the time.

Chief MORSE. He does. What is really impressive is he could have left 2 years ago, but he is still here, so that shows his true commitment.

Ms. WASSERMAN SCHULTZ. It does.

Chief MORSE. I am not sure of the exact date of the change, but it was in the 1990s.

Ms. WASSERMAN SCHULTZ. Okay. Would you give me answers to those questions for the committee, for the record?

Chief MORSE. Absolutely.

Ms. WASSERMAN SCHULTZ. I don't want to hastily put together a homework assignment on this, but I would like to work with you to figure out what does need to be examined on the retirement sys-

tem and since there are disputes over the content and over the facts in the article, notwithstanding that the police union raised this issue with us. It does seem to be of concern. We should make sure we are on top of it, because I am not someone who likes to let something fester for a bunch of years while we argue over whether it is or isn't true. Let's just take a look at it so we can see if there are any modifications that we can make to improve the retirement of the Capitol Police Officer.

I only have one more question.

[CLERK'S NOTE.—A further explanation by the Capitol Police follows:]

(1) When did OPM and GAO report on the retirement system come out?

OPM—Federal Law Enforcement Pay and Benefits (Report to Congress) July 2004

This report responds to section 2(b) of the Federal Law Enforcement Pay and Benefits Parity Act of 2003, Public Law 108–196, which calls for OPM to submit a report to Congress providing a comparison of classification, pay, and benefits among Federal law enforcement personnel throughout the Government and to make recommendations to correct any unwarranted differences.

GAO—Federal Law Enforcement Retirement (Information on Enhanced Retirement Benefits for Law Enforcement Personnel) July 2009

This report addresses (1) the processes used to grant enhanced retirement benefits to federal law enforcement personnel, (2) the rationales and potential costs for extending benefits to additional occupations, and (3) the extent to which federal agencies used human capital tools to retain law enforcement and other related personnel. GAO reviewed relevant laws, regulations, and other documentation, such as agency reports describing the processes used to grant enhanced benefits.

(2) When was the law changed?

The Capitol Police Retirement Act (Public Law 101–428, October 15, 1990) added Capitol Police to the retirement statutes as a new group subject to special retirement provisions equivalent to those applicable to LEOs.

Public Law 101–428 did not include Capitol Police in the CSRS or FERS definition of “law enforcement officer” set out at 5 U.S.C. 8331(20) and 8411(17). Instead, Capitol Police were added to the retirement provisions as a distinct group, separate from law enforcement officers. Capitol Police are entitled to early retirement, an enhanced annuity computation (at the same accrual rate as other LEOs), and maximum entry age and mandatory retirement provisions that are similar to the LEO provisions. A member of the Capitol Police may retire at age 50 with 20 years of LEO service or, under FERS, at any age with 25 years of LEO service. A Capitol Police officer is subject to mandatory retirement when the officer reaches age 57 and has at least 20 years of LEO service. If the Capitol Police Board finds that it would be in the public interest, the Board may exempt a member of the Capitol Police from mandatory retirement until age 60.

Mr. ADERHOLT. I don't have anything else.

GOVERNMENT PRINTING OFFICE POLICE

Ms. WASSERMAN SCHULTZ. Okay. Thank you.

The last question I have is related to the GPO and their police force.

We had the GPO police union in front of the committee in February. We have them every year. They have the same complaints and concerns every year, and it doesn't seem to improve. When I asked them if they were open to the idea of merging with the Capitol Police, in which we have a success model that we have been through with the Library's police force, the chairman of the police union was very responsive. I know there were some old reports that looked at that as an option. I think they are really old, and I think it was just GAO that looked at it. I know you and I talked about it.

Are you willing to do an examination or some kind of internal study on whether that would be feasible, from your standpoint, from the Capitol Police's standpoint? Because we are going to be asking the GAO to refresh their study and to look at it again.

You know, I am skeptical as to whether it makes sense to continue to have a separate police force. Even though they are, you know, not part of the direct campus of the Capitol complex, we are still really sort of all within the legislative branch.

Do you still store vehicles in there?

So there is a connection that you have to their facilities.

Quite frankly, you know, in the first year that I chaired this subcommittee, it was really alarming—and we had to take a step statutorily to correct it—that they were leaving the passport facility guarded by security guards and not sworn officers. And had we not had a public witness hearing in which that concern was expressed by the union, that would have continued. We all know that, following 9/11, that is obviously a very significant issue, the security of passports. In fact, I am still concerned that there are not sworn officers guarding the facility in Mississippi, but that was not something we could get the Senate to agree to.

So, anyway, is that something that you think you could internally review and could report back to the committee on as to the feasibility?

Chief MORSE. We have the capability of looking at it from a physical securities perspective and jurisdictional perspective, from a staffing perspective and mission requirements. That is a piece that we can offer should you request us to do so.

Ms. WASSERMAN SCHULTZ. That would be great. Consider it requested.

Chief MORSE. Okay.

Ms. WASSERMAN SCHULTZ. We will write up, you know, a formal set of questions that we would like you to review.

So, great, I don't have any additional questions.

Mr. ADERHOLT. There may be some questions I might submit for the record but not other than that.

Ms. WASSERMAN SCHULTZ. Okay. Great.

Again, please give our huge thanks and appreciation to the entire police force, to the management, to the sworn and non-sworn staff. We just can't thank you enough for your effort and for your hard work.

I hope the Capitol Police force feels that the Members have their backs. As cranky as some may get when they are asked to walk through a magnetometer, you know, which is annoying and frustrating, at the end of the day, we should all know that that is what keeps us all safe.

We really appreciate how you go above and beyond the call of duty. So thank you.

With that, the subcommittee stands adjourned until the next committee hearing.

QUESTIONS FOR THE RECORD SUBMITTED BY

Chairwoman Debbie Wasserman Schultz

CHIEF PHILLIP MORSE

Gloria Jarmon, CAO

FY2011 Budget of the U.S. Capitol Police

Staffing

Question: Does USCP track door usage? If so, does USCP move staff in accordance with door traffic? If not, then why?

ANSWER:

Yes, USCP does record "door counts" for the buildings in the US Capitol Complex.

However, "door counts" are only one of the multiple of factors that determine the staffing of entry and exit portals into the Capitol Complex, as there are a combination of items that are taken into consideration for the staffing of posts to protect and secure the Capitol Complex.

Every building in the Capitol Complex has had a Security Survey conducted by the USCP Security Services Bureau (SSB). The Survey recommends the appropriate screening, monitoring and alarm equipment required, as determined by the level of risk and threat, and physical space associated with the entrance/exit. Additionally, the USCP reviews the recommendations from the Enlighten Leadership Study (ELS) related to guidelines for appropriate staffing for entrances/exits of the buildings on the Capitol Complex. All of these factors are considered in the staffing of posts.

During normal daily operations division commanders and their officials have the ability at their discretion to temporarily move officers to alleviate back ups at doors and streets around the Capitol Complex. This flexibility allows USCP Divisions to respond to temporary surges in volume without creating a situation that may require additional overtime, while still maintaining the appropriate levels of security, protection and response at posts throughout the Capitol Complex.

Question: Please update the Overtime Earning by Number of Officers chart on page 57 of the Fiscal Year 2010 Legislative Branch Appropriations part 2 hearing volume.

ANSWER:

Overtime Earnings by Number of Officers

Range	OT Earned										As of 4/2010
	Fiscal Year										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	
\$											
-		1				2	3	3			
\$1 - \$4,999	791	676	288	395	436	323	598	565	523	672	785
\$5,000 - \$9,999	156	274	152	374	447	401	335	330	304	361	372
\$10,000 - \$14,999	45	81	160	221	253	278	220	211	214	216	200
\$15,000 - \$19,999	22	36	188	126	132	222	123	137	161	136	104
\$20,000 - \$24,999	5	8	142	116	83	139	78	102	106	88	83
\$25,000 - \$29,999	6	5	100	60	68	86	62	66	59	59	42
\$30,000 - \$34,999	1	2	80	52	54	59	36	58	57	43	23
\$35,000 - \$39,999	1	3	58	36	29	43	27	30	43	22	10
\$40,000 - \$44,999		1	44	24	10	28	23	25	35	9	7
\$45,000 - \$49,999	1	1	24	22	10	18	14	23	32	4	
\$50,000 - \$54,999			19	16	4	10	7	16	19	1	1
\$55,000 - \$59,999			14	12	6	8	7	9	16	1	
\$60,000 - \$64,999			12	4	3	3	3	7	12		
\$65,000 - \$69,999			3	3		3		6	10		
\$70,000 - \$74,999			2	4		3			3		
\$75,000 - \$79,999			1			2	1	2	2		
\$80,000 - \$84,999			2					1	2		
\$85,000 - \$89,999			1						1		
\$90,000 - \$94,999				1							

Note: YTD=PP20-PP08

Question: How many posts are staffed by the Capitol Police?

ANSWER: There are 192 posts in the following Divisions; Capitol, House, Senate, Library of Congress and Patrol. Specialty units Hazardous Devices Section, Hazardous Material Response Team, Command Center, Communications, Intel and the Dignitary Protection Division are not included in this count.

Question: How many of those posts are in the Senate, House, Capitol, and Capitol Visitors Center?

ANSWER: There are a total of 144 posts in the Senate, House, and Capitol which include posts associated with the Capitol Visitors Center. The posts for the Capitol Visitors Center have been combined with all Capitol Posts since the end of FY 2009.

Below is a breakdown of the 144 posts:

House – 50 posts

Senate – 43 posts

Capitol - 51 posts

Question: How many officers are you expecting to retire or leave the force in fiscal year 2010 and fiscal year 2011?

ANSWER: For FY 2010, a total of 12 mandatory separations are expected. 39 non-mandatory sworn separations occurred up to Pay Period 7 (4/11/2010). 31 more non-mandatory sworn separations are expected for the remainder of the fiscal year, bringing the total of realized and expected sworn separations to 82.

For FY 2011, a total of 20 mandatory sworn separations are expected. It is projected that there may be another 60-100 sworn non-mandatory separations bringing the total to 80 to 120.

Question: How many officers reached the salary cap because of overtime in FY 2009?

ANSWER: The annual salary cap is based on the calendar year, not the fiscal year. In calendar year 2009 USCP did not have any officers reach the cap because of overtime.

Training

Question: How many hours of training are required for officers every year?

ANSWER: The majority of sworn personnel work in the Uniformed Services Bureau, therefore, this answer reflects what the Department has determined that the annual training requirement is for a typical Uniformed Services Bureau officer. That benchmark is 80 hours of training annually

Question: How many hours of training on average did officers receive in fiscal year 2009?

ANSWER: An analysis was conducted by USCP with available data to estimate the current sworn officer utility, which is estimated in an approximate range of 1,650 – 1,725 hours per officer annually, including overtime. Almost all of these utility hours are used in support of USCP core mission requirement. Based on this estimated utility range, the Department is not currently meeting its 80 hour annual training target as contained in the target 1560 sworn officer utility.

A random sampling of USCP officers in the Uniform Service Bureau (USB) indicates that approximately 7-20 hours were actually used for training in FY 09, vice the 80 hours allotted for training in the target utility calculation. By focusing this analysis on USB, we are addressing the largest sworn population within the Department. This analysis did not include USCP specialty units such as K9, CERT or HDS and DPD.

The reduction of training hours provided will not have an immediate impact on the USCP mission. However the long term impact of reducing core training hours, will impact the recertification of officers in certain programs, may affect officer response capability and may result in the overall degradation of the proficiency of our officers to meet their mission. All of these will result in greater risks to the Department and create a cycle that will have long-term impacts on the Department.

In an effort to address this training matter before it becomes a serious issue and work toward the optimum sworn officer utility of 1560, the Department has requested overtime funding to support a minimum of 16 hours of training for 1500 sworn officers in FY 2011. Because our current onboard officers can not work increased overtime levels for the long-term without affecting their effectiveness, we are also requesting 52 additional officers to begin to narrow the resource gap while allowing for the minimum annual training level described above. These two resource requests are a part of a larger balance that the Department is attempting to reach between the use of personnel, overtime, technology and mission balance to meet required core mission requirements.

Civilianization

Question: How many sworn officers are currently on staff?

ANSWER: As of the end of Pay Period 7, which ended on April 10, 2010, USCP had 1811 sworn officers onboard.

Question: How many civilians are on staff? Of those civilians, how many are in law enforcement positions versus administrative positions?

ANSWER: As of the end of Pay Period 7, which ended on April 10, 2010, USCP had 381 civilians onboard. Of the 381, 134 (35.17%) are assigned to positions actively engaged in security operations [directly supporting law enforcement officers in execution of the core mission] such as, but not limited to, Security Aides, Physical Security Specialists, Security Control Operators, and Hazardous Materials Specialists.

Total Civilians: 381

Total Civilians under the COO: 213

Civilians under the COO directly supporting law enforcement: 134

Civilians under the COO in administrative positions: 79

All other civilians in administrative positions including the COP, OGC, OIG, and CAO: 168

Question: What is the status of the effort to civilianize additional law enforcement positions as discussed on page 83 of last year's answers for the record.

ANSWER: In an effort to reduce requirements and narrow the gap between our core mission and the available staff hours for onboard sworn personnel, the Department has looked at a number of opportunities to civilianize positions currently performed by sworn officers, so these sworn staffing resources may be realigned to meet other core mission requirements.

As discussed in the Department's FY 2010 Questions for the Record, we conducted a review of the potential to civilianize certain positions within our Command Center. As a result of our review and analysis, we have determined that this civilianization effort would not be beneficial to our ability to meet core mission requirements in this area.

However, in FY 2009, the Department utilized available civilian positions to return former USCP employees from the Department of Labor's Worker's Compensation Roll to the Department's Communications Section. This allowed the Department to utilize civilian personnel to perform the security camera and alarm monitoring function in-house, rather than using contractors. Further, this allowed for some realignment of sworn resources, as well as allowing the Department additional general expense funds for potential use on technology..

Additionally, the Department civilianized twenty-six sworn positions in the Library of Congress command center during the LOC Police and USCP Merger. This allowed the Department to utilize civilianizing former LOC Police employees to perform the Command Center functions, as well as one civilian to help staff our firing range, and realign sworn resources to other core mission requirements.

As we migrate to the primary and mirror radio program sites in 2012, we anticipate an effort to civilianize our dispatcher operations. We also plan to review the potential to civilianize our liaison positions at the National Capitol Region Command Center (NCRCC).

We are also developing a recommendation to reestablish our Security Aide Program, so we may utilize them as Exit Screeners at the Library of Congress and at secondary screening locations within the Capitol Complex, which will result in the current sworn resources performing these functions now to be redeployed to other core mission requirements.

The Department is currently reviewing other areas that may result in civilianization of posts, which may provide additional available sworn officer utility. As these are developed, they will be vetted through the Capitol Police Board and appropriate stakeholders for consideration.

Budget (Homework Question from Hearing)

Question: Please summarize the impacts of a flat fiscal year 2011 budget for the record with particular focus on staff and mission impact.

ANSWER: A flat fiscal year 2011 budget will result in critical resource shortfalls to support staffing levels of 1,800 sworn and 393 civilians. As a result of the Department's FY 2010 salaries shortfall impact on the FY 2011 base, as well as mandatory and critical FY 2011 salaries increases, the Department estimates that it would require an additional \$13.13 Million over the FY 2010 base in FY 2011 to maintain current services and minimal general expenses.

The Department has already taken steps to reduce its civilian positions from 443 to 393, which will allow us to reduce our request for funding in FY 2011. Additionally, the Department has conducted multiple investment review boards to review every budget object class within our general expense request. This effort resulted in a minimum general expense requirement of \$59.68 Million for FY 2011. The general expense request was reduced from \$63.5M to \$59.68M for FY 2011 after adjusting for price level and critical requirements increases, and by eliminating new special initiatives; deferring or reducing most technology and equipment lifecycle replacements; eliminating all non-mandatory training and travel; reducing requested funding for sworn backfill applicant, training an equipping resources, reducing supplies and mission support costs;

A flat fiscal year FY 2011 budget will require the Department to eliminate civilian backfills and reduce critical mission support programs, potentially furlough civilians, reduce security programs, and eliminate sworn backfills. The elimination of sworn backfills would have an impact on our overtime requirements, unless the core mission requirements are reduced as well.

Contracting

Question: Please detail any sole source contracts entered into by the US Capitol police in Fiscal year 2009. Please include the vendor, the dollar amount, and reason for sole source.

ANSWER : OFM awarded two (2) Sole Source Contracts in FY2009: 1) Black Hill Ammunition for approximately \$62,000 for the purchase of Ammunition. This was a sole source for USCP's requirement for law enforcement type ammunition; only one vendor was known to supply the ammunition that met the USCP's requirement. 2) EVI for approximately \$482,000 for the purchase of classified goods or services. This was a sole source to EVI due to the classified status of EVI as a vendor and the nature of the USCP's classified requirement.

Scope of IG Report

Question: Also, I want to ask the Inspector General to submit for the record the scope of his investigation. Mr. Hoecker, we expect you to provide regular updates to the Subcommittee as you have findings and of course when you are ready to provide a final report. The IG findings will be one of the tools the Subcommittee will use to ensure we figure out what the systemic problems are and fix them so this does not happen again.

Answer: On March 10, 2010, the Chief of Police requested the Office of Inspector General (OIG) conduct an audit of the Department's budget formulation process. The objectives of this engagement are to (1) assess whether USCP has established adequate controls over the budget formulation process to ensure accurate data is collected and developed, and if so, (2) determine if staff complied with those controls during the formulation process of the FY 2010 and 2011 budgets, and if not, note exceptions and causes. Regular updates have been provided to the Committee and will continue until the audit is concluded. OIG anticipates that the audit report will be issued in early June 2010.

QUESTIONS FOR THE RECORD SUBMITTED BY

RANKING MEMBER ROBERT B. ADERHOLT

CHIEF PHILLIP MORSE

FY2011 Budget of the U.S. Capitol Police

Radio Modernization Program

Question: Provide for the record a reconciliation of the timeline for obligation of the \$71.6 million presented in October 2009 to the current plan.

ANSWER: (As provided by the Chief Administrative Officer)

Please see the below table to see a comparison of the two plans. The table includes the obligations from the \$10M FY 2007 Supplemental (No-Year funding) appropriation, the \$71.6 FY 2009 Supplemental (3-Year funding) appropriation and the requested \$16M appropriation (FY 2010 Supplemental or FY 2011 budget).

October 2009 Plan		Current Plan	
Date	Obligation	Date	Obligation
2008	\$4.1M: OP #1: ACF site (FY 2007 Supplemental) (Actual cost is \$3.9M)	2008	\$4.1M: OP #1: ACF site (FY 2007 Supplemental) (Actual cost is \$3.9M)
2009	\$4M: OP #2: NAVAIR Phase I & II (FY 2007 Supplemental)	2009	\$4M: OP #2: NAVAIR Phase I & II (FY 2007 Supplemental)
2009	\$4M: Mirror site	2009	\$3.5M: OP #3: Mirror site (approved)
Jan-Mar 2010	\$31.1M: Equipment Hardware		
		Apr 2010	\$9.9M: OP #4: Outside Fiber (approved)
		May 2010	\$12.2M: OP #5: Start of indoor infrastructure and fiber
Spring 2010	\$20.1M: Subscriber Equipment	May/June 2010	\$40.3M: OP #6: Equipment Hardware, Subscriber Equipment & Professional Services
2010-2011	\$9.9M: Travel Equipment, Encryption & Professional Services		
Fall 2010 (FY 11)	\$8-16M: Indoor Coverage	Fall 2010 (FY 11)	\$21M: Indoor fiber and Indoor Coverage
		Fall 2011	\$0.2M: Project management
Spring 2012	Project completed	Spring 2012	Project completed
	Remaining Contingency:		Remaining Contingency:

<p><i>(Based on a Project Cost Estimate of \$97.6M)</i></p> <p>\$6.5M from the \$71.6M 2009 supplemental and \$2.1M from the \$10M 2007 supplemental, as a result of cost estimate savings.</p>	<p><i>(Based on a Project Cost Estimate of \$97.6M)</i></p> <p>\$2.6M</p>
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Notes:

- Amounts rounded to nearest \$100K.
- Obligation tasks listed are only the major tasks for that particular Obligation Plan (OP).
- This table accounts for the \$71.6M appropriation from the 2009 supplemental plus the planned and requested \$16M appropriation in fiscal year 2011. In addition, the total estimate for this project of \$97.6M included \$10M funded as part of the 2007 supplemental which covered the design engineering work and the build out of the primary site. Due to savings from the original ACF cost estimate, there is about \$2.1M remaining from the \$10M which is reflected in the contingency line as part of the October 2009 plan and is included with May/June 2010 (OP #6) and Fall 2010 obligations in the current plan.
- Travel Equipment & Encryption listed in the October 2009 plan was merged with the Subscriber Equipment in the Current Plan.
- The indoor coverage obligation is notionally listed for Fall 2010 (FY 11). However, it can be obligated as soon as the funding is made available.

Budget Formulation and Execution System

Question: Provide for the record a copy of the specific policies and internal controls put into place that relate to the accomplishments of the CAO in implementing a budget formulation and execution system, as referenced on page A- 19 of the budget justifications.

How did the CAO ensure these specific policies were complied with?

If these policies and internal controls were in place, what was broken to allow this financial mismanagement to take place?

ANSWER: (As provided by the Chief Administrative Officer)

On page A-19 of the budget justification, we mention that the Department is implementing a Budget Formulation and Execution system. We are referring to an off-the-shelf software, Clarity system, that the Department purchased in 2009 and began implementing in fiscal year 2009.

This system is not yet fully operational. It was planned to be in place by December 2009 and was expected to be fully functional by March 2010. This software, once customized and tested, is expected to aid in the budget projections and monitoring.

The implementation and testing stalled after January 2010 due to staff shortages. In addition, we are still in the process of drafting the related policies and internal controls for this system. These policies and internal controls will be updated based on recommendations that we receive from the Inspector General as part of their budget audit. We expect to receive those recommendations in June and can provide copies to the Committee of the

specific policies and internal controls within two months of receiving the recommendations from the Inspector General.

The budget issue that occurred resulted from miscalculations of salary that were not detected during our quality control reviews by a budget expert and senior management reporting to the CAO. We are updating our quality control reviews to address this issue, however we will better know what other controls should be strengthened to ensure that this situation never happens again after we receive the results of the Inspector General's audit.

Recommendations Addressing Financial Weakness

Question: The GAO and the Inspector General have issued numerous recommendations addressing financial weaknesses. Please provide each specific recommendation, the date it was made and the date action was completed.

ANSWER: (As provided by the Chief Administrative Officer)

The Department has identified a total of 180 audit recommendations made by GAO (51) and the OIG (129) which are tracked by the Department and were included in the most recent summary reports by both GAO and the OIG. Of the 180 recommendations, we determined that 149 address financial management weaknesses in some way. GAO made 38 of these recommendations, and our OIG made the other 111. Of the 149 recommendations 76 (12 GAO and 64 OIG) have been closed and 73 remain open (26 GAO and 47 OIG).

Of the 26 open GAO recommendations, we believe we have completed corrective actions on 15 and expect to complete actions on another 6 by the end of this year. We expect that these will be closed when GAO returns to follow up on them. Of the 47 open OIG recommendations, 28 are from the FY 2008 Financial Statement audit and the OIG will not consider closing these recommendations until it completes the FY 2009 Financial Statement audit later this year. We believe that we have completed corrective actions on 17 of these recommendations to date and expect to complete actions on the remaining 11 by the end of this fiscal year. We also believe that we have completed corrective actions on 3 of the 19 recommendations from other OIG reports and plan to complete actions on the remaining 16 by the end of the year.

Due to the extensive number of individual recommendations, we have summarized the information requested in the table below for the record and have attached an appendix of the individual recommendations for the Committee's use as it deems appropriate.

Category	Source	No. of Recommendations	
		Closed	Open
Financial Management - Asset Management	OIG	3	2
Financial Management - Financial Statement	GAO	1	
	OIG		1
Financial Management - Internal Controls	GAO	1	4
	OIG	6	2
Financial Management - Procurement	GAO	3	9
	OIG		7
Financial Management - Staffing	GAO	1	2
Financial Management - Travel	OIG	2	2
	GAO		5
Human Resources - Payroll	OIG	8	16
Human Resources - Student Loan Program	OIG	11	
Information Technology - Capital Investments	GAO	3	1
Information Technology - Enterprise Architecture	GAO		3
	GAO	2	1
Information Technology - Security	OIG	12	15
Information Technology - Systems	OIG	2	
	GAO		1
Linking Resources to Risks, Threats, and Vulnerabilities	OIG	1	
Operational Efficiencies - Off-Site Deployments	OIG		2
Property Management	OIG	19	
Recommendation Accountability	GAO	1	
	GAO	12	26
Subtotals:	OIG	64	47
	TOTAL	76	73

WEDNESDAY, APRIL 21, 2010.

LIBRARY OF CONGRESS**WITNESSES****JAMES H. BILLINGTON, LIBRARIAN OF CONGRESS****JO ANN C. JENKINS, CHIEF OPERATING OFFICER, LIBRARY OF CONGRESS****OPENING REMARKS—CHAIR WASSERMAN SCHULTZ**

Ms. WASSERMAN SCHULTZ. I am pleased to call to order this hearing of the Legislative Branch Subcommittee of the House Committee on Appropriations.

This afternoon, we are going to hear from Dr. Billington, the distinguished Librarian of Congress about the Library of Congress's proposed 2011 budget for the fiscal year. We will also hear the budget presentation from Open World as well. Last, but not least, from Bob Tapella, the Public Printer, about the Government Printing Office's fiscal year 2011 budget.

Before we go forward, though, I do, Dr. Billington, want to take a point of personal privilege and celebrate the retirement, the progress, the moving forward, of Jo Ann Jenkins, the very, very capable Chief Operating Officer of the Library of Congress. She has been a true professional and an incredible person to work with, someone I really enjoyed getting to know, and look forward to working with in your new capacity at the AARP Foundation.

So thank you very much. I bet you are not sorry that this is your last hearing before the Legislative Branch Appropriation Subcommittee. You don't have to respond to that.

Just to review what we are considering here today with the Library of Congress, the Library is requesting \$674.8 million, which is a 4.9 percent increase. Now, and I know Dr. Billington believes that that was a small increase that recognizes the tight fiscal year that we are in, and we appreciate that, and I know it does represent a belt-tightening process that was difficult for everyone. That being said, it is a very difficult fiscal year, and we are going to have to make some really tough decisions. We are normally in a situation where we have to decide between nice-to-haves and got-to-haves, and this year is no exception to that. But we are even going to have to probably go beyond the just cutting nice-to-haves and even cutting some things that we know we would need to have, but maybe we don't need them right now. So it is with that in mind that we will go through this process this morning.

A major focus of the Library budget was increased staffing and information technology upgrades for the Congressional Research Service. The CRS portion of the Library's request is \$119.9 million, which is \$7.4 million or 6.6 percent above the current fiscal year. Staffing is going to be very difficult. All the agencies, virtually all the agencies, have asked for additional FTEs. That is going to be very tough for us to accomplish in this budget this year.

I am glad to see that a telework agreement was finally reached with the employees of CRS. I think it took longer than it should have, but I am glad that it is there. It is not a perfect plan, but there is plenty of room for improvement. I am just glad that our

subcommittee was able to help be the catalyst to ensuring that the employees of CRS have a telework opportunity.

Before I conclude, I really want to commend you, Dr. Billington, for introducing children to the Library of Congress. America's children, I know, have always been incredibly important to you. The opportunity to host the First Lady at the Library of Congress recently, where she read to children, was incredibly special. I know it was incredibly special for you. She read Dr. Seuss, which is neat.

Mr. Aderholt and I had a chance to be there for the opening of the Young Readers Room in October of last year. So thank you so much for really opening the Library and all its treasures of every definition and every stripe to the next generation of Americans so that we can all continue to be passionate supporters of reading and of literature and of preserving the treasures that you have been protecting for so many years.

So, with that, I welcome Mr. Aderholt to make any remarks.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Thank you, Madam Chair.

It is good to be here today and have you before our committee, Dr. Billington and Ms. Jenkins.

Dr. Billington, of course, your service and dedication to the Library of Congress is well known, and we do appreciate your service. I know we say that, but we can all say it because we mean it. We do thank you for your service, and your reputation is well known.

Of course, again, Jo Ann, congratulations on your new position at the AARP Foundation. We look forward to seeing you around. Hopefully, you won't be going far away, but we are glad you were able to get this position. And so we congratulate you for that. You have done a tremendous job in your, what, 15 years of service at the Library of Congress.

Ms. JENKINS. Yes.

Mr. ADERHOLT. We appreciate the service that you have rendered over the last 15 years. We look forward to working with you maybe in a different capacity.

Again, thank you all both for being here. We look forward to your testimony and working with you on this FY 11 budget.

Ms. WASSERMAN SCHULTZ. With that, Dr. Billington, you can proceed with a 5-minute summary of your statement, and your full statement will be entered into the record.

Dr. BILLINGTON. Thank you, Madam Chair.

OPENING REMARKS—THE LIBRARIAN OF CONGRESS

Madam Chair, Mr. Aderholt, members of the subcommittee, it is really an honor to be here to present the fiscal year 2011 budget request for the Library just 3 days before the 210th anniversary of its birth as America's oldest Federal cultural institution later this month.

This will be, as you noted, the last time I will be accompanied by our esteemed Chief Operating Officer. And I just add my words of appreciation and admiration as she moves forward after 15 years of really outstanding service to the Library and to the Nation.

Among those who are here today that you will not have seen before, I call attention to Roberta Shaffer, the new Law Librarian of the Library of Congress. And I will also mention two others who are not here but have provided exceptional service to the Library for 20 years and whom I just named yesterday to assume in June new responsibilities and membership on the Executive Committee: Robert Dizard, who will become Chief of Staff, and Lucy Suddreth, who has worked with our esteemed Chief Operating Officer but who will become the Chief of Support Operations.

So we have a good team for the transition, but we are noting with sadness the departure of our esteemed colleague here, Dr. Jo Ann Jenkins. I call her doctor because she had some medical procedures with her eyes, but she came back to be here.

Anyway, recognizing the difficult budget environment, we are presenting a relatively lean funding request, I think. We compute it as a 4.6 percent increase over fiscal year 2010; 58 percent of it is for mandatory pay raises for our excellent staff; 16 percent is for addressing urgent congressional needs in our CRS; and the smaller remaining requests are largely to strengthen staff management capabilities and to support clear Library-wide priorities and ongoing, already existing activities. These latter requests are mostly for people urgently needed by an institution doing many times more work with 1,076 less employees than before we began our massive digital activities in 1992.

Madam Chair, the Congress of the United States has been, quite simply, the greatest patron of a library in human history. It has created, and thanks to this committee and your leadership, sustained the largest and most inclusive and best preserved record in one place both of the world's knowledge, in multiple languages and formats, and of America's private-sector creativity. In many ways, the Library contains our Nation's strategic information reserve, preserves the cultural patrimony of free and diverse people, and is something of a lighthouse to the world for our open society and knowledge-based democracy.

We are now nearing completion of a focused effort that I initiated 10 months ago collaboratively to address Library-wide management requirements. We will shortly have a mid-course revision of our strategic plan extending to 2016. Strengthening our governance and investment processes in information technology has been a high priority in this review in order to meet the objectives of the funding that you, the committee, have generously provided for us. Earlier this year, I also initiated an effort more fully to integrate the Library's Web presence and activities into the central core of the Library's work and management structure and across the entire Library.

For the last 20 years, we have been superimposing in effect a new digital library on top of our traditional artifactual one. We have created a National Digital Library of 16 million additional original documents of American history, and, just a year ago today, unveiled in Paris, to what I am told is the largest international media audience ever seen at UNESCO headquarters, a World Digital Library with UNESCO including some material from all 193 U.N. countries, with clear, expert commentary in seven languages.

The Library of Congress now has enormous digital content holdings and works with 170 partner institutions in our congressionally mandated roles to develop a national program to archive important online materials. But in the past 10 years, global book publishing has also increased by 40 percent. Much of that increase is in the less developed part of the world that is emerging with many problems and without nearly as much awareness in the outside world as is necessary. Digital information, of course, will never replace our heritage assets, the unique, original physical records that are often one-of-a-kind artifactual collections.

FORT MEADE MODULE 5

Our most critical material need and highest mission priority this year is for Fort Meade Module 5, as requested in the Architect of the Capitol's fiscal year 2011 budget. We are already 8 years behind in the storage schedule for Fort Meade that we established with Congress in 1997. The already functioning modules are efficiently compacted. They are magnificently controlled for preservation. And they have provided, so far, prompt, 100 percent delivery to our Capitol Hill reading rooms of all materials requested. This fifth module is essential if we are to sustain our core mission of preserving and making accessible the collections needed both for present and for future generations.

The Library of Congress is the only institution in the world capable of sustaining collections on the scale we do. Our key role for America in the information age could be compromised, perhaps irretrievably, if the original written and published materials in our collections, which often provide the only permanent and tamper-free records of human creativity, continue to be stored on the floor of existing buildings and effectively removed from either inventory or access.

We do not keep everything, I will assure you, and we are currently reexamining our acquisitions policy. Thanks to this committee's wonderful support, we already have not only some preservation storage modules at Fort Meade but also in Culpeper, the world's biggest and best facility for audio-visual conservation. But we must continue to grow and house our artifactual collections if they are to remain usable for Congress and the Nation, and we will continue to need space to store them.

Madam Chair, members of the subcommittee, thank you, again, for your support for the Library and for your consideration of our fiscal year 2011 budget. I will be happy to answer any questions.

[Dr. Billington's and the Library's other prepared statements follow:]

Statement of Dr. James H. Billington
The Librarian of Congress
Before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives
Fiscal 2011 Budget Request
April 21, 2010

Madam Chair, Mr. Aderholt, and Members of the Subcommittee:

I am pleased to present the Library of Congress fiscal 2011 budget request.

Madam Chair, I am grateful to you and the subcommittee for your outstanding support for our fiscal 2010 request, which included a major investment in an initiative to renew and restore the Library's technological infrastructure. Through the 2009-2010 Management Agenda process, which I initiated last July, we are enhancing the governance and internal oversight of information technology investments to assure the most effective use of, and maximum accountability for, these funds.

In recognition of the difficult budget environment, we are requesting a total fiscal 2011 budget of \$715.5 million, a lean increase of \$31.4 million or 4.6% over fiscal 2010. Fifty-eight percent of this request is for mandatory pay and price level increases. The largest program element in the modest requested increase for critical operations is the \$4.9 million needed to address urgent Congressional needs in the Congressional Research Service budget. Our requested increase of 30 FTEs is necessitated by the greatly increased workload of the Library during the period from 1992 to 2010, in which an entire digital library has been added to the traditional library while the level of FTEs has fallen by 1,078 FTEs to 3,770.

The details of the Library's budget request are described in this statement. At the start, I want to address a subject of paramount importance: the Library's collections. Our most critical need and highest priority this year is Ft. Meade Module 5—for which funding is requested in the AOC's fiscal 2011 budget.

The increased importance of this unique repository of human knowledge is solidly based on its history. Over two centuries, the Congress has built its Library into the largest and most diverse collection of human knowledge ever assembled by one institution. The Library also preserves the closest thing to a mint record of America's creativity thanks largely to its exclusive status as the depository of copyrighted works. It annually collects significant world cultural and scholarly resources in more languages and formats than any library in the world. Sustaining Congress's support for the mission of this unique American cultural institution is more important than ever before in this

“information age,” when our economy and leadership depend more and more on usable knowledge.

When the original library, housed in the Capitol, was burned by British troops in 1814, Thomas Jefferson within a month offered his personal library as a replacement. The Jeffersonian concept of universality argued that all subjects are important to the library of the American legislature, and this has guided the comprehensive collecting policies of the Library.

The Library of Congress is the only institution in the world capable of sustaining collections on this scale. We cannot foresee all that will be important to those who come after us. But we have innumerable examples of how past items we saved have proven useful later in unforeseen ways. We are inspired as well as informed by preserving the thoughts, anxieties, achievements, and aspirations of past generations. If we collect less and the Library’s collections diminish, future generations *will* know that we deprived them of that open window into their past.

I have been asked, “When is this going to stop?” If we want the Library of Congress to exist for future generations as it does for us today and has for generations past, it cannot, should not stop. Our request for Ft. Meade Storage Module 5 is not about another building. It is about preserving our collections and protecting the very essence of the Library of Congress.

I can assure you that the Library of Congress does not keep everything. We have carefully thought-out acquisitions policies, developed and updated regularly by our curators and other experts. We continually work to improve our collections management, including inventory management, and with the Congress’s great support, we now have storage modules at Ft. Meade to secure and preserve our most valuable items. We will continue to do everything we can to be more efficient; but we will continue to need more space to store the Library’s growing collections, and we are heartened by having a 100 percent retrieval rate from the Ft. Meade repositories to our reading rooms.

I have also been asked why we need to sustain collections when so much content is available electronically. It is a myth that as digital content has exploded onto the scene, hard copy materials are significantly declining. In fact, in the past ten years alone, global book publishing has increased by 40 percent, and published books are increasing in number everywhere except (and for the first time this year) in the USA. The Library has enormous digital content holdings, but digital information will never replace our heritage assets, the physical record of knowledge and creativity represented in the collections. And there is a need to keep hard copies of many materials in view of the risks of tampering and the impermanence of much digital material.

The Library of Congress was established out of our forefathers’ conviction that knowledge is important to governance. Jefferson in essence established our collections policy. I believe that he would understand why we must continue to build the collections even though we face challenges in being able to store them, preserve them, and make

them accessible. For the past 210 years, the Congress has made it a priority, through good times and bad, to allocate resources to properly fund the Library of Congress – to meet its acquisition and related storage needs. As a result, people living today have access to an incredible record of knowledge and creativity.

If we succeed in our mission, our descendants—25, 50, and 200 years from now—will be able to benefit from what we found important to acquire and preserve in 2011.

Facing both relentless technological change and ever-increasing demands on the federal budget, the Library has to be both disciplined and creative to fulfill its historic mission of service to the Congress and to the American people.

This budget request is informed by an ambitious 2009-2010 Management Agenda that I launched in July 2009 to ensure that the Library's investment priorities are focused even as its programs reflect new ideas and solutions. We have instituted a Library-wide approach to updating the Library's strategic plan and aggressively developed coordinated plans for information resource management, enterprise architecture, human capital management, facilities management, website content, the acquisition of electronic works through mandatory deposit, and the creation of a culture of innovation at the Library.

The Management Agenda also addresses findings from a number of recent internal management-related studies, including a report from an internal Library Committee on Strategic Direction, an Inspector General report on information technology strategic planning, and a Library-wide employee survey. The agenda will help the Library's Executive Committee continue to strengthen Library decision making, allocation of resources, and accountability.

Since its July launch, the Management Agenda has emphasized the development of results-oriented outcomes, broad involvement from all levels of Library staff and managers, and implementation of best practices in Library management structures and processes.

For the Library's fiscal 2011 request, our principal requests for program increases are for:

**Broadening Research Capacity
and Enhancing Data Management Technology
to Better Serve Congress on Complex Emerging Policy Issues**

Broaden Research Capacity - \$2.8 million

The Congressional Research Service (CRS) requests funding and FTEs in fiscal 2011 to broaden its expertise and strengthen analytical capacity in the areas of science and technology, health care, financial economics and accounting, and social policy

related to employment, immigration, and the work force. This funding will enable CRS to enhance its unique multidisciplinary analysis on the range of complex policy issues before the Congress. The request is the first half of a two-year initiative to provide the additional analytical skills needed to fully support the expanding needs of the Congress in these areas. This additional analytical capacity will also give CRS the long-term flexibility to adapt to rapidly changing issues and debates that will arise in these critical areas.

Enhance Technology - \$2.1 million

CRS also requests funding to adapt and strengthen its information technology research architecture in order to meet growing congressional demands in almost every policy area for analysis requiring an increasing quantity of complex data. This funding will enable CRS to create and maintain a state-of-the-art information research architecture, establish a robust research data management (RDM) structure, and develop new mechanisms to deliver CRS products and services to its congressional clients.

Assuring Access to the Collections Now and into the Future

The Library's fiscal 2011 budget request includes modest support for key operational and technological improvements that directly affect the delivery of core mission services. The request will support our newly reorganized strategic planning efforts over the last several years to prioritize our needs and allocation of resources.

Acquisitions and Bibliographic Access Directorate Space Reconfiguration – \$1.05 million

The request includes support for a reconfiguration of space in the Acquisitions and Bibliographic Access Directorate (ABA) to realize efficiencies in acquiring and processing collections materials. This is a critical core function of the Library. Heretofore these processes have been based on a century-old library model. Work processes have been reengineered and streamlined, and now a space reconfiguration is needed to fully implement our new workflow model by creating appropriate processing areas, mail receiving areas, shelving, and secure housing areas.

Collections Inventory Management - \$1 million

The requested increase in funding will also help to make inventory control an ongoing, core function. This funding will support the continuation of the baseline inventory initiative begun in 2002, as well as the inventory work related to the transfer of collections to Ft. Meade. The Library is working with leaders in the private sector to identify and incorporate best practices in inventory control.

Integrated Workflow and System Replacement - \$1.35 million

The Library also requests funding to take full advantage of technology by completing the analysis of Library Services' systems and workflows begun in fiscal 2009. This effort is developing a process management system to integrate current systems and databases, thereby streamlining Library-wide business functions. The Library's renewed enterprise architecture program will guide the development of the system. This request also includes support for the replacement of an inadequate MS DOS-based order, distribution, and accounting software system used by the Library's overseas offices.

Elimination of Foreign Legal Gazette Backlog and Class K Conversion - \$1.1 million

Finally, to ensure that the law collection is both comprehensive and current, the Library requests funding for contractual services to eliminate a preservation backlog of foreign legal gazettes, as well as personnel resources to reclassify 610,000 volumes in the law collections. This reclassification will allow new legal specialists to search and retrieve all portions of the collections, as staff members most familiar with the older classification system retire.

Investing in Human Capital***Supervisor Development - \$1.05 million***

In alignment with the Management Agenda's focus on human capital management, the Library requests an investment in developing supervisors and staff, as well as funding for a Library-wide student loan program to support recruitment and retention of the next generation of Library employees. The request for funding for supervisory development flows in part from a Library-wide employee survey, which revealed the need for enhanced supervisory and leadership skills to develop new and existing supervisors with the skills to hire and cultivate a diverse and effective workforce.

Staff Development - \$1.6 million

The Library requests funding to invest in staff development to address critical training gaps, and to develop and sustain a culture of innovation. Funding for the Library-wide student loan program modeled on the programs of the Congress and the Executive Branch will give the Library the retention and recruitment tool that it needs.

Ensuring Effective and Efficient Maintenance and Operation of the Library's Public Spaces and Facilities***Public Space Maintenance and Operations – \$1.5 million***

The Library's request includes funding to support Library-wide and public space facility needs. The expanding workload associated with the greatly increased number of

visitors, aging historic buildings, complex regulatory requirements, and broad new energy conservation initiatives cannot be accomplished with currently available resources. In fiscal 2011, the Library requests support to address flooring issues in public spaces, including carpeting that has long ago exceeded its normal replacement cycle; to implement greening and energy conservation initiatives; to eliminate an Office of Compliance-reported workstation safety hazard; to modernize food service areas; and to expand the use of contract professional design and engineering services as recommended by the Office of the Inspector General.

Furniture Inventory Management - \$391 thousand

In addition, the request includes funding to implement an ongoing contract for an automated furniture inventory and recycling system for furniture reuse. This funding will support the Library's highly successful furniture inventory and reuse pilot project, which since 2006 has effectively reused 13,196 pieces of furniture to achieve a three-year savings/cost avoidance roughly ten times the annual cost of a furniture inventory management contract. This requested funding will also support a small stock of high demand, frequently needed items for rapid provision to offices that are experiencing losses of productivity because of the long lead time required for procurement processing.

**Acquiring In-House IT Capability in the Electronic Copyright Office (eCO)
and Licensing/Royalty Distribution Systems**

Copyright Technology Office IT Support - \$475 thousand

In response to an increase in responsibilities related to system infrastructure and development support for the electronic Copyright Office (eCO) system on which the great majority of Copyright Office activities are processed, the Copyright Office requests funding to acquire in-house IT expertise for the system. This funding will provide highly skilled and experienced IT professionals to support the eCO system so that the Copyright Office will rely less on contract support for day-to-day maintenance and operations. This funding will also result in more detailed and efficient system implementation and testing.

Licensing Reengineering Project - \$790 thousand

The Copyright Office also requests funding for contractor support to complete the implementation of the Licensing Division reengineering effort to automate the royalty calculations process. Reengineering Licensing's processes and automating the calculations process will improve productivity and strengthen responsiveness to both copyright claimants and users of the public licenses. In addition, the Copyright Office requests funding for IT staffing to support the reengineered licensing/royalty distribution system.

The committee last year appropriately expressed concern about the number of copyright registration applications waiting processing. Through internal efforts in the

Copyright Office and a recent program which I initiated to temporarily assign 50 other Library personnel to the Office, we have made a significant reduction – close to 70,000 claims – in that backlog. Both the Register and I will continue to give this effort a high priority.

In summary, senior management's extensive recent efforts to renew and improve governance processes and accountability across the Library account for our fiscal 2011 funding request to support these critical operational requirements and immediate congressional needs.

Madam Chair and members of the committee, thank you again for your support and your consideration of our fiscal 2011 budget.

Statement of Marybeth Peters
Register of Copyrights
Subcommittee on Legislative Branch
Committee on Appropriations
United States House of Representatives
Fiscal 2011 Budget Request
April 21, 2010

Madam Chair, Mr. Aderholt, and other Members of the Subcommittee:

Thank you for the opportunity to present the Copyright Office's fiscal 2011 budget request. Today I will discuss my fiscal 2011 budget request for additional funds and FTEs to support the electronic Copyright Office system and for offsetting authority and FTEs to complete and maintain the Licensing Division Reengineering effort. I will also highlight some of the Office's accomplishments and challenges of fiscal 2009 and 2010.

Support of the United States Copyright System

The Copyright Office administers the U.S. copyright law, under which owners of creative works register claims to protect their copyrights, cable and satellite companies and other users of statutory licenses pay royalties related to their statutory licenses, and publishers and other distributors of works published in the United States deposit copies of copyrightable works for possible addition to the Library's collections. Congress enacted the first copyright law in May 1790; in 1870, it centralized the administration of the federal copyright law in the Library of Congress. The Copyright Office typically handles more than 500,000 copyright claims each year, representing well over one million works, and transfers copies of selected copyrighted works to the Library's collections. In fiscal 2009, the Office received 532,370 claims to copyright and registered 382,086 claims. It transferred to the Library over 739,000 copies, valued at over \$32.2 million. The Office as a whole answered almost 360,000 non-fee information and reference inquiries and served a substantial number of visitors to the Public Information Office and the Copyright Public Records Reading Room.

The Licensing Division of the Copyright Office receives royalty fee payments related to licenses that deal with secondary transmissions of radio and television programs by cable television systems; secondary transmissions of superstations and network stations by satellite carriers; and the importation, manufacture, and distribution of digital audio recording devices and media. In fiscal 2009, the Licensing Division collected more than \$262 million in royalties from cable and satellite companies subject to statutory licenses, accrued more than \$10.5 million in interest on royalties for the copyright owners, and distributed close to \$273 million to copyright owners. The Office moved forward with reengineering the Licensing Division and building an electronic filing system.

Highlights of Copyright Office Accomplishments and Challenges

Addressing the Copyright Office Backlog

As discussed in its December 31, 2009 report to you, the Copyright Office has been focusing on reducing the outstanding backlog of applications for copyright registrations. As highlighted in the report, the Copyright Office's backlog reduction efforts are in three key areas: additional staff; improved technology; and increased eService usage. We added over thirty Registration Specialists: seventeen in spring 2009 and sixteen in January 2010. Those hired in 2009 are now fully productive; the class of 2010 is in training and currently productive in several categories of works. We improved the technology, supporting the processing of serial publications in the fall of 2009, through a combination of new hardware installation and new software. Finally, eService, the online copyright claims submission system, is now the predominant new claims filing method, accounting for over 70% of our weekly filings.

In addition, between January and March 2010, the Librarian of Congress provided short term resources to assist in reducing our claims backlog. Fifty-one Library technicians were assigned to this effort, focusing on clearing over 43,000 serials (approximately 10% of our processable claims backlog); many television programs and audio books and more than 10,000 pre-screened performing arts/ sound recording claims. This allowed the registration specialists to focus on the substantive issues involved in examining copyright claims. Through the combined efforts of the Copyright Office and Library detailed staff, and despite weather-related closings, we achieved our goal of reducing the backlog by 100,000 claims. The Copyright Office is grateful to the Librarian and the Library as a whole in supporting our efforts to resolve the backlog issues.

Operations Activities

The Copyright Office implemented its business process reengineering project at the end of fiscal 2007 and released eService, the electronic Copyright Office (eCO) online registration system, in July 2008. eService filings quickly displaced the use of paper applications, constituting 54 percent of all claims received for fiscal 2009 and 72 percent for the first quarter of fiscal 2010.

In addition to the backlog reduction work previously discussion, the Copyright Office focused on: long-term strategic improvements to the eCO system; modified its fee schedule; completed preparations for the Copyright Records Digitization Project; and as part of our succession planning effort, established a new leadership training program.

In the Summer of 2009, the Office awarded a the contract for major eCO software upgrade that will improve eService user processing, improve Copyright Office throughput time, and in a later version, provide automated statistics to support internal management.

Processes

Through a continuous improvement initiative, the Copyright Office further refined its reengineered processes. For instance, Registration Specialists proposed two changes adopted by the Copyright Office: one resulted in decreasing the time required for the copyright deposit dispatch process; the other led to improved inter-divisional communications, resulting in faster problem resolution. We also examined our mail operation and throughput times in our Receipt, Analysis and Control Division which resulted in improvements in data entry and processing of correspondence. We expect to continue our improvement efforts by identifying additional areas where efficiencies can be achieved.

In August 2009, the Copyright Office adjusted its fee schedule to reflect post-reengineering operational changes. Fees associated with filing copyright claims were adjusted to reflect processing costs, with eService filings remaining at \$35, and paper claims increasing to \$65: a reflection of the increase in the cost of processing paper claims. eService claims are less costly: they do not require data entry and they require fewer quality controls. Other fee services, such as research or certified copies of deposits, were also adjusted to more closely reflect the actual costs of the service.

Organization

As previously mentioned, during fiscal 2009, the Office hired 17 registration specialists. The new hires were immersed in an accelerated training program combining classroom instruction with actual claims processing in the production environment. As of this month, 16 registration specialists achieved independence in claims processing. A second class of 16 registration specialists was hired in January 2010 and is currently engaged in an accelerated training program. The addition of 32 new registration specialists will significantly increase our production capacity. Recruitment for both groups was extensive, with a special effort made to attract underrepresented populations into our workforce. The interest level was overwhelming, allowing us to select a high caliber of new Registration Specialists.

In mid-2008, the Copyright Office realized the need for a good succession planning program and a corresponding need to implement a leadership training program. In the spring 2009, we launched the Aspiring Leaders Program with an inaugural class of twelve participants. This is a competitive program in which candidates from the across the Copyright Office were selected to participate in a series of education programs focusing on leadership, communications, decision making, and strategic thinking. Participants also had detail opportunities to other federal agencies including the National Archives, Smithsonian Institution, and offices throughout the Library of Congress. Our goal is to offer this program to other Copyright Office staff on an annual or bi-annual basis.

Information Technology

In fiscal 2009, the Copyright Office continued to make significant improvements to the eCO system through periodic software development releases and hardware installations. The cumulative effects of these actions are better system performance, stability and enhanced functionality for both Office staff and online filers. This included expanding the eService capacity to accommodate up to 500 concurrent users and ensuring its stability through an automatic backup system that will operate if the primary system fails. Also, in November 2009 the Library of Congress Information Technology Service installed a new computer hardware suite that resolved recurring system throughput issues, improving the accessibility of eCO information by the Copyright Office staff.

System improvements are continuing through fiscal 2010 as the Office is engaged in a major eCO upgrade designed to improve eService customer experience, improve Copyright Office throughput time, and in future versions, the automated capability to provide automated statistical software. The project includes an upgrade to the newest version of the software application that drives eCO and the installation of new network hardware. The initial implementation, scheduled for June 2010, will be followed by subsequent releases introducing new system functionality based on feedback elicited from internal and external users. Expected improvements in eCO system performance and functionality will ultimately result in increased production and decreased registration processing times.

For fiscal 2011, the Office seeks approval to hire three new highly skilled IT specialists to provide expertise in the areas of project management, business analysis, requirements definition, and system testing. Providing for more in-house IT support will result in direct and indirect cost savings by reducing reliance on contractors for ongoing maintenance and operations, enhancing our ability to undertake critical projects, improving project and resource management, and improving testing methods.

Copyright Records Digitization Project

We made significant progress on our Copyright Records Digitization Process during fiscal 2009 and early 2010. Based on an extensive analysis of our existing records, we determined that, since 1870, the year the registration function was moved to the Library thereby consolidating the copyright functions in the Library of Congress, 34 distinct processes have been employed to capture and preserve copyright data. Each process, from the large books signed by the A. R. Spofford, the Librarian of Congress in 1870, through the handwritten and typed card catalogue, and even a citizenship certification signed on a playing card, required testing to ensure the best possible image could be captured and stored for preservation and public use.

Based on the analysis, the Copyright Office will undertake the following steps to complete the digitization task and allow full public access to the country's copyright records:

- Complete imaging the Catalog of Copyright Entries (660 volumes). This is a six month process and should be completed by the fall 2010;
- Complete imaging of 2.5 million assignment cards by fall 2010;
- Begin imaging the 49 million card catalogue by catalog series, beginning with the most recent (1977) data and working backward;
- Begin metadata creation for imaged records to ensure public searchability. This is a manual process and must be done for each image; and,
- Begin the cross referencing between and integration of imaged records.

I look forward to sharing our progress on this project at future hearings.

Licensing Division Reengineering

In fiscal 2009, the Licensing Division resumed its reengineering efforts, reviewing its current administrative practices and underlying technology, performing a needs analysis for future operations, and beginning to design its re-engineered systems. This included developing an operational baseline, consulting with external stakeholders and preparing the organization for the change process inherent in reengineering. The goals of this reengineering effort are to: decrease processing times for statements of account by 30 percent or more; implement an online filing process; and to improve public access to Office records. In fiscal 2010 the Congress authorized the Licensing Division to use \$1.1 million from the royalty pools to cover the reengineering costs and associated supporting software. Earlier this month the Office released a Request for Proposal to support this effort. As part of our fiscal 2011 budget request, we requested an additional one time authorization of \$500,000 to cover any unforeseen reengineering expenses. As always, any funds not expended will be returned to the royalty pools. We are also asking for authorization of 2 FTEs and \$285,000 to cover ongoing system costs and maintenance for the new information technology system.

Legal and Policy Activities (Domestic and International)

The Office worked closely with House and Senate Judiciary and Commerce Committee staffs as well as stakeholders on the reauthorization of Section 119 of the Copyright Act, a statutory license available to satellite services for the carriage of certain-over-the-air television signals, which was to expire on December 31, 2009. In 2008 the Office submitted its report to Congress on updating this license as well as two other statutory licenses; this report served as the beginning point of this past year's legislative activities. On February 25, 2009, I testified before the House Judiciary Committee on the issue of the continuing viability of the cable and satellite statutory licensing structures and their relevancy in today's ever-evolving digital marketplace. During the year much discussion ensued, and bills H.R. 3570 and S. 1670, were introduced. However, work on this legislation was not completed, and at the end of last year Congress reauthorized the

section 119 statutory license until February 28, 2010, and subsequently reauthorized another extension until March 28, 2010.

The Office spent significant time during the year evaluating the legal and business implications of the ongoing Google Book Settlement litigation. I testified on September 10, 2009, at the House Judiciary Committee's hearing on "Competition and Commerce in Digital Books: The Proposed Google Book Settlement." Specifically I addressed the impact of the Google Book Settlement on copyright law and expressed my concern that the settlement would: create a private compulsory license through the judiciary rather than as an act of Congress; compromise the legal rights of authors, publishers and other persons who own out-of-print books; and subject the United States to diplomatic stress because of the effect the settlement would have on the exclusive rights of foreign authors and their governments' digitization projects. The Office assisted the Justice Department in preparing its Statement of Interest filed September 18, 2009 for the October fairness hearing. That hearing was postponed when the parties announced that they were amending the settlement agreement to address concerns that had been raised by a wide range of parties. An amended settlement agreement was filed with the court in early November and the fairness hearing was rescheduled for February 18, 2010. The Office once again assisted the Department of Justice with its second Statement of Interest, filed February 4, 2010. Both statements expressed concerns about the effect of the settlement on copyright law and policy and on competition.

As in previous years, the Office assisted the Justice Department in a number of court cases, including the preparation of amicus briefs filed with the Supreme Court concerning the interpretation of various provisions of the Copyright Act and filings in other cases involving constitutional challenges to the copyright law.

Additionally, the Omnibus Appropriations Act of 2009 mandated that the Copyright Office prepare a report for Congress on the copyright treatment of pre-1972 sound recordings; this report is due in March 2011. Specifically, the Office has been directed to study the desirability of, and means for, bringing sound recordings fixed before February 15, 1972 under federal jurisdiction. Sound recordings fixed before February 15, 1972 are governed by state law which in many cases is not well defined. The federal copyright law allows states to protect these pre-1972 sound recordings until February 15, 2067. Work on this complicated issue is underway, and we expect to meet our deadline.

On the policy front, office attorneys spent considerable time in 2009 examining the ways in which the United States provides copyrighted works in accessible formats to the blind, visually impaired and print-disabled. The Office led an extensive consultation process regarding the operation of the U.S. exception, 17 U.S.C. § 121, generally referred to as the "Chafee Amendment." The Copyright Office website contains the record of this public process. The Office also conducted a day-long public meeting to explore the topics raised in the comments it received. These included: the operation of the Chafee Amendment for the general reading public as well as for students at the K-12 and college levels; the cross-border movement of accessible works for the blind and visually

impaired; the role of technology; the role of trusted intermediaries; and existing systems for providing accessible versions of copyrighted works to the blind. The Office has worked diligently with other U.S. Government agencies in preparing for and attending meetings of the World Intellectual Property Organization's (WIPO) Standing Committee on Copyright, which has this issue on its agenda. The Office is currently working with the Library's National Library Service for the Blind, as well as with advocates for the blind and other stakeholders to explore ways to improve standards, resources and responsible cross border movement of works in accessible formats. Finally, during the week of March 8th, the Office and the WIPO sponsored an international training program at the Library of Congress. The program focused on exceptions for the blind in the U.S. and other countries and consideration of a series of timely questions about resources, technical standards and market solutions designed to improve accessibility in the digital world, an area in which the United States has long been a leader. Attending were representatives of developing countries and countries in transition as well as experts from various parts of the world. Speakers included government and private sector experts from the U.S. and other countries. Staff from the Judiciary Committees of the House and Senate spoke on "Copyright Policy on Capitol Hill."

Additionally, the Copyright Office assisted federal government agencies with many multilateral, regional and bilateral negotiations and served on many U.S. delegations, including negotiations regarding a proposed Anti-Counterfeiting Trade Agreement and negotiations and meetings relating to the implementation of intellectual property provisions of existing Free Trade Agreements and Trade Promotion Agreements. The Copyright Office also participated as part of the U.S. delegation at various meetings of the WIPO.

Conclusion

Madam Chair, I ask you to support the Office's fiscal 2011 budget request for two FTEs and additional offsetting authority to complete and maintain the Licensing Division Reengineering efforts and additional FTEs to provide long-term support for eCO, our information technology system.

I also want to thank you for your past support of the Copyright Office reengineering efforts and its budget requests.

Statement of Daniel P. Mulhollan
Director, Congressional Research Service
before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives
Fiscal 2011 Budget Request
April 21, 2010

Madam Chair, Mr. Aderholdt, and Members of the Subcommittee:

Thank you for the opportunity to present the fiscal year 2011 budget request for the Congressional Research Service (CRS). I would also like to describe how we align our work with that of the Congress to serve you most effectively and steps we are taking to ensure continued success in that mission.

Alignment of CRS Work with the Congress

CRS works closely with the Congress on a daily basis and has maintained this working relationship since its inception. Members know they can count on CRS to be nonpartisan, objective, authoritative, and confidential. Experts at the Service align their work with the congressional agenda from the moment a new issue arises and continue to meet the needs of lawmakers throughout all stages of the legislative process and across the full range of active public policy issues. CRS analysts examine the nature and extent of problems facing the Congress, identify and assess policy options, assist with hearings on policy proposals and on implementation of existing policies, and support congressional review of nominations and treaties.

Highlights of the past fiscal year illustrate the breadth and depth of services that meet continuing congressional needs for legislative assistance.

As the financial crisis peaked and the U.S. economy continued to stall, CRS experts focused on options for economic stimulus under consideration by Congress: understanding the effectiveness of federal spending increases, income tax cuts, and the application of monetary policy. During formulation, deliberation, and implementation phases of the stimulus bill, the American Recovery and Reinvestment Act of 2009, analysts assessed how the provisions could provide stimulus, in what ways they could be utilized, and by whom. They addressed debt and deficit issues and measures of economic recovery. As Congress debated measures to address weaknesses of the financial system, CRS supported congressional efforts to reform key elements of consumer finance, including credit card markets, mortgage finance, and predatory lending. Experts studied and reported on systemic risk, resolution of problems of banks deemed "too big to fail," mark-to-market accounting, and credit rating agencies. When the effects of the financial downturn began to be felt in other parts of the world, CRS analyzed the impact of the crisis on the European Union, China, Canada, Latin America, and Russia.

The health care debate also saw CRS heavily involved in analyzing the various proposals and consulting with Member, committee, and leadership offices. CRS formed a health team with participants from several CRS divisions marshaled to provide a multidisciplinary perspective on this highly complex issue. Our congressional procedures experts also responded to many complicated procedural questions that arose during consideration of legislative proposals. This issue remains a continuing focus of CRS work.

Other congressional concerns required impartial CRS policy analysis, such as the influence of Iran's policies on the security of the Middle East region, Afghanistan stabilization, and the handover of major security missions to Iraqi forces; unemployment compensation, job creation, and training needs resulting from the severity of the recession; food and drug safety; and responses to the potential public health threat of an H1N1 influenza pandemic. Additional examples of support include analysis of environmental and climate change concerns, U.S. energy security and independence; the crisis in the automobile industry and subsequent bankruptcies of large automobile companies and suppliers, the U.S. missile defense program and its technical capabilities, national security issues and military law regarding wartime detainees, the increase of drug trafficking violence at the U.S.-Mexican border, and analysis of court of appeals decisions of Judge Sotomayor during Senate consideration of her nomination to the Supreme Court.

CRS management consults with congressional leadership regularly to ensure that the Service's research agenda is aligned with lawmakers' needs. To confirm that CRS remains aligned with the Congress and supportive of its legislative needs, we appreciate the Committee's interest in engaging outside expert assistance to inform and reinforce our efforts to align our work with the congressional agenda. We recently entered into a contract with LMI, a not-for-profit strategic consulting firm, to independently evaluate CRS's current staffing models and procedures to determine how effectively we are meeting our statutory mandate. LMI will conduct Member and staff surveys and interviews, report on best practices for research organizations geared to ensuring responsiveness to client needs, and assess communication channels, including a Member Advisory Committee, that would ensure that CRS remains aligned with the work of the Congress and the needs of its clients. LMI will also conduct meetings with CRS staff. We expect their final report in August.

On January 15, 2010, CRS implemented telework for its non-bargaining unit staff, following the direction of the Subcommittee that CRS have in place by January a telework policy modeled on that of the Library. I was unable to implement simultaneously the program for bargaining unit staff because of my obligations under the Federal Service Labor Management Relations Statute, which prohibited the unilateral implementation of a telework program before the completion of negotiations with CREA, the certified bargaining representative. Bargaining began in October 2009, and with the help of a mediator from the Federal Mediation and Conciliation Service, formal agreement was reached with CREA on March 26, 2010. We will modify the telework agreement for non-bargaining unit staff so that it conforms to the agreement reached with

CREA. CRS has invested significant resources to set up a robust infrastructure to support those who seek the telework option. I believe that the telework policy implemented for CRS staff provides the benefits to employees of an additional alternative work arrangement. At the same time the policy preserves the ability of CRS to be there when Congress needs us and to remain fully aligned with the legislative agenda and your work patterns.

CRS as Shared Staff

We understand the difficult budget outlook, and CRS is prepared to play its part in arriving at a responsible budget for the next fiscal year that achieves critical agency objectives within a constrained funding environment. Congress faces enormous challenges in fashioning policy on high-profile issues such as health, immigration, the aging population, the conduct of two wars, burgeoning technological advancement, and financial restructuring. In CRS, Congress has at its disposal adjunct staff that can be shared with all Members and committees. This means that Member and committee offices need not hire the specialized expertise that CRS is able to retain and make available to all congressional offices and committees as shared staff. In difficult budget times, CRS offers a model that achieves economies and savings and at the same time affords the Congress the expertise and resources it needs to legislate wisely and in an informed manner with respect to the complex issues that confront it and the country.

In that regard, before explaining our budget request, I want to briefly discuss a matter that relates to this model that Congress intended for CRS and the constitutional status of CRS and the Library of Congress. As the Library has already informed you, last month the federal district court in *Live365, Inc. v. Copyright Royalty Board*, preliminarily rejected a challenge to the Librarian's authority to appoint Copyright Royalty Judges ruling that it was likely that the Library would prevail on its argument that the Librarian of Congress is the head of a department who may appoint such officers under Article II of the Constitution. The court relied in part on an earlier 1978 case – *Eltra Corp. v. Ringer* - which upheld the Librarian's power to appoint the Register of Copyrights. The judge noted the *Eltra* court's findings that the Library was a hybrid agency with both executive functions (e.g. the Copyright Office's registration function) and legislative functions (e.g., CRS).

I feel that the hybrid formulation captures the original intent of Congress in placing CRS within the Library. Congress extensively debated the relationship between CRS and the Library prior to the creation of the modern CRS in the Legislative Reorganization Act of 1970. At the time, it was thought that "the Library serves as a useful mantle for protecting the Service from partisan pressures. Furthermore, the effectiveness of the CRS will be enhanced by its continued instant access to the Library's collections and administrative support services." I believe that that rationale is still valid today and that the model that the Congress devised back in 1970 works. While CRS remains open to any change the Congress deems advisable, the overall relationship whereby Congress' policy research and analysis support arm is housed within the Library of Congress is a valuable one worth preserving.

Fiscal Year 2011 Budget Request

The CRS budget request for fiscal year 2011 is \$119,919,000, with almost 90 percent devoted to pay and benefits for our staff. This request includes funding for mandatory pay increases and price-level increases due to inflation, added staff with specialized technical skills and policy expertise, and an upgraded information architecture supporting ready access to the many and varied data sets required for research. CRS continues to operate at its lowest staff level in more than three decades, and the small percentage of non-pay expenditures is limited to basic operational needs. Therefore it is necessary to request additional funding when investments are needed to expand or upgrade the capabilities of the Service to meet the growing policy demands placed upon Congress.

An internal review of our capabilities to analyze the evolving and increasingly complex challenges facing the Congress identified gaps in the specialized skills needed for comprehensive multidisciplinary analyses and assessments. This budget request includes \$2.8 million for 17 of the 34 FTEs needed to rectify these concerns. Thirteen of these 34 positions would enhance scientific and technical capabilities in areas such as energy, climate change, information technology, military weapons, and security and provide additional expertise in disciplines such as physics, engineering, and biology. Eight positions would provide new skills in analyzing the health care industry, health informatics, and veterans' health. Another eight positions would focus on financial regulatory and oversight issues with expertise in financial accounting and auditing, consumer financial protection, credit markets, and financial derivatives. The remaining five positions would be skilled in labor economics, demography, tax policy, and statistics to support the analyses of issues pertaining to employment, immigration, workforce, and economic well-being. This two-year targeted increase in staff would require that CRS return to a FTE total that is only four over the level authorized in fiscal year 2007. These experts would have a direct impact on providing all relevant information and analysis needed for informed decisions.

The budget request also includes \$2.1 million to address our need to manage in a more sophisticated way the rapidly growing data necessary for authoritative analysis. We must invest in tools and services to establish an architecture that accommodates changes in technology. With this funding, CRS would create service-wide frameworks for data sets that would allow for efficient access to reliable data and full utilization of its contents. This investment would also allow us to employ modern content delivery capabilities, including interactive maps, data set mining, personalization features such as content tagging, and enhanced access to CRS products from mobile devices. Delays in this investment would cause a decline in efficiency and effectiveness as problems would increase due to technological obsolescence.

Conclusion

This budget request identifies the resources needed for the talented and dedicated staff of CRS to provide the full scope of information and analysis that is relevant to the work of Congress. The plans for this spending were scrutinized to ensure the returns justified the investment in this period of difficult economic conditions. My colleagues and I have and will continue to examine every activity and program for efficiencies and reduce or eliminate costs where possible while fulfilling our mission. We are proud of our unique role in providing comprehensive, non-partisan, confidential, authoritative, and objective analysis to the Congress, and we thank you for your support.

Thank you.

Ms. WASSERMAN SCHULTZ. Thank you very much, Dr. Billington.

CRS REQUEST FOR ADDITIONAL STAFF

I have a series of questions. The first one is related to CRS's budget request. They are asking for an additional 17 FTEs this year; 17 FTEs for next year as well. Certainly, we all could be more efficient and productive if we had more staff. I know I would love to have some more staff. I know my staff would love to have more staff. But this is a difficult fiscal environment.

Do you have Member requests, does the CRS have Member requests that go unanswered? Under the current staffing model, what are they not able to do that these 17 FTEs will allow them to do? And was there a survey done in the issue areas, in the subject matter areas, that you have requested the increased staffing, because the increased staffing was asked for in science and technology; health; financial, economics and accounting; and labor and immigration? Who decided those were the areas that were necessary?

Dr. BILLINGTON. Let me briefly answer, then perhaps Director Dan Mulhollan of CRS can answer in more detail. Fundamentally, this is our response, the Library's and CRS's in particular, to your requests. By "you" I mean the plural of Congress's requests, which come in daily and are evaluated on a running basis by the staff. So it is our response to what is most requested and for which we most need added help. The only other thing I would point out is that in this staff decline of more than a thousand that has occurred, there has been an enormous increase in requests from Congress. Half of this request is for upgrading the digital, essentially the delivery of information, and the other half is for personnel. CRS, next to Library Services, has accepted a fairly sharp decline in personnel while at the same time seeing an increase in Congressional requests, particularly in science and technology and things that require large statistical analysis and projections, and the integration of that kind of material with the broader cultural and historical material that lies at the background.

Ms. WASSERMAN SCHULTZ. Was there any outreach to Members of Congress, specifically, to ask them about, for input on what areas were lacking?

Dr. BILLINGTON. Yes. I think maybe if Mr. Mulhollan will step forward.

Mr. MULHOLLAN. The answer is yes and yes.

Ms. WASSERMAN SCHULTZ. Can you state your name for the record?

Mr. MULHOLLAN. Dan Mulhollan, Director of CRS.

First, to your point, you are exactly right: What do we need now and in the immediate future? That is what we are asking for. We have not asked for positions for the last several fiscal years, so we established a group of our mid-level managers to recommend, in consultation with staff, the appropriate staffing not just in the next fiscal year but also the years to come.

We considered the kind of questions we have received across a large number of areas, from security to energy to health.

In health care reform and financial reform haven't had a 2-day weekend for a year. Much of the major health care reform imple-

mentation will not be effective until 2014 but a lot of complex questions are being raised, and regulations will have to be developed. Financial reform support calls for sophisticated accounting capacity. We are asking for expertise in disciplines that we do not have now but that we have determined we will need in the future, as well as expertise in certain areas, such as energy and information security, that we will need for the future.

We have done this knowing full well the seriousness of the fiscal situation. But I believe the seriousness of the questions Congress faces, we can help. And your point with regard to staff of each Member, we, as shared staff, are cost-effective: we serve both majority and minority; we serve every committee and every Member. For example, a physicist in CRS can help the House Science Committee as well as Energy and Commerce.

Ms. WASSERMAN SCHULTZ. My time is just about to expire, and I know Mr. LaTourette will ask you about the survey. So I won't steal his thunder.

Mr. Aderholt.

IMPACT OF DIGITAL TECHNOLOGY ON LIBRARY MISSION

Mr. ADERHOLT. One thing that I did want to ask about was the digital technology and the growth of digital technology and digital content and how that has really changed the mission of the Library and how that has made some direct impact on the way the Library of Congress has operated today as opposed to the way it operated say 50 years ago. So could you talk a little bit about that?

Dr. BILLINGTON. Yes, gladly. The advent of the real digital revolution in the generation and communication and storage of knowledge has added a new dimension, but it has not changed the fundamental nature of the mission of the Library of Congress. The leadership role that we have exercised in the government, in getting out in front incorporating the virtual and digital world into the information storage and the sharing of Library of Congress materials with the general public and with Congress has strengthened our performance of the mission without basically changing it.

The essential mission is to acquire, preserve, and make accessible the world's knowledge and America's creativity. Now what that means, so much of it is now digital, that it supplements but does not supplant the traditional artifactual culture.

We had another revolution really in the 20th century, the audio-visual. We incorporated that. The early records of the Library of Congress were almost entirely written and published material, verbal material. We added the audio-visual dimension in the early and mid-20th century. At the end of the 20th century, beginning of the 21st, we are adding the digital dimension. But it is still, basically, a form of knowledge and so forth. And it is very subject to tampering and change in the way that the artifactual items are not. So preserving the original artifactual items is extremely important, even as we move into the digital world.

The congressionally created National Digital Information Infrastructure and Preservation Program, which we are mandated to coordinate, now has 170 partners. We have an enormous storage of born-digital material. That is material that is only available in digital format. We have, as I say, 170 partners in 44 States that are

cooperating with us in storing this material. We are even adding some of the new media material beyond the traditional Internet.

DIGITAL CONTENT SUPPLEMENTS ARTIFACTUAL COLLECTIONS

But that is America, as a country, which in terms of its compilation and in terms of the ideas, it adds without subtracting. That is very unique in world history. It adds without subtracting. We supplement rather than supplant. And that is true of the history of technology, generally, in all kinds of revolutions. When movies came in, people said nobody would be interested in plays. When television came in, they said nobody would be interested in radio. You add without subtracting. There are still plays that have found new dimensions and radios have new kinds of audiences for people in traffic jams who have the radio on. So that is the distinctive thing about America, that we are a place that adds without subtracting.

My predecessor had a wonderful phrase, the great American historian, Daniel Boorstin. He said, you can get all the information you want—or he foresaw this as happening—from a computer, but only from the older book culture will you be able to frame the unimagined question and accept the unwelcoming answer. That is almost a definition of a dynamic, self-improving, constantly developing society.

In incorporating that, now what we have done is brought forth old materials that have been half forgotten. We call them the American Memory, where we put these 60 million things, because the news media talk a lot about memory of the machines. But we are talking about the memory of ordinary people, from the national collection of the Library of Congress to great Presidential papers, in which we have only one-of-a-kind items. These aren't primarily books.

We are taking the primary documents out to people, and that has a way of stimulating curiosity, questioning, and sustaining the values of the book culture, which are interactive, thinking, asking questions, seeing new vehicles of imagination and the history of our innovation. With memory, you don't know what is new until you know what there has been before. So we are in effect adding. That is why this module is so important.

Mr. ADERHOLT. Number five?

Dr. BILLINGTON. Module 5 at Fort Meade. Because, for instance, when we digitize things, we digitize a great many of the most interesting things. And even the World Digital Library in many languages is always accompanied by dependable commentary by experts and curators. This has a terrific kind of impact in getting people to think and sustaining the values of the book culture.

Henry Steele Commager, the great American historian, once said America is the only world civilization whose institutions were entirely framed and conceived in the age of print. And the dialogic way in which the Founding Fathers debated in the Federalist papers you look at the rough draft of the Declaration of Independence with corrections by Adams and Franklin, and you realize you are dealing with something that was put together by debate and discussion and is ongoing, not that it is perfect, but it can always be improved. It is essential that you preserve that, even as you at the same time try to sustain those values in the new media and incor-

porate it, so that ultimately it can be one-stop shopping for the Congress, both from the virtual world and from the artifactual world.

Ms. WASSERMAN SCHULTZ. Thank you.

Your time has expired.

Mr. ADERHOLT. We will go another round.

Dr. BILLINGTON. Sorry.

Ms. WASSERMAN SCHULTZ. Your passion is evident.

Ms. McCollum.

IMPORTANCE OF NEW STORAGE SPACE AT FORT MEADE

Ms. MCCOLLUM. Thank you. Well, you were talking modules. I am a former teacher. Show and tell. It is late in the afternoon. You have all gone through your sugar rush from lunch.

So, Madam Chair, I know we have got some tough choices here to make, but I am here to plead a case when we are making those tough choices.

This is, in the Library of Congress, books lined up on the floor. These yellow slips indicate that they are ready to go to Module 5. This is the before, what is happening in the Library of Congress right now, and this is what the storage is out at Fort Meade. We are slowly, with the best of intentions, trying to keep the books as safe as they can at the Library of Congress, but it is hard on the spines. It is hard on the pages, and we are going to get to the point where they know where everything is. This is not chaos that is organized. This is organized organized. This is librarian-organized. But we are going to get to a point where even retrieval over at the Library of Congress is going to become very cumbersome and, in my opinion, going to become a work safety hazard just trying to get through the shelves.

I went out and looked at the facility. And I know we are making some tough decisions. But it is pretty much cookie cutter. Once you have one unit built, they are all built the same way. So there isn't a lot of planning. There isn't a lot of startup that has to be done. But we have gotten behind in the implementation. And I know we are behind on a lot of deferred maintenance here, as well, even in the Library of Congress. Even with the remodeling, there are more things that could have been done. But if we don't take care of these treasures and they become damaged, they are irreplaceable.

So I am going to plead for a case and work with you, Madam Chair. I am being very public with what my top priority is going to be.

Dr. Billington, if you could maybe just talk about just for a minute, because I will give you a little bit of my time, you can just talk about, if you have the numbers, how many books you have ready to go to Fort Meade right now.

Dr. BILLINGTON. Well, it is several hundred thousand. I will get you an exact figure. The important additional point here, briefly, is that what tends to go on the floor, of necessity, when you already have packed shelves, is the most recent thing. If you lose inventory and easy access control to the most recent things, say you have a periodical that has been going on for a 100 years, and you can't deliver the last 2 years; that doesn't make it just 1-50th useful. It makes it about half as useful because the questions Congress

wants a rapid answer to are dependent on having the latest information.

We have different categories. We get 20,000 items a day at the Library, and to sort it down to 8,000 or 10,000, we have different categories; if you just have to pile it up on the floor and if you aren't up-to-date, you rapidly become much more archaic and useless, and people will go elsewhere if we are not able to provide. Then you slowly ease into becoming a museum of a book rather than a fast deliverer of information. So I think that is the most important thing.

I will get you the exact number, but I know 5 million items are inventoried and ready to move to Fort Meade. All those 5 million are not piled up on the stacks, but they are all ready to be moved. So they will not only take things off the stacks, but open up material on the stacks so the new stuff can be processed fast and inventoried and accessed. By the way, we had Amazon look—

Ms. MCCOLLUM. Dr. Billington, you are going to get me in trouble.

Madam Chair, also, in full disclosure, my mother was a librarian. Ms. WASSERMAN SCHULTZ. Thank you.

Mr. LaTourette.

Mr. LATOURETTE. Thank you, Madam Chair.

Dr. Billington, welcome. I don't have any questions for you.

CRS RESEARCH PRODUCTS

But if you would ask Mr. Mulhollan to come back, I do have a couple of CRS questions, if I could.

Mr. MULHOLLAN. Yes, sir.

Mr. LATOURETTE. At last year's hearing, a couple of us, I think Ms. McCollum and others, expressed a desire to perhaps put together a more side-by-side analysis, and I did notice that in the recent health care discussion, you did produce a product that had a side-by-side. I have found that to be very helpful. I assume you did. And the question is, on major pieces of legislation, is that now the standard operating procedure?

Mr. MULHOLLAN. It has always been when we were requested. As I tried to explain before and didn't do a good job, we prefer to do an analysis where we point out what the reason is and the impact of the language, but if the Member wants a comparison strict, just of the language, then we do that.

We have a tool to assist in comparing bills called the Text Analysis Program (TAP) that is used by our staff in the Bill Digest section. They provide bill summaries for 18,000 bills every Congress. In fact, with regard to the health care reform, a columnist in the New York Times commended our bill summary that is available on Thomas. The summary explaining P.L. 111-148 is also available in the Legislative Information System (LIS).

TAP is a tool that, over time, we are trying to improve on, it is pretty labor-intensive right now, but it still reduces our workload. At some point, I believe by the end of the year, we hope to share this tool with House Legislative Counsel. Over time the goal would be to make it more useful for congressional staff as a whole, because it uses the information in LIS and compares the bills.

CRS HIRING PRACTICES

Mr. LATOURETTE. The other thing, just to clean up from last year, you had talked about bringing in these section chiefs or managers, I guess. One of the concerns that I had, just chatting with folks at the Service, was a number had been brought in not from the ranks up but brought in from the outside. I noticed in the Washington Post on Sunday in the business section—I wasn't looking for another job, but I do read the classifieds—that you are in fact advertising for more.

Mr. MULHOLLAN. Yes. We have had a transition from one who was an internal person who decided to step down and go into research. And so we are advertising for one.

Mr. LATOURETTE. I think when your vendor was in on the survey, they had collected statistics and indicated that half come from inside and half from out. So it is just one post you are filling at the moment?

Mr. MULHOLLAN. Well, we filled one approximately 2 months ago, because the head of that section became an assistant director.

CRS CLIENT SURVEY

Mr. LATOURETTE. And then I want to talk a little bit about the survey. I want to thank you for doing that. That came out of last year's hearing and the chairwoman's leadership as a result of her meeting with the vendor. I know that the chairwoman and Mr. Aderholt sort of spurred our colleagues to answer them. A lot of offices have policies that they won't answer surveys when they come in from an outside vendor. I think it was 3,600 they sent out. We had about 1,200 back in; Hoped for 1,800. So, hopefully, the work of the chairwoman and the ranking member will help you get there.

Just a two-part question, the timing of the completion of the survey, and what are the chances of the subcommittee receiving the raw, unadulterated report from the vendor, because what may be important to you may differ—

Mr. MULHOLLAN. First of all, we will share with the subcommittee any information you want.

Secondly, I want to express my gratitude to the leadership of the committee for personally going out to Members and explaining to them the survey. We did send out under my name 3,700 e-mails saying this was coming from a private vendor and that CRS was trying to clear the way for them. We also sent out about 450 e-mails to chiefs of staff to follow up and encourage participation. Right now, they say the margin of error on the response, because it is a random sample, will be under 3 percent.

Mr. LATOURETTE. Madam Chairwoman, I think my request would simply be when LMI is finished, that whatever they produce come directly to the subcommittee.

Ms. WASSERMAN SCHULTZ. Yes. We can share the results.

LAWSUIT REGARDING DISMISSAL OF PROBATIONARY EMPLOYEE

Mr. LATOURETTE. Then, last, there was a lawsuit in the news that you and I talked about, somebody who had been a chief prosecutor out at Guantanamo Bay was employed by the Service, and

there was—could you just give us whatever you are able to tell us about the status of that lawsuit?

Mr. MULHOLLAN. That lawsuit is being pursued by the ACLU on free speech grounds. The gentleman was in the probationary period, and he was removed during the probationary period for his judgment and discretion. He sent out, as the record in the court points out, caustic e-mails about other colleagues in CRS that caused me concern. And then he wrote public editorials using political statements like “fear-mongering like Dick Cheney.” And you can’t expect someone to be a leader for a whole division if they come out and make political statements like that. It is just not acceptable for CRS.

Mr. LATOURETTE. And that lawsuit is pending?

Mr. MULHOLLAN. That is correct.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Mulhollan.

DEMAND FOR COLLECTION MATERIALS AT FORT MEADE

I can appreciate all of the Members’ priorities; \$16 million, which is the cost of the module, is a significant chunk of this budget. So it is just, we are in a world of competing priorities. We are going to take a close look at all of those, but my question specifically on the module is, How many requests do you get for material that is out in the places that you plan to move to the modules?

Dr. BILLINGTON. I can’t give you precise—

Ms. WASSERMAN SCHULTZ. If you could answer that for the record, that would be very helpful.

Dr. BILLINGTON. We will answer that for the record.

Ms. MCCOLLUM. Madam Chair, I was out there watching a pull request. I was actually intrigued and rather surprised by the requests that were coming out there. They actually have good use of the major portion of the facility, so that if researchers and that are going out there, they don’t have to transport everything out. It would be a great field trip.

Ms. WASSERMAN SCHULTZ. We can certainly plan that. But my understanding is that it is historically very low, the amount of requests. I think we also need to keep in mind, and correct me if I am wrong, but I believe that you are seeking 13 modules.

Dr. BILLINGTON. That was the original schedule.

Ms. WASSERMAN SCHULTZ. Last year, we went from \$15 million to now \$16.9 million. So the cost increases every year. We have got a lot of balls in the air in the Legislative Branch Subcommittee.

Dr. BILLINGTON. I am informed that there were 200,000 requests since Module 1 opened. The low number of requests is likely to increase because the first books that went out there were the ones least used. We weren’t sure we would get that kind of return. Because it is automated, because it is compacted stacks and you can do it in a different way than you can with fixed stacks, it is much more efficient in many respects, particularly as it grows.

Ms. WASSERMAN SCHULTZ. I can appreciate that.

STAFFING OF OFFICE OF OPPORTUNITY, INCLUSIVENESS AND COMPLIANCE

Just shifting gears, we held the public witness hearing at the beginning of the hearing season this time so that we could be able

to incorporate their concerns and comments into our budgetary decisions. I was glad to hear that the union representation at the Library is pleased with the Office of Opportunity, Inclusiveness and Compliance, that they are feeling like, compared to last year, OIC is on the right track, but they do still feel the office is understaffed.

I wanted you to talk about, you have 12 FTEs that you received funding for. Where are we in terms of getting that office fully staffed?

Dr. BILLINGTON. I might pass that to our distinguished Chief Operating Officer because that is an area in which, actually, the first private money ever raised was to begin the program of leadership and development that would expand opportunity, but aggressive implementation and imaginative Library-wide activities have been run by Jo Ann Jenkins.

Ms. JENKINS. Originally, the office had 19 FTEs. We had the IG do an audit, a management audit, of the office. We also went across the Federal Government to look at like agencies. What we found is that our office was about five or six FTEs more, funded at a higher level than all of the rest of the Federal Government agencies, and the right number they recommended was 12. We have funded the office at 12 level. There are still several vacancies to be filled in the office, but as part of the right sizing effort.

Ms. WASSERMAN SCHULTZ. What is your timetable for reaching the 12?

Ms. JENKINS. This year.

Ms. WASSERMAN SCHULTZ. This fiscal year or this year?

Ms. JENKINS. This fiscal year. The Director has the positions and the money, and the positions are in the process of being posted right now.

Ms. WASSERMAN SCHULTZ. Thank you.

Good work for improving the concerns that they definitely had last year.

REQUEST FOR SUPERVISORY STAFF SUPPORT

There was concern expressed also in that same public witness hearing about the FTEs that were requested for supervisory staff support at the Library. And I will quote the Guild by telling you that they said they were skeptical about the request for more positions on the sixth floor of the Madison Building which moved paper from here to there. Typically, you have direct supervisory positions where this is not direct. This is indirect. So what is the purpose of those two FTEs, and what are they going to be doing?

Ms. JENKINS. The purpose of the two FTEs is to support a development program for Library supervisory positions. Mandatory training for supervisors includes courses about union contracts, about life and safety issues, about sexual harassment. Service units don't have the money in their budgets to cover that. These two FTEs are to support curriculum development for mandatory and Library-wide training and to staff this.

Ms. WASSERMAN SCHULTZ. So it is more broad.

Ms. JENKINS. It is for the entire Library.

Ms. WASSERMAN SCHULTZ. Great. Thank you very much.

OVERSEAS OFFICES:

I will just ask, I am going to have a couple of questions about just what is going on with the overseas offices. I had an opportunity to visit the overseas office in Cairo in January.

And I know, Dr. Billington, in the past you expressed concern about the "head tax," so to speak, with the Capital Security Cost-Sharing Program. Where are you now on that? You have got a \$15 million overseas budget, and \$5 million of that is to cover the cost of that. So I can understand why you would be concerned, but has your opinion changed of that program?

Dr. BILLINGTON. Not really.

Ms. JENKINS. No. I was going to say that we really believe that we get more than our money's worth out of those overseas offices, but we have not received the exemption for us not to pay the rent.

Ms. WASSERMAN SCHULTZ. Do any other agencies get exemption?

Ms. JENKINS. Not to my knowledge.

OVERSEAS OFFICE SYSTEM REPLACEMENT REQUIREMENT

Dr. BILLINGTON. The main thing we are concerned about this year in this regard is the upgrade of the information systems, because it is now 20-year-old technology. You never know when it is going to break down. These systems must be replaced. They can't be upgraded and changed because they are completely out of sync with other technologies in use. And they are extraordinarily important in being able to catalog overseas acquisitions, not just for ourself but for all other research libraries and repositories in America.

Ms. WASSERMAN SCHULTZ. We should also note, you have a small budget. You have small offices.

Ms. JENKINS. That is one of our larger offices.

Dr. BILLINGTON. What they do is they don't just collect—

Dr. BILLINGTON. The importance of these offices is that they are only in areas where there is no developed book trade that you can deal with in a rational manner. For instance, the recovery in our normal collection process of, say, the operation of Osama bin Laden's autobiography, it was a mimeographed copy that was picked up by one of the local employees sweeping through. They don't just collect in one country.

This is really, very important for the Nation, and it is important that we not have a breakdown in the ability to process this material, because it is catalogued in exotic languages by native speakers who are there.

Ms. WASSERMAN SCHULTZ. I met your very enthusiastic director in Cairo.

Dr. BILLINGTON. Sorry.

Ms. WASSERMAN SCHULTZ. No, don't apologize. He was great. We got to see a lot of cool stuff. It was very good.

Mr. Aderholt.

FUNDING REQUEST FOR TRAINING AND DEVELOPMENT PROGRAM

Mr. ADERHOLT. I understand the Library is requesting \$2.7 million for five full-time employees for a Library-wide centralized training and development program. Could you just talk a little bit

about that and what this would be focused on and what this would go toward?

Ms. JENKINS. Well, the training and development program, the Supervisory Training and Development Program, is what Congressman Wasserman Schultz referred to earlier, which was the two FTEs to do mandatory supervisory training. The staff development program, which is the three FTEs, the large portion of that is to develop core competencies. You heard Dr. Billington talk a little earlier about the new digital competencies we were going to have to train staff across the agencies to learn. A large component of that request is for student loan repayment. I think well over half of that is to try to come up to standards of what the House itself is implementing for their employees around student loan repayment options.

MERGER WITH CAPITOL POLICE

Mr. ADERHOLT. Six months ago, the Library Police merged with the Capitol Police, of course. In your opinion, how has the merger gone, and what role does the Library's Office of Security and Emergency Preparedness play in all this?

Ms. JENKINS. We believe that the merger has worked very well. We have been working very closely with the Capitol Police to address all of the Capitol Complex security concerns. The Office of Security now is focused on our emergency preparedness as we go through all of the emergency fire safety drills, weather-related security issues, as well as with collection security. But I think most would say that the police merger, once we got everything on the table, has worked fairly well.

DIGITAL TALKING BOOK PROGRAM STATUS

Mr. ADERHOLT. Just quickly, the Digital Talking Book System, is it on track for completion for 2013, as I think it was estimated?

Dr. BILLINGTON. Yes, I believe we are on track toward completion. There was a slight manufacturer delay. It was partly handled with no year funds. Most of it is handled with year-by-year appropriation on the schedule that was agreed to. No year funds were important to give it the necessary flexibility. There was a manufacturer's glitch that delayed it slightly, but by January 2010, all the funds were obligated. So we are fully on track. Kurt Cylke is the long-term manager of this. He may want to add something on this.

Mr. CYLKE. We are absolutely on target. What Dr. Billington is referring to is the use of the no year money. The purpose of no year money is to be able to spend it not in one fiscal year but—

Ms. WASSERMAN SCHULTZ. Could you state your name for the record?

Mr. CYLKE. I am sorry. Kurt Cylke.

We are manufacturing machines at the rate of 20,000 a month. They are getting a distribution rate from the libraries of higher than 95 percent. Books are going out. And we are on target and appreciate the money that was given. The community is very pleased. Of course, we are pleased as well.

Mr. ADERHOLT. That has been resolved, the glitches?

Mr. CYLKE. There were no glitches.

Dr. BILLINGTON. The manufacturing delays.

Mr. CYLKE. In the manufacturing process, there is always a startup phase, as operations become standardized. We had a few issues to addresses. I don't call them glitches. I just call them the natural process. We are in the manufacturing business. It took us 6 months.

Mr. ADERHOLT. Your bumps.

Mr. CYLKE. You can call them bumps, if you would like. That is all taken care of. The money is a hundred percent obligated.

Mr. ADERHOLT. Okay.

Thank you, Madam Chair.

AQUISITIONS OF OVERSEAS OFFICES

Ms. WASSERMAN SCHULTZ. All right. According to GAO, Dr. Billington, the Library's Washington, D.C., experts frequently responded, when they were surveyed by them that less than 50 percent of the acquisitions from a particular country were acquired by an overseas office. I am speaking as a supporter of the fact that you need overseas offices, but what is going on? Is there a disconnect between the Library in D.C. and the field offices?

Dr. BILLINGTON. Fifty percent of what?

Ms. WASSERMAN SCHULTZ. In other words, let's say Egypt. You have gotten, Africa and the Middle East, less than 50 percent—and I don't know whether Egypt is the case, but less than 50 percent of the collection from Egypt comes from the overseas offices.

Dr. BILLINGTON. Well, it depends what you are talking about. Take the law. One of the most important responsibilities we have is for the Law Library of Congress, which handles international law requests. Something like 97 percent of the material acquired about indigenous laws and material of this kind from the Library come from the overseas offices. Most of what they get would be unobtainable by other means because the book trade is not sufficiently developed, sufficiently speedy, or sufficiently discriminatory in terms of what Americans would want to know and need to know to do it. So, really, it isn't as if there is an alternative way of getting most of these books.

Ms. WASSERMAN SCHULTZ. You don't need to make a case to me about the need for overseas offices. I just don't understand why the majority of a collection from a particular country would not be coming from the overseas office that covers that country; that you would be getting it from somewhere else.

Dr. BILLINGTON. Most foreign acquisitions are acquired by direct dealings either of exchange or purchase from book dealers. Our overseas offices are all in regions where there isn't a fully developed commercial book trade that you can deal with, and where exchanges are not adequate or sufficient to assure us of getting all the things we need. So while, in certain instances this material might be obtainable in other ways, purchasing through dealers, when possible, is faster. In the important area of law, the field offices are not covering only the six countries where the offices are located. Each one has responsibility for different regions. They do sweeps through all of East Africa, Sub-Saharan and East Africa. The Cairo office for the Arab world; Islamabad covers much of Central Asia, Afghanistan. By the way, we have a unique Afghan exhibit up right now in the Library of Congress.

Ms. WASSERMAN SCHULTZ. I would like maybe a more clear answer just as to why. I mean, I understand the purpose of the overseas offices, but it would seem to me—I mean, if you asked me logically whether the majority of the collection from a particular country came from an overseas office or somewhere else, I mean, that would be part of the justification I think you would be making for having an overseas office. It is hard to understand why the majority of the collection isn't—

Dr. BILLINGTON. Maybe you could—

Ms. MARCUM. Deanna Marcum. I think the survey you referred to looks at all the international collections. We have only six overseas offices. So we are getting materials from all parts of the world, some through regular means and these very special circumstances in our overseas offices. The exchange programs for the overseas offices are also very important. We get a lot of material directly through government agencies from exchange programs that wouldn't be included in the overseas offices. But I will be happy to give you—we are working on a report right now looking at alternatives to the overseas offices, and I will be happy to share that information.

Ms. WASSERMAN SCHULTZ. Thank you. That would be great.

COPYRIGHT PROCESSING BACKLOG

On the copyright backlog, which I know is the bane of your existence—it is close to the bane of mine, so I can only imagine what it is for you—there has been somewhat of a drop from last year, but there is a dispute, apparently, over what the actual backlog is. The Library of Congress shows the backlog at just about 400,000, and Library's Professional Guild has the backlog at about 500,000. I understand the discrepancy is apparently in the way in which you are now counting the backlog. You are not counting things that are in the pipeline that you are waiting to receive information from.

Dr. BILLINGTON. It is a different means of computation. It is not necessarily a conflict. We do not include those things which we have already taken action on and that are in process; in other words, we are already in correspondence with or processing what has been submitted. Sometimes we need a second copy. Sometimes we need more information. Sometimes funding wasn't correctly done. But if it is being in the process of being done, we don't count that as part of the backlog. I think the Guild did.

Ms. WASSERMAN SCHULTZ. It is a 100,000-case difference.

Dr. BILLINGTON. Well, we can itemize it if you want.

Ms. WASSERMAN SCHULTZ. I would just like your analysis.

Mr. BILLINGTON. I got very concerned late in the year that we weren't making progress, and therefore I took the authority which this committee has very kindly, generously, extended to divert to other parts of the Library—we have created a task force of 50 people who worked intensively for a period of time. We negotiated and made sure it was understood and coordinated with the Guild and so forth. That has been very successful.

Ms. WASSERMAN SCHULTZ. Is that still ongoing?

Dr. BILLINGTON. We foresee this whole thing being clear to what we call normal level, perhaps 150,000, by the end of 2011.

Ms. WASSERMAN SCHULTZ. Good. That is great.

MANDATORY PAY REQUIREMENTS

My last question for the Library of Congress, you cited in your remarks a reference to \$5 million as mandatory pay. Mandatory is in the eyes of the beholder. So is all of that funding actually mandatory? There is no law that says you have to provide with in-grade increases and pay increases in fiscal year 2011, correct?

Dr. BILLINGTON. I suppose technically there is no direct law that says that, but it is the considered opinion of our general counsel that this is a requirement.

Ms. WASSERMAN SCHULTZ. Whose requirement?

Dr. BILLINGTON. Well, it is a requirement on us to do this.

Ms. WASSERMAN SCHULTZ. It might be a responsibility. It isn't a requirement, per se. It doesn't meet the strict definition of mandatory. I know that is the phrase that is used by the agencies. But it technically does not meet the dictionary definition of mandatory.

Dr. BILLINGTON. Okay.

Ms. WASSERMAN SCHULTZ. But it doesn't mean that I don't think it is necessary; it just means that it is not mandatory.

Dr. BILLINGTON. Well, I think we almost invariably have put sustaining the recompense to our staff as a top priority.

Ms. WASSERMAN SCHULTZ. It is a top priority. But I just want to make sure that you understand where the policymaking ends.

Dr. BILLINGTON. We will prioritize that. We will get a full response including citations from our legal staff.

[Additional information on mandatory pay follows:]

Library's Official Response

The Library is required by law to pay annual cost of living allowance (COLA) adjustments and periodic step increases (known as "within-grade increases" or "WIGs") to more than 90% of the Library workforce.

Cost of Living Allowance (COLA) Annual Adjustment

- The Library is required by law to pay the following employees the same COLA paid to General Schedule (GS) employees in the executive branch:

- GS employees. 5 U.S.C. 5102(a)(1)(B), 5331 and 5303.
- Librarian of Congress. 2 U.S.C. 136a-2(1); 5 U.S.C. 5303, 5313 and 5318.
- Director of the Congressional Research Service. 2 U.S.C. 166(c)(1); 5 U.S.C. 5303, 5314 and 5318.
- Register of Copyrights. 17 U.S.C. 701(f); 5 U.S.C. 5303, 5314 and 5318.
- Copyright Royalty Judges. 17 U.S.C. 802(e)(1); 5 U.S.C. 5303 and 5372(b)(4).

Legally, the Library does not have discretion about whether to pay a COLA to these employees or about the amount of the COLA. This is because Library GS employees are actually part of the same statutory pay plan as GS employees in the executive branch, and COLAs for the other positions are statutorily linked to the COLA for GS employees.

- The Library has discretion about paying a COLA to:
 - Senior Level (SL) employees. 5 U.S.C. 5108(c) and 5376(b)(2).
 - Scientific/Technical (ST) employees. 5 U.S.C. 3104(c) and 5376(b)(2).
 - Wage Grade (WG) employees. 5 U.S.C. 5349.

Within-Grade Increases (WIGs)

- The Library is required by law to pay WIGs to GS employees. 5 U.S.C. 5102(a)(1)(B), 5331(a), and 5335(a).
- The Librarian has discretion to pay WIGs to WG employees under the law, but is required to do so under its Collective Bargaining Agreement. 5 U.S.C. 5349 and 5343(e)(2); AFSCME 2477 Collective Bargaining Agreement, Article 18, section 9.E.
- The executive schedule, senior level, and other pay plans at the Library do not have statutory WIGs.

Whether Library Employees are Entitled by Law to Receive Pay Increases in the form of Within-Grade Increases (WIGs) and Annual Cost of Living Allowance Adjustments (COLAs)		
Pay Plan Coverage of Library Employees	Within-Grade Increase (WIG)	Cost-of-Living Allowance (COLA) Adjustment
General Schedule (GS) 5 U.S.C. §§ 5331 and 5102(a)(1)(B)	Yes 5 U.S.C. § 5335(a) "An employee paid on an annual basis, and occupying a permanent position within the scope of the General Schedule, ... shall be advanced in pay successively to the next higher rate within the grade."	Yes 5 U.S.C. § 5303(a) "Effective as of ... the rates of basic pay for each statutory pay system shall be increased by the percentage ..." BUT 5 U.S.C. § 5303(b) "If because of national emergency or serious economic conditions affecting the general welfare, the President should consider the pay adjustment which would otherwise be required by subsection (a) in any year to be inappropriate," the President may present an alternate plan.

Whether Library Employees are Entitled by Law to Receive Pay Increases in the form of Within-Grade Increases (WIGs) and Annual Cost of Living Allowance Adjustments (COLAs)		
Pay Plan Coverage of Library Employees	Within-Grade Increase (WIG)	Cost-of-Living Allowance (COLA) Adjustment
<p>Wage Grade (WG)</p> <p>5 U.S.C. § 5349</p>	<p>Required by Collective Bargaining Agreement</p> <p>Discretionary under the law:</p> <p>5 U.S.C. § 5349 - "The pay of employees ... in [wage grade occupations] in the Library of Congress, [and other designated agencies in the legislative branch] shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and in accordance with such provisions of this subchapter, ..., as the pay-fixing authority of each such agency may determine."</p> <p>5 U.S.C. § 5343(e)(2) "A prevailing rate employee under a regular wage schedule who has a work performance rating of satisfactory or better, ... shall advance automatically to the next higher step within the grade ..."</p> <p>BUT</p> <p>Required by AFSCME 2477 Collective Bargaining Agreement, Article 18, section 9.E.: "An employee under a regular Wage Schedule (WS) who has a rating of Successful or better will, after completing the prescribed period of service, advance automatically to the next higher step of his/her grade."</p>	<p>Technically, No</p> <p>Instead, Periodic Determinations of Local Prevailing Rates</p> <p>5 U.S.C. § 5343 - Set periodically by OPM-designated lead agencies</p> <p>5 U.S.C. § 5344 - Effective NLT 45 days after rate set; may be retroactive</p> <p>5 U.S.C. § 5349 - "The pay of employees ... in [wage grade occupations] in the Library of Congress, [and other designated agencies in the legislative branch] shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and in accordance with such provisions of this subchapter, ..., as the pay-fixing authority of each such agency may determine."</p> <p>BUT</p> <p>Financial Services & General Govt Appropriations Act has required WG employees to get same increase as GS. For FY10 see, Pub.L. 111-117, Div C, § 744.</p>

Whether Library Employees are Entitled by Law to Receive Pay Increases in the form of Within-Grade Increases (WIGs) and Annual Cost of Living Allowance Adjustments (COLAs)		
Pay Plan Coverage of Library Employees	Within-Grade Increase (WIG)	Cost-of-Living Allowance (COLA) Adjustment
<p>Senior Level (SL)</p> <p>5 U.S.C. § 5108(c)</p>	<p>NA</p> <p>LCR 2017-2.1 Adjustments after initial appointment are based on performance.</p> <p>§ C.2.b. "Changing fiscal conditions necessitate some flexibility in proposing salary adjustments based upon performance. The great majority of adjustments will fall into the two to three percent range, although extraordinary performance could result in an adjustment as high as ten percent."</p>	<p>Technically, discretionary, but driven by GS-15 increase</p> <p>SL Above the Minimum SL-Rate: 5 U.S.C. § 5376(b)(2) After the GS adjustment under § 5303 takes effect, "each rate of pay established under this section for positions within an agency shall be adjusted by such amount as the head of such agency considers appropriate."</p> <p>Subject to OPM regulations. 5 CFR 534.504 SL pay "shall be adjusted by such amount as the head of the agency considers appropriate."</p> <p>BUT Minimum SL rate will increase parallel to GS: 5 U.S.C. § 5376(b)(1)(A) "A rate fixed under this section shall be—(A) not less than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule."</p> <p>LCRs LCR 2017-2.1 § C.1. "The Librarian of Congress has the discretion to establish the amount, if any, of the annual ECI increase for Senior Level Executives, whenever the President of the United States orders such an increase for the General Schedule. The Librarian's Senior Level Executive four basic rates of pay are adjusted upward accordingly."</p> <p>CREA Agreement with Respect to Senior Level Pay for SL employees in the bargaining unit in CRS – Discretionary under § 6.C.1.</p>
<p>Scientific/Technical (ST)</p> <p>5 U.S.C. § 3104(c)</p>	<p>NA</p>	<p>Technically, Discretionary (Same as SL)</p> <p>5 U.S.C. § 5376(b)(2) After the GS adjustment under § 5303 takes effect, "each rate of pay established under this section for positions within an agency shall be adjusted by such amount as the head of such agency considers appropriate." Subject to OPM regulations.</p>

Whether Library Employees are Entitled by Law to Receive Pay Increases in the form of Within-Grade Increases (WIGs) and Annual Cost of Living Allowance Adjustments (COLAs)		
Pay Plan Coverage of Library Employees	Within-Grade Increase (WIG)	Cost-of-Living Allowance (COLA) Adjustment
Administrative Law Judge (AL) Copyright Royalty Judges - 17 U.S.C. § 802(e)(1)	NA Per § 802(e), CRJs are at levels AL-1 and AL-2. There are no steps within these AL levels. 5 U.S.C. § 5372(b)(1).	Yes COLA: 5 U.S.C. § 5372(b)(4) incorporates annual COLA from § 5303.
Executive Schedule III (EX) Deputy Libn – 2 U.S.C. § 136a-2(2) CRS Dir – 2 U.S.C. § 166(e)(1) Register – 17 U.S.C. § 701(f)	NA No steps within EX level.	Yes EX III – 5 U.S.C. § 5314 COLA – 5 U.S.C. § 5318 incorporates annual COLA from § 5303.
Executive Schedule II (EX) Librarian (Presidential Appointee) 2 U.S.C. § 136a-2(1)	NA No steps within EX level. Also, 5 U.S.C. 5335(e) "This section [regarding WIGs] does not apply to the pay of an individual appointed by the President, by and with the advice and consent of the Senate."	Yes EX II: 5 U.S.C. § 5313 COLA: 5 U.S.C. § 5318 incorporates annual COLA from § 5303.
Administratively Determined (AD) 5 U.S.C. § 5306 – applies only to legislative branch employees whose pay is not otherwise fixed by statute. No regular Library employees in this category. (Apparently, readers for NLS have sometimes been appointed part-time or intermittently under the AD pay plan.)	NA	Discretionary; Capped at GS increase 5 U.S.C. § 5306(a): "... may be adjusted..." "(f) by an amount or amounts not in excess of the pay adjustment provided under section 5303 for corresponding rates of pay in the appropriate schedule or scale of pay;" "(ii) if there are no corresponding rates of pay, by an amount or amounts equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to the amount of the pay adjustment provided under section 5303; or" "(iii) in the case of minimum or maximum rates of pay, or monetary limitations of allowances with respect to pay, by an amount rounded to the nearest \$100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as may be appropriate, to the percentage of the pay adjustment provided under section 5303."

Pub. L. 111-117, Consolidate Appropriations Act, 2010
Division C – Financial Services and General Government Appropriations Act, 2010

- Sec. 744. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2010 under section 5303 of title 5, United States Code, shall be an increase of 1.5 percent, and the overall average percentage of the adjustments taking effect in such fiscal year under sections 5304-5304a of such title 5 shall be an increase of 0.5 percent (with comparability payments to be determined and allocated among pay localities by the President). Adjustments under the preceding sentence shall also apply to civilian employees in the Department of Homeland Security and in the Department of Defense. All adjustments under this subsection shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2010.
- (b) Notwithstanding section 710, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2010 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentages in subsection (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304-5304a of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304-5304a of such title 5 and prevailing rate employees described in section 5343(a)(5) of such title 5 shall be considered to be located in the pay locality designated as 'Rest of U.S.' pursuant to section 5304 of such title 5 for purposes of this subsection.
- (c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2010.

Ms. WASSERMAN SCHULTZ. Great. Okay. Thank you.

ACQUISITION COSTS

And before we conclude, I have some homework for the Library. I know you are reviewing your acquisitions policy. Some of the largest requests like Storage Module 5 are to deal with your space issues. Central to dealing with the Library space problem is the direct relationships with the amount of material that you acquire. I would like you to provide the subcommittee with data on the amount of acquisitions for the past 5 years, the types of information required, the goal of the acquisition policy, the types of information required, the goal of the acquisition policy review and the expected completion date of the review.

[CLERK'S NOTE.—The Library provided additional information as follows:]

Question: Some of the largest requests, like storage module 5 are to deal with Library's space issues. Central to dealing with the Library's space problem is the amount of material acquired. Please provide the subcommittee with data on the amount of acquisitions for the past 5 years, the types of information acquired, the goal of the acquisition policy review, and the expected completion date of the review.

ANSWER: The Library of Congress is the de facto U.S. national library, and to sustain its unparalleled collection of materials that support the knowledge needs of Congress and the American public, it collects universally in print and non-print formats. In an era of budgetary constraints, libraries across the United States are reducing services, staff, and new collections at a disheartening rate. As a result, librarians at peer research libraries are looking to the Library of Congress for leadership and support, especially in the area of collections.

The Library is fortunate to have as its chief source for building its collections the Congressionally-mandated deposit of copies of items submitted for U.S. copyright registration. Additionally, the Library adds materials to its collection via purchase, exchanges, gifts, and government transfers.

The content of the added materials reflect the Library's defined collecting policies—which cover all subjects, disciplines and languages—and include the following formats:

- Print (books, journals, newspapers)
- Maps
- Music
- Microforms
- Sound recordings
- Visual materials (moving images, photographs, posters, prints, drawings)
- Digital (databases, electronic content)

Pieces added to the Library's collections over the past 5 years in all formats

Source	Fiscal 2005	Fiscal 2006	Fiscal 2007	Fiscal 2008	Fiscal 2009
Copyright deposits	1,098,420	1,120,791	1,077,152	526,508	739,364
Purchases	708,396	782,123	809,197	1,196,401	759,458
Non-purchases	1,380,363	1,461,095	1,909,364	1,822,152	1,140,870
Total acquisitions	3,187,179	3,364,009	3,795,713	3,545,061	2,639,692

In recent years, the Library has taken steps to address and reaffirm its collecting policies and to assure that they continue to be in the best interests of the Library, Congress, and the American research and general user communities.

In 2008, the Library carefully revised its Collections Policy Statements to assure that the Library was continuing to collect and retain only appropriate materials for the collections. Some of these statements had not been reviewed in several decades. The revised statements take into account the emergence of digital content and the acceptance of digital content over print or other formats where appropriate. Staff who review materials at the initial acquisitions stage in Copyright units, in Library Services units, and in the overseas offices apply the guidelines in selecting materials for retention.

The Associate Librarian for Library Services has taken the review process a step further by convening a group of key Library staff to consider the number of copies of individual works to retain for the collections of the Nation's Library in the digital age. In light of the implications of the Library's often being the only repository for some of these titles and the fact that the outcome will affect the Library and the larger library community for decades—if not centuries—to come, this review process will necessarily occur over the next several years.

The Library has issued a new regulation governing the mandatory deposit of copyrighted electronic serials available online. This regulation will allow the Library to determine if it can accept digital serial content instead of print, thereby mitigating the growing pressure on storage space. The regulation goes into effect this spring. The outcome of this phase of mandatory deposit for digital content will set the stage expanding to other formats of digital content.

Acknowledging the shift from print to digital, the Library has undertaken an ambitious plan to restructure the massive exchange program that provides access to documents produced by over 120 other national government agencies and international bodies. The International Exchange Service is being revamped to allow the Library to have online access to this content of foreign governments that is so invaluable to Congress and the legislative process. New agreements have been forged that have already reduced the number of print titles shipped to the Library in favor of remote virtual access. Involving treaties with over 50 nations, this undertaking will take at least two or three years to complete.

Last year, the Librarian reassigned a senior level staff member from his office to work with Library Services to develop a plan to establish a central unit devoted to collections development. This unit will have responsibility for advising the Librarian and the Associate Librarian on acquisitions policies, helping to assure that defensible acquisitions are being made.

In June, the Librarian will convene the annual meeting of key acquisitions and recommending managers and staff to discuss items acquired over the past year. At this meeting, as in past years, he and the Associate Librarian will reaffirm that staff are adhering to sound acquisitions policies.

Ms. WASSERMAN SCHULTZ. Thank you very much, Dr. Billington. And we can turn to Open World.

Dr. BILLINGTON. Thank you very much. And let me thank you again, Ranking Member Aderholt, for your not only backing, but embodying—

Mr. ADERHOLT. Well, everybody at the Library has—

Dr. BILLINGTON. It is being expanded upon, so—even as we speak—

Ms. WASSERMAN SCHULTZ. That is exciting.

Mr. ADERHOLT. So, it has been successful then?

Dr. BILLINGTON. Also we have lowered the age limit.

Ms. WASSERMAN SCHULTZ. Good.

Dr. BILLINGTON. So our consciousness has been raised.

Ms. WASSERMAN SCHULTZ. Fantastic. You have your own personal lobbying team.

The subcommittee stands in recess, and we will begin to resume after the vote. We will stand in recess until the end of this series of votes.

[Recess.]

QUESTIONS FOR THE RECORD SUBMITTED BY

CHAIR DEBBIE WASSERMAN SCHULTZ

James Billington, Librarian of Congress

FY 2011 Budget of the Library of Congress

Office of Opportunity, Inclusiveness and Compliance

Question: How many staff are currently on board at OIC?

ANSWER: During the reorganization, OIC staffing was reduced from 19 to 12 FTEs. Effective April 15, 2010, OIC has 9.5 staff members, including the director and newly hired assistant director and mediator. The office is in the process of recruiting for the remaining 2.5 FTEs that focus on analytical competencies. OIC hired a staff mediator in order to strengthen current mediation services provided by contract staff during stage 1 grievances.

Law Library

Question: The Law Library's request includes \$353 thousand in fiscal year 2011 for 3 full-time-equivalents to organize its legal material under the "LAW" shelving arrangement. According to the Library, approximately 77 thousand titles consisting of 219 thousand volumes have been classified, leaving 610 thousand volumes to be converted. Why are you proposing to hire permanent staff to deal with a backlog? Why not use contractors since this is a temporary effort?

ANSWER: Contracting is a very unstable approach to accomplish this critical task for the Law Library. The skill set required for K Classification work requires knowledge of legal cataloging, legal publishing and the law itself, and takes more than 2 years to learn. Skilled contractors usually seek full-time employment and view contract work as a short-term alternative. As a result, there is a high level of risk that the Library's investment in training could be lost before we realized any benefit in terms of tangible work product.

Inventory Management

Question: The Library is requesting \$1 million for inventory management to support 23 contractual staff who will inventory general area studies and Law collections as well as the transfer of collections to Modules 3 and 4 and the cold storage rooms at Ft. Meade.

Is this a one-time cost that will not be needed in fiscal year 2012? Can this cost be scaled down if we want to spread the inventorying over multiple fiscal years?

ANSWER: The Library requested inventory management funds when we acquired the Integrated Library System in 1999, and it was necessary to link copy-specific information to the bibliographic record. Congress provided approximately \$1 million a year for eight years to ensure that the Library could account for the whereabouts and security of its collections. However, inventory is an ongoing process, and it is especially important to consider this a core activity of collection management as we continue to inventory books and bound periodicals on Capitol Hill and move special format materials off-site to Fort Meade Modules 3, 4, and the Cold Rooms. While the level of activity can be reduced, the need for inventory control is not diminished and remains essential to securing and tracking our holdings.

Books for the Blind

Question: For the record, please provide the appropriations provided to date by fiscal year for the digital conversion effort. Also include the amounts obligated to date.

ANSWER: Funding appropriated for fiscal years 2005 – 2009 has been fully obligated. For fiscal 2010, all funds have been committed and most obligated. All fiscal 2010 funding will be obligated by year end.

Digital Talking Book Program – Funding for Digital Players & Media

Fiscal Year	Appropriation	Obligations
2005	\$1.5 million	\$1.5 million
2006	\$1.5 million	\$1.5 million
2007	\$1.5 million	\$1.5 million
2008	\$13.5 million	\$13.5 million
2009	\$13.98 million	\$13.98 million
2010	\$13.99 million	\$13.83 million

Overseas Offices

Question: According to GAO, the Library's Washington DC experts frequently responded that 50 percent or less of their collections from a particular country was acquired by an overseas office. Why is there a disconnect between the Library in DC and in the field offices?

ANSWER: The information comes from a survey conducted by Library Services analysts. They collected data on the number of items acquired by the overseas offices, and they asked the subject experts at LC about their perceptions. The empirical data contradict some of the Library's experts who indicated that they have other means of collecting. As an example, five of six of the Library's experts indicate that less than half of their collections published in Turkey come from the field offices, but the statistical data show that 83% of the Library's catalog records for Turkish publications are produced by the Cairo Office.

The subject experts do not process materials. They make selection recommendations for specific items and general classes of material without always being aware of the source of those materials. The recent survey by Library Services analysts has pointed to the need for better communication among staff engaged in collection development work. The Associate Librarian for Library Services is in the process of establishing a new, centralized collection development office to address this issue.

Question: The Library's staff travels extensively to acquire materials in their region to places such as Yemen. How is the Library ensuring that these workers are safe not only in their assigned country, but when they travel on these acquisition trips?

ANSWER: The Library ensures the safety of the staff working in the overseas offices by supporting their location within Embassy compounds. For offices located outside compounds, the Library works with the State Department to obtain safe buildings as worksites. Those sites are refurbished to make them more secure and safe. The Library, through the State Department administered International Cooperative Administrative Support Services (ICASS), funds security services, such as local guards, to further enhance security. With the assistance of the State Department, secure and safe residences are identified for the American employees. For acquisitions trips, the offices work with local U.S. embassies to use embassy drivers, as necessary, and travelers follow advisories issued for the areas of travel.

Office of Security and Emergency Preparedness

Question: The Library is requesting \$1.4 million for its Office of Security and Emergency Preparedness. According to your justification it is to fund contracting services and equipment maintenance requirements that were not moved over during the Capitol Police and Library Police merger. What kind of services and equipment were left behind? Why shouldn't they fall under the jurisdiction of the Capitol Police?

ANSWER: Equipment that remains at the Library is the following:

1. video monitoring camera and recorders
2. intrusion detection and access control devices, and
3. book theft detection devices.

The MOU between the Capitol Police and the Library of Congress, dated September 29, 2009, represents the mutual understanding between the two agencies, wherein the above security systems in place in Library facilities will be retained by and be the responsibility of the Library of Congress (MOU Section 7.c.(1)). The security equipment that remains in place is there for the protection of the Library's collections, as delineated in the July 28, 2009 Physical Security Systems matrix, which serves as the basis for the MOU.

Architectural and Engineering Design

Question: The budget request asks for resources to expand the Library's use of contract professional design and engineering services. Isn't that why we fund the AOC? Why does the Library need additional resources for this?

ANSWER: The AOC Architecture and Engineering (A/E) design resources support the fire, life safety, and structural upgrades for the Library of Congress (LOC), where as the Library A/E design support requirements support interior fit-out. The AOC did receive increased construction funding to support the Library of Congress, which has improved the AOC's ability to support the Library's critical programs, however previous requests from the Library for design funding have not been supported.

Procurement of specialized and supplemental services will allow the internal staff to focus on the annual Facility Project Plan projects, and use expert contract staff on unique, specialized projects such as the preservation labs, multi-media centers, Sloan Scan Center, Abraham Lincoln exhibit space design support, etc. The increased design workload and added technical complexity of specialized design needs has considerably taxed Facility Services' internal design staff. Establishing base funding to support the acquisition of A/E design services with multiple awards will satisfy the prodigious architectural, engineering, and design demands of Library programs and operations where the individual Service Unit is not responsible.

Funding the IDIQ contracts will allow maximum flexibility in addressing Library design needs and provide access to a wide pool of technical experts. This solution to the ever growing design demand was recommended by the Library of Congress' Inspector General in Report #2006-PA-107 and was partially implemented through a small, end-of-year resource reallocation that provided a one-time internal Library allocation of \$196,000 in fiscal 2008. Contract design services have been previously used by the Library and have proven beneficial in providing design support for complex emerging construction projects. Internal design staff is best suited to address ordinary design tasks, and supplementing existing staff with IDIQ contracts will create a faster, better, and more cost-effective approach to satisfying complex design needs rather than building this type of expertise in-house.

WEDNESDAY, APRIL 21, 2010.

OPEN WORLD LEADERSHIP CENTER

WITNESS

JOHN O'KEEFE, EXECUTIVE DIRECTOR, OPEN WORLD LEADERSHIP CENTER

Ms. WASSERMAN SCHULTZ. I call the committee back to order.

The next agency is Open World, and we have your 2011 budget request, which is \$2 million more than the fiscal year 2010 budget. That is a huge increase, particularly given the fiscal constraints we are operating under. Our subcommittee's stated goal has been that we would begin to wean you off your reliance on legislative branch funding, so it is somewhat difficult for me to understand why you have asked for \$2 million more in funding. But I am not sure, Dr. Billington, are you going to make—

Dr. BILLINGTON. I may have something brief at the end.

Ms. WASSERMAN SCHULTZ. Okay. Amb. O'Keefe, we are here to listen to your budget request presentation, and I am sure we will have a couple of questions.

Mr. Aderholt.

Mr. ADERHOLT. I just want to say welcome to the Ambassador, and we look forward to your comments this afternoon.

Ms. WASSERMAN SCHULTZ. You can proceed, Ambassador, with 5 minutes for your statement, and your full statement will be entered into the record.

STATEMENT OF AMBASSADOR JOHN O'KEEFE

Amb. O'KEEFE. Thank you, Madam Chairwoman and Mr. Aderholt. And thank you for the opportunity to testify on the Open World Leadership Center's fiscal year 2011 budget request. As a unique congressional center and resource, Open World is the dynamic catalyst for hundreds of international projects and partnerships that constituents have developed with emerging leaders from the countries of Eurasia.

CONSTITUENT DRIVEN PROGRAMS

More than 6,000 volunteer American families in all 50 States have hosted 15,500 young professionals. Seventy-five percent of Open World's fiscal year 2009 appropriated funds were expended on U.S.-based goods and services. Our U.S. hosts immersed these professionals in American life and values, contributing an estimated \$1.9 million in cost shares in 2009. American volunteer hosts have stepped forward keeping the demand for the 2010 visitors at nearly triple the supply.

DOUBLING THE NUMBER OF CONGRESSIONAL MEETINGS

Thanks to the committee's guidance, in 2010 we have significantly changed our work with Members of Congress. We have more than doubled the number of Open World delegates' meetings with Congress, involving half of our program participants now.

DRAFTING A MORE LEGISLATIVELY-ORIENTED STRATEGIC PLAN

The Open World Board of Trustees has directed the center to draft a new strategic plan with goals that will engage Members of Congress and their constituents even more. We bring people from all 83 regions of Russia, all parts of Ukraine, from the Caucasus and Central Asia. They now constitute 10 percent of the Russian Duma, one-third of the Council of Judges, and are engines for change in fields from education to medicine. One example in the security field, a Georgian delegate who, drawing on his Open World experience, drafted a bill on cybersecurity, was then promoted to be his country's first cybersecurity czar. He is now in contact with experts he met on Open World at the Department of Homeland Security to craft a strategy to thwart cyberattacks on his country.

EFFICIENCY AND COST EFFECTIVENESS

Open World offers an extraordinary bang for the buck in terms of efficiency, cost-effectiveness and value. The center boasts an overhead rate of about 7 percent, and every grant contains cost-shared elements. Unfortunately, to keep costs down, I have had to let go one of our nine staff here in Washington.

Funding at the level requested by the Board will enable the Center to resume its important nonproliferation program, bringing nuclear experts to enhance working relationships not covered by other programs. We will expand to Armenia, Uzbekistan and Belarus, and will fund a full-time development expert. With your support, Americans in hundreds of congressional districts throughout the United States will engage a promising new generation of political and civic leaders, parliamentarians, mayors, environmentalists, anti-human trafficking activists in a dialogue that has doubled the number, for example, of Rotary Clubs throughout the region, and created 20 sister courts.

This unprecedented congressional program has proven to be an exciting vehicle to linking grassroots professionals and emerging leaders. It furthers the effort to create more transparent and accountable governments and expands cooperative arrangements between America and Eurasia.

I would also like to mention my staff is here, some of them: Jane Sargus, our financial management officer; Chang Suh, Congressional Liaison, and from Russia, stranded here in Washington now, Alex Khilkov.

Thank you, Madam Chair and Mr. Aderholt.

Ms. WASSERMAN SCHULTZ. Thank you very much, Ambassador.

[Mr. O'Keefe's prepared statement follows:]

**Statement of Ambassador John O'Keefe
Executive Director
Open World Leadership Center
Before the
Subcommittee on Legislative Branch
Committee on Appropriations
United States House of Representatives
Fiscal Year 2011 Budget Request
March 24, 2010**

Madam Chair, Mr. Aderholt, and other Members of the Subcommittee, I appreciate the opportunity to present testimony on the Open World Leadership Center's budget request for fiscal year 2011. The Open World Leadership Center, of which I am the Executive Director, is a unique congressional center that is a resource for Members of Congress and their staff and constituents. It seeks to assist Congress in its foreign policy oversight responsibilities and aid Congress in interparliamentary and similar legislative activities. In this capacity, the Center conducts one of the largest U.S. exchange programs for Eurasia, through which some 6,100 volunteer American families in all 50 states have hosted thousands of emerging leaders from former Soviet countries. As a result of these exchanges, hundreds of projects and partnerships beneficial to all have been initiated and enhanced. All of us at the Center are very grateful for Congress's continued support, and to the Members of Congress who participate in the Center's Open World program and who serve on our governing board. We look forward to working with you, other Members of Congress, congressional interest groups, and volunteer hosts throughout the United States to set the future path of Open World.

Last year, this subcommittee suggested that the Center seek greater congressional involvement in the Open World program and develop a strategic plan that makes our agency an even more valuable resource for the legislative branch. I am pleased to share with you that nearly one out of two program participants in 2009—48 percent—met with Members of Congress or their staff. This is an increase of 100 percent from 2008. When our board convened on February 4, 2010, we discussed important legislative components of a new strategic plan for 2012–2016, and I look forward to sharing these components with you. First, though, I would like to update you on the Center's operations and some recent program accomplishments.

More than 15,000 emerging leaders from Russia, Ukraine, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Lithuania, and Uzbekistan have participated in Open World. Significantly, more than 48 million Muslims reside in countries where Open World is active, and these countries have approximately 2,000 miles of shared borders with Iran and Afghanistan.

Since its inception, the Center has awarded grants for overseeing our U.S. exchanges to **60 organizations** headquartered in **25 different states** and the District of Columbia. These grantee organizations host delegations themselves or award subgrants to local host organizations to do so. By 2010, **well over 600 local host organizations**—

including universities and community colleges, Rotary clubs and other service organizations, sister-city associations, and international visitor councils and other nonprofits in all **50 states** and the District of Columbia—had conducted Open World exchanges for the Center.

More than **75 percent** of Open World’s fiscal year 2009 appropriated funds were expended on U.S. goods and services through contracts and grants—much of it at the local community level. American volunteers in **48 states and the District of Columbia** home hosted Open World participants in calendar year 2009, contributing a large portion of the estimated \$1.9 million given to the program in the form of cost shares.

In fiscal year 2010, Open World had a 14 percent reduction in appropriated funds. As a consequence, Open World terminated one of its most important but costliest programs, the nonproliferation exchange program for Russian nuclear experts and decision makers. Open World was also forced to reduce the number of calendar year 2010 participants from the 1,400 planned to 1,300. Still, through cost shares, contract renegotiations, donations, and an interagency transfer, the Center was able to maintain the quality of the Open World program as well as to double the number of participants from the Republic of Georgia.

The Center’s budget request of \$14 million for fiscal year 2011 was set at the direction of our Board of Trustees. We will seek to fulfill our Board-approved strategic plan to expand to Armenia, Uzbekistan, and Belarus, as well as to bolster our development efforts. We plan to bring 1,400 participants in calendar year 2011 through additional cost shares from our U.S. hosts as well as from our partners abroad. We estimate that, again, more than 75 percent of the appropriated funds will be spent on U.S. goods and services, including \$4.47 million in direct grants to American host organizations. The funds will allow thousands of Americans throughout the United States and their counterparts abroad to generate hundreds of new projects and partnerships and other concrete results.

Open World Program Results

There are many examples of solid, productive results from the Open World program:

A Moscow principal who is pioneering inclusive education at her school instituted new curriculum activities for her students with disabilities—and became an advocate for Individualized Education Programs for special-needs students—after her 2008 Open World education exchange to Worcester, Massachusetts. Russian President Dmitry Medvedev met with this alumna and toured her institution on September 1, 2009, the first day of the Russian school year. The Russian president was impressed by the curriculum additions and by the alumna’s point that inclusive schools like hers do not receive any government funding to defray the cost of the extra services provided to special-needs children. President Medvedev said he would have the Ministry of Education look into

this funding issue and praised the alumna's school for being in the vanguard of inclusive education. The school visit was covered by three national TV channels.

In agribusiness, a Moldovan alumnus, Dr. Gheorghe Arpentin, commenced a series of Skype online lectures recently at the request of North Carolina grape growers, many of whom have recently converted their tobacco fields into grape vineyards. The first lecture, on using organic viticulture, was well received; Dr Arpentin's recommendations were referred by members of the North Carolina Wine and Grape Council to North Carolina State University, where they are now being field tested on North Carolina soils for prospective application. Dr. Arpentin was recently named a deputy minister of agriculture. His second lecture is scheduled for late April 2010.

This is what one of the American participants in Dr. Arpentin's first Skype class had to say:

The SKYPE Lecture on Grape Growing by Dr. Arpentin from Moldova was exactly what we needed. We Americans tend to reach for "chemicals" to increase our crop productions. Dr. Arpentin directed us to "go natural with use of select rotated wild grasses" which will increase our yield, decrease bitterness of the grape, maximize plumpness and yes, save us money. With Moldova's three thousand year history of successful grape growing and wine making and with Moldova's awards in the field, I listened closely and learned.

In an example touching on U.S. security interests, Open World Georgian delegates involved in drafting their country's personal data protection act met in November 2009 with House Energy and Commerce Committee staff members working on H.R. 2221, the Data Accountability and Trust Act, to discuss and compare their legislative provisions. Upon returning home, one of the delegates became the director of the Georgian Ministry of Justice's Data Exchange Agency, which is responsible for the nation's cybersecurity and e-government program. He continues to communicate with those he met on Open World, including representatives from the Department of Homeland Security's Computer Emergency Readiness Team and congressional staffers.

At the Civil Society Summit held in Moscow last July in conjunction with the U.S.-Russian Presidential Summit, 12 of the 75 American and Russian attendees were Open World partners. All 12 now serve on working groups for the U.S.-Russian Bilateral Presidential Commission, which was created as a result of the presidential summit to explore new opportunities for U.S.-Russian partnership. In January 2010, a Russian alumnus was invited back to Washington, D.C., where he had spent much of his 2008 Open World visit, to participate in the inaugural meeting of the Commission's civil society working group. The alumnus, who heads a nongovernmental organization (NGO) that aids homeless, exploited, and at-risk children and teens in Astrakhan Region, is an authority on child welfare issues, a major focus of the working group's first meeting. He is also active in advocating for Russia to create a counterpart agency to the Virginia-based National Center for Missing and Exploited Children, which he first learned

about—and visited—during his Open World exchange. This same alumnus was just appointed to and made chairman of the Astrakhan city election commission.

Open World alumni are continuing to climb up the ladder into leadership positions while bringing about changes from the periphery in and the bottom up. The Open World Leadership Center tracks these and other such results using eight categories, or “bins,” such as partnerships with Americans, alumni projects inspired by the Open World experience, and benefits to Americans. Since launching a results database in August 2007, Open World has identified more than 3,000 results (see attached Results Chart).

Open World and Congress

As a U.S. Legislative Branch entity, the Open World Leadership Center links Congress to experienced and enthusiastic citizens throughout the United States who are engaged in projects and programs in Open World countries, and actively supports the foreign relations initiatives of Congress. The Open World program routinely involves Members in its hosting activities and is responsive to congressional priorities. Seven of the 18 congressional members of the Commission on Security and Cooperation in Europe (Helsinki Commission) met with Open World delegates last year. The Center also regularly consults with the Congressional Georgia Caucus, the Congressional Ukrainian Caucus, the Russia Caucus, the Congressional Azerbaijan Caucus, the Congressional Caucus on Central Asia, the Friends of Kazakhstan Caucus, other congressional entities, and individual Members with specific interests in Open World countries or thematic areas.

Some examples of Member and congressional staff interaction with Open World in 2009 and early 2010 are:

- In January 2010, Congressman David Price of North Carolina hosted a group of Moldovan parliamentarians in Raleigh and then in Washington, D.C. The group’s visit coincided with that of Moldovan Prime Minister Vlad Filat to both of these cities in order to further cement sister-state relations between North Carolina and Moldova. The Moldovan delegates proposed and discussed the idea of forming a North Carolina Caucus in their parliament.
- Representative Robert Aderholt of Alabama, a cochair of the Friends of Kazakhstan Caucus, met in September with Kazakhstan’s youngest member of parliament, Bakhyt Syzdykova. During their meeting, they discussed the idea of establishing a relationship between the Alabama Youth Legislature and the Kazakh Youth Parliament. Since then, we have begun making plans to bring regional coordinators for the Kazakh Youth Parliament to Alabama on an Open World exchange.
- Pennsylvania Representative Allyson Schwartz, cochair of the Congressional Georgia Caucus, met in November with Georgian parliamentarians to discuss

opportunities for future collaboration with the Caucus, and Georgia's geopolitical situation.

- Representative Tom Price of Georgia, who cochairs the Russia Caucus, met in October with 10 health care leaders from across Moscow Region who had traveled to Atlanta for an intensive weeklong program at Emory University. He discussed his ideas about the work of the Caucus and learned about the ongoing collaboration on perinatal care between citizens in Atlanta and Moscow.
- Representative Chris Van Hollen met in December with Russian civic leaders who were exploring special education during a weeklong visit to Montgomery County, Maryland. They discussed his sponsorship of legislation to fully fund the Individuals with Disabilities Education Act.
- Open World arranged meetings with alumni leaders for the members of a congressional staff delegation during their late August–early September visit to Moldova, Georgia, and Russia. In Moldova, the congressional staff delegation met with mayors who had been hosted in North Carolina in 2007 on Open World. During this meeting, the staff delegation presented the mayors with letters of greeting from North Carolina State Representative Larry Brown and Winston-Salem Mayor Allen Joines, who had both taken part in the Moldovan mayors' Open World visit.
- At the invitation of **Chairman Eni Faleomavaega** of the House Subcommittee on Asia, the Pacific and the Global Environment, I participated this past December in a roundtable discussion with high-ranking Kazakhstani government officials about their country's human rights record.

Open World plans to build on these congressional partnerships and to be even more active in serving Congress.

Nonappropriated Open World Funding

The Center, which is authorized to receive contributions from private sources, has redoubled its efforts to seek a wide range of supporters to increase and further diversify funding and strengthen the Open World program through cost-share partnerships. The major sources of nonappropriated funding are direct contributions from foundations and individuals, interagency transfers of funds, cost shares from Open World grantees and American hosts, and other forms of in-kind contributions, especially for Open World's alumni program, which receives no appropriated funds.

In an effort to track the very generous in-kind support Open World receives from grantees and American citizens, the Center in 2007 initiated a cost-share reporting requirement for all grantees participating in the program. We received \$1.7 million in donated goods and services from hosts and grantees in 2008—**equal to 19 percent of the**

Center's fiscal year 2008 appropriation. While the exact figure for 2009 will not be available until later this spring, early estimates indicate it will be near \$1.9 million.

As an example of cost shares from grantees, Supporters of Civil Society in Russia (SCSR), the American partner of the prestigious Moscow School of Political Studies (MSPS), contributed \$95,000 worth of lodging, meals, interpretation services, and other goods and services—53 percent of the total U.S. programming cost—to bring one group of 20 emerging Russian leaders nominated by MSPS to St. Louis, Missouri, in April 2009 and another group of 28 to Chicago, Illinois, in October 2009 for intensive accountable governance programming. Open World awarded a 2010 grant to SCSR to host again in both these locations with a similar cost share.

Concurrently, Open World actively seeks donations from private sources. In 2009, Open World Trustee Walter Scott made three-year pledge of \$525,000 from his family foundation to support Open World programs. Under the expert guidance of our development consultant, the Center is also approaching other individuals and organizations interested in the region.

Reciprocal visits by Americans to Open World alumni help fulfill Open World's mission of strengthening peer-to-peer ties and partnerships. These visits by American professionals, hosts, or grantees involved in Open World are self-funded. For example, in May 2009, eight representatives of the League of Woman Voters, an Open World grantee organization, traveled to Moscow, Kaluga, and St. Petersburg, Russia, and discussed electoral processes and women's political leadership with more than 25 alumni who had been hosted by various chapters of the League. Numerous U.S. judges and legal experts involved with Open World exchanges also make independently financed reciprocal trips to meet with program alumni. In 2009, American jurists involved with Open World's rule of law program made 59 reciprocal professional visits to Open World countries to meet with program alumni and senior judicial leaders to discuss judicial reform.

Direct contributions from individuals, foundations, and other private sources during the same time period totaled more than \$400,000. A fiscal 2009 interagency agreement with the National Endowment for the Arts (NEA) supported all the hosting costs (up to \$500,000) of the Russian Cultural Leaders Program.

Finally, in response to the House Appropriations Committee report language directing Open World to further accelerate its fundraising efforts, the Center has temporarily engaged the services of a development consultant. In tandem with helping define and update our strategic goals and agency mission statement, this specialist will help the Center establish an in-house capacity for fundraising.

Open World 2010 Activities, 2011 Plans, and 2012–2016 Strategic Planning

Interest in the Open World program remains vibrant within the American hosting community. The "demand" for Open World visitors from Russia in 2010 is more than

double the “supply”—potential American grantees applied to host up to 1,816 Russian participants, while the Center will only have funding to bring 750 to the United States. For the 2010 Ukraine program, demand was triple the supply of available hosting slots, and for Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, and Turkmenistan, potential grantees proffered a total of 1,158 hosting slots, while Open World can afford to host only 314 visitors from these seven countries.

Open World continues this year to host in thematic areas that advance U.S. national interests in general, and congressional interests in particular, and that generate concrete results while strengthening the ties between American communities and their partners abroad. This programming emphasizes and builds on Open World’s incremental successes in such areas as governance (focusing on the legislative branch’s role in helping to bring about good governance and affecting public policy), the rule of law, human-trafficking prevention and prosecution, and environmental issues. This year Open World will also increase its non-Russian programming to approximately 46 percent of its total programming, which is double Open World’s 2007 level of non-Russian programming.

One example that demonstrates Open World’s commitment to supporting existing partnerships and initiatives is our involvement with the 15-year-old relationship between Maryland and Russia’s Leningrad Region. Open World has sponsored 14 Leningrad-Region delegation visits to Maryland since 2002, helping this sister-state partnership work on such substantive areas as accountable governance, education, social services, and the rule of law.

In turn, the State of Maryland has funded reciprocal visits to Russia. In August 2009, a delegation of Maryland educators led by the director of international affairs of the Maryland Secretary of State’s Office visited Leningrad Region. Then in December, an official Maryland Sister States delegation met in Russia with over 40 Open World alumni associated with this partnership and worked with government officials to nominate an Open World delegation of Leningrad regional legislators.

These regional legislators were hosted for Open World in January 2010 by the Maryland Secretary of State’s Office. The delegation spent much of its time in the Maryland legislature, focusing on how a state-level legislature functions and on the legislative process. Other programming covered such topics as legislative advocacy, lobbying, ethics, state taxation and fiscal structure, and economic development.

The Center will also continue women as leaders programs, like the one planned in April 2010 for a delegation of women parliamentarians from Kyrgyzstan and Kazakhstan. Their programs will focus on women’s issues, with the Kyrgyzstani leaders participating in Congresswoman Eddie Bernice Johnson’s Women’s Peace Initiative in Dallas, Texas, and the Kazakhstani leaders being hosted in Illinois by Congresswoman Debbie Halvorson.

In 2010 and 2011, the Center will actively seek to host more regional legislators—especially legislators from Central Asia and the Caucasus, based on congressional interest. We will have a large pool of newly elected regional legislators to draw from. Rule of law programming for Open World countries whose judiciaries demonstrate continued movement towards independence will also have a focus. Finally, with Board approval and in consultation with the Appropriations Committees, the Center is prepared in 2011 to expand the Open World program into other countries.

By the end of this fiscal year, the Center will have finalized a new strategic plan spanning 2012–2016 with a focus on making the Center an even more valuable resource for Congress and its constituents. There will be in-depth program changes to increase congressional involvement in Open World and focused efforts to provide support to the constituent hosts who have established programs and partnerships in Open World countries. The Board, in its preliminary discussion of the new Strategic Plan, suggested considering the following:

- Ensuring that a substantial portion of future program participants are legislators, either at the national, regional or local level.
- Engaging more Members of Congress to host Open World parliamentarians.
- Increasing the percentage of Open World delegations that meet with Members of Congress, congressional entities, and/or congressional staff to discuss issues of relevance to both sides.
- Ensuring that every delegation gains a working understanding of the role of the U.S. Congress and state and local legislatures in government operations.
- Adding subthemes to Open World programming to highlight how citizens and interest groups work to affect the legislative process at the federal, state, and local levels.

Fiscal Year 2011 Budget Request

Funding at the requested level of \$14 million will enable the Center to fully respond to congressional interests in the region and beyond while continuing its proven mission of hosting young political and civic leaders who return home to launch projects and programs in cooperation with their American counterparts and hosts. The Board of Trustees believes that maintaining a robust grassroots-based Open World presence in the region is necessary and important for future U.S. relations in these politically significant countries.

The budget request, in conjunction with projected donations and cost shares, will also allow the Center to increase hosting to a level of approximately 1,400 total participants. Actual allocations of participant slots to individual countries will be based on Board of Trustees recommendations and consultations with the Subcommittee and the

U.S. Embassies in these countries. The requested funding will also help offset an expected decrease in prior year recovered funds and Trust revenue income.

Major categories of requested funding are:

- Personnel Compensation and Benefits and other operating expenses (**\$1.73 mil**)
- Contracts (**\$7.8 mil** – awarded to U.S.-based entities) that include:
 - Coordinating the delegate nomination and vetting process
 - Obtaining visas and other travel documents
 - Arranging and paying for air travel
 - Coordinating with grantees and placing delegates
 - Providing temporary health insurance for participants
- Grants (**\$4.47 mil** – awarded to U.S. host organizations) that include the cost of providing:
 - Professional programming for delegates
 - Meals outside of those provided by home hosts
 - Community activities
 - Local transportation
 - Professional interpretation
 - Administrative support

Conclusion

In an increasingly connected world, where citizen ambassadors on Main Street are conducting important work in the sphere of public diplomacy, Open World gives community leaders a unique institutional base in the legislative branch for partnering with Congress while providing them with the resources to succeed. As Dr. James Billington, chairman of the Open World Board of Trustees, stated at the annual Board meeting on February 4, 2010:

Citizen diplomacy is becoming much more important. In an increasingly connected world, it is not just State Department officials but North Carolina farmers who now have access to a deputy minister in Moldova. And the federal judge who hosts counterparts in Kentucky is now in direct contact with a supreme court justice in Ukraine. The secretary of state from Maine regularly exchanges emails with the mayor of Arkhangelsk, Russia. Open World helps create these and thousands more lines of communication.

Open World offers an extraordinary “bang for the buck” in terms of efficiency, cost-effectiveness, and value. The Center boasts an overhead rate of about 7 percent, every grant contains cost-shared elements, and more than 75 percent of our appropriation

is plowed back into the American economy every year. At the local level, where the funds and the jobs are most needed, our delegates, as part of their “after hours” Open World experience, participate in American life at local restaurants, cultural sites, sporting events, shopping centers, and other places in the community. During the professional portion of their local program, they not only benefit from working with their American counterparts, but also share their own expertise in turn. In this way, the Center is both a mini-stimulus plan as well as a true international exchange program.

Funding the 2011 Open World program at the requested level of \$14 million will allow Americans in hundreds of Congressional Districts throughout the United States to engage up-and-coming Eurasian political and civic leaders—such as parliamentarians, environmentalists, and anti-human trafficking activists—in projects and ongoing partnerships. Americans will, once again, open their doors and give generously to help sustain this successful congressional program that focuses on a region of profound interest to U.S. foreign policy. To that end, the Subcommittee’s interest and support have been essential ingredients in Open World’s success.

Ms. WASSERMAN SCHULTZ. We are in a very difficult fiscal year, as you know, more difficult than most. We have asked each agency to give us a flat budget proposal and how that would leave them. How much of your requested increase is required to maintain the program at the current level, and how much is the new, expanded efforts?

FLAT BUDGET SCENARIO

Amb. O'KEEFE. We can do the program at this year's funding level with a reduction of about 4 percent of participants. The reduction is because of increased airfare and higher contract costs, just to get them from here to there.

Ms. WASSERMAN SCHULTZ. So all of your—

Amb. O'KEEFE. The 2 million is to do those things that I said, the development person, the expansion to strategically important countries to the United States, and to reinstate the program bringing these nuclear experts over.

Ms. WASSERMAN SCHULTZ. To reinstate a program—

Amb. O'KEEFE. We brought individuals from Russian nuclear labs and facilities that store plutonium and highly enriched uranium. And last year we had a breakthrough. Rosatom, which controls all of these facilities, would not participate in any embassy programs, but they decided to join our program. Unfortunately, we can't do it this year because it is very expensive. It is almost twice the cost of our other programs. So we had to cut.

Ms. WASSERMAN SCHULTZ. Your budget materials indicate a reduction in FTEs from 11 to 10 FTEs, but you don't indicate a reason or the projected savings from that reduction. Can you explain the change?

REDUCTION IN FTES

Amb. O'KEEFE. The reduction from 11 to 10 happened this year, and we had a 14 percent decrease in our budget from the previous year. And so we entered the year with that number of FTE, but in March I had to eliminate a person to make it through. So for next year we are going to have one less than we started with.

Ms. WASSERMAN SCHULTZ. Okay. We have worked with you over the last several fiscal years to try to push you to begin to find resources in other places. Can you tell us what commitments Open World has received this year for funding from nonlegislative branch sources, public or private?

GIFTS AND DONATIONS

Amb. O'KEEFE. Yes, ma'am. Just to frame the answer, last year we received gifts of \$413,000. This year we are projecting \$620,000. So we have upped it somewhat. Our projections for 2011, to be very frank, are \$325,000 right now. We are hoping the person we have working with us on our development strategy will create successes on our grant proposals. In addition to which, this year we did get \$100,000 from the National Endowment for the Arts for cultural programs, which I do not believe we will have next year.

Ms. WASSERMAN SCHULTZ. Why is your projection for funding \$300,000 less for this fiscal year?

Amb. O'KEEFE. It is funds that have already been committed. In other words, it is donors who are giving over a 3-year period. And this is either the second or the third tranche.

Ms. WASSERMAN SCHULTZ. This past fall you informed us that the Board was examining a new plan for diverse funding. Is that a plan that has been approved by the Board? And if it has, can you provide us with an update?

PLAN FOR DIVERSIFIED FUNDING

Amb. O'KEEFE. Yes, ma'am. The outline of the plan has been given to the Board, and it involves three rubrics. The first would be foundations, and part of that plan is to submit grant proposals. We have put in three so far, with separate organizations.

The second part is to seek funds from corporate donors. I am a little new to this process, but the development of a relation to a corporation is one that is in stages. I think first they have to see what it means to their bottom line, why would I want to give to this organization, how does it help my corporation, and what is it doing in a region in Russia or the Caspian. And then we need to do a small program so that their confidence is built, and then we can move to a bigger program. So that is a process.

And then the third is individual givers, and that is individuals who are excited about Open World and introduce their friends to it, and we hope they get excited, too.

So those are the three areas we are working on.

Ms. WASSERMAN SCHULTZ. And you have hired the development consultant, as you just mentioned?

Amb. O'KEEFE. For 6 months.

Ms. WASSERMAN SCHULTZ. And that person is working with you currently?

Amb. O'KEEFE. At this very moment.

Ms. WASSERMAN SCHULTZ. And have they yielded any resources?

Amb. O'KEEFE. Not yet.

Ms. WASSERMAN SCHULTZ. Do they have a plan that they are working off of?

Amb. O'KEEFE. The development person wrote up the grant proposals. She is with an individual visiting from Russia right now, going to various corporations in and around here and in Maryland, kind of working on who we can approach.

Ms. WASSERMAN SCHULTZ. Is this a full-time staff member?

Amb. O'KEEFE. Four days a week. And it is a contractor. So we contracted for so many hours and so much delivered.

Ms. WASSERMAN SCHULTZ. Generally a development officer or development staffer would work off of a plan, an overall goal, a budget. Do you have something that she is working off of that helps you know what your goal is and how she is getting there?

Amb. O'KEEFE. I can provide you the contract that we had for her and the deliverables.

Ms. WASSERMAN SCHULTZ. Yes, if you could provide that for the record, that would be helpful.

Amb. O'KEEFE. I will do that.

[CLERK'S NOTE.—Additional information provided by Open World follows:]

Open World Development Contractor

STATEMENT OF WORK

General Statement: The Open World Development Contractor will perform a wide range of activities related to fund raising initiatives with foundations, corporations, and individuals. Works with key Open World management officials, Board Members, staff, and other contractors on strategy, cultivation, proposal writing, and securing foundation grants, in-kind gifts, and cash gifts in support of Open World programs.

As an expert in the field of fund raising, further refines and begins to implement the Center's Development Plan that was presented to the Board of Trustees on 08/31/09, gives advice on initial interactions with foundations and other potential funders, works closely with Open World management, staff, and other contractors to prepare grant proposals and/or other funding requests for submission to foundations, corporations and private individuals.

Statement of Work:

1. Refines the Center's Development Plan, with special focus on creating a more detailed Resource Development Calendar.
2. Oversees the formulation of a basic fund raising packet of materials and develops presentations reflecting the benefit to the donor of support of Open World.
3. Conducts training and gives guidance to Open World staff on effective fund raising strategies and methodologies.
4. Based on knowledge of foundation, corporate, and international organization donors and grant-makers, especially those with interests in Eurasia, advises on: 1) other funding sources, besides those identified in the Development Plan, that might be appropriate for particular projects; 2) the best manner of approaching a potential grantor; and 3) formulation of specific proposals.
5. Conducts necessary research and/or oversees research on potential foundation, corporate, and international organization donors, using resources provided by the Library of Congress.
6. Advises on specific terms of donor support.
7. Develops follow-up plan for continuing communications with past, current, and potential donors.

Justification: The Center has been instructed by Congress to seek funding support from private sources, other governments and international organizations, and other federal agencies. The Center does not have on-site staff expertise in fund raising and does not have budgetary resources to hire permanent staff to conduct fund raising.

DELIVERABLES

Develops and implements multi-year fundraising program including major gifts, planned giving, grants, corporate gifts, individual gifts; includes strategies and action plans for implementation and specific measurable outcomes:

Reviews and researches private funding opportunities and verifies potential funding sources to determine possible donors

Expands funding contacts in the private sector including foundations, corporations, and individuals

Identifies emerging business leaders and industry trends with an emphasis on developing long-term high-value corporate alliances and philanthropic support

Enumerates and describes goals and objectives for fundraising; establishes and implements policies, procedures, and programs to achieve those goals

Reviews and creates materials for proposals and presentations, including Open World background material, solicitation letters, etc.

Develops fundraising strategies, creates customized proposals to meet both donor intention and organizational needs

Plans meetings and events to solicit new donor partners

Refines annual development plan with primary responsibility for implementation of the plan

Provides assessment of program progress and future development prospects for the Executive Director's presentation to Congressional oversight subcommittee

Contract Cost Estimate:

Fixed price contract assuming \$11,000 per month for six months NTE \$66,000

Ms. WASSERMAN SCHULTZ. But continue.

Amb. O'KEEFE. Okay. The main thing we need is for us to have our own capacity to do this. And so part of what she has to do is train us. She also has to flesh out our general plan into, just as you say, a development plan that has stages, has goals, has work that we have to get done.

Ms. WASSERMAN SCHULTZ. Is part of her contract to write such a plan?

Amb. O'KEEFE. Yes, ma'am.

Ms. WASSERMAN SCHULTZ. Okay. I don't have any other questions.

Mr. Aderholt.

Mr. ADERHOLT. Of course, I know we have talked about in the past about the Open World Leadership program is different from a lot of other programs, the exchange program that is out there. Just briefly just remind the committee, the subcommittee, how it is different here as opposed to other programs that may be already in place in other facets of the Federal Government.

HOW OPEN WORLD SERVES CONGRESS

Amb. O'KEEFE. Yes, sir. I think the first factor is the fact that we are here in the legislative branch serving Congress. And one of the things that the chair last year mentioned was the number of exchange programs. I checked on these programs, not simply ones for Russia, but all over, and how many agencies had them. There are over 200 exchange programs associated with various government agencies. Congress has such tremendous oversight responsibilities. We at least provide what every other agency with much less responsibility has. So, for example, if a Member of Congress had a particular interest in a region, we are bringing people who can fill in the gaps as it were.

I think the second part is that we are, as you know, very oriented towards constituents, very oriented towards civic organizations. And as you know very well, civic organizations build communities, and through our grantmaking process we keep these viable. And that is, I think, particularly helpful.

The third thing is that because we do the home stays, because we are very oriented towards these civic groups, because we bring professionals to link with other professionals, we are not giving an agenda. People who go through this program come back with a much more positive view of the United States because they are with people who have the same issues, the same problems. It is a powerful tool from that standpoint.

And I think lastly, as I mentioned before, we are very cost-efficient. And part of it is that we are modest in size, and we will stay that way.

Mr. ADERHOLT. You mentioned the home stays. Is that different from most other programs? Or how does that compare to other programs?

Amb. O'KEEFE. For most other programs, there are no home stays. There is one program called Community Connections that does have some home stays associated with it.

Mr. ADERHOLT. But by and large, they are usually not?

Amb. O'KEEFE. No, sir. No other ones that I know of.

Mr. ADERHOLT. I noticed in your testimony where you had talked about the strategic plan to expand to Armenia, Uzbekistan and Belarus. Tell us a little bit about that, what the Board envisions in trying to expand in that region.

IMPORTANCE OF THE REGION

Amb. O'KEEFE. Uzbekistan is fairly critical. And we just looked at the events in Kyrgyzstan in the last 2 weeks. There is an airbase there that is very critical to our operations in Afghanistan, and there used to be one in Uzbekistan, but it was closed in 2005. These countries are ruled by individuals who have been in power for many years. They are in their seventies. There will be a transition. And by moving into a place like Uzbekistan, which is the most populous country in Central Asia, traditionally the leader—although Kazakhstan has taken that over somewhat—I believe that we can—and the Board believes that it is important to start bringing this next generation here to expose them to the United States, because there really hasn't been very much of that exchange lately. Even though the executive branch might have some problems with exchanges because we are, as I mentioned, part of the leg branch, we can operate more easily in these kinds of environment.

Mr. ADERHOLT. And was I correct in saying those were the three countries that you are looking at, Armenia, Uzbekistan and Belarus?

Amb. O'KEEFE. Yes, sir. Again, the strategic plan called for going to all countries of the former Soviet Union. Belarus lies between Russia and Poland, just south of Lithuania. It has been closed to Western influence by and large. And in talking with people at the embassy, they are frankly desperate for a program. I did tell them that if we started it, they would have to pay for half of it, mindful of the chair's desire to spread out our funding.

Mr. ADERHOLT. You said Belarus? Is that what you said?

Amb. O'KEEFE. Yes, sir.

Mr. ADERHOLT. Do we have an ambassador over there at this time?

Amb. O'KEEFE. No, we only have a charge. The ambassador and almost all the staff were tossed out about 3 years ago.

Mr. ADERHOLT. That is what I was thinking. That is still the current situation.

Amb. O'KEEFE. They only have 5 U.S. staff there right now.

Mr. ADERHOLT. All right. That is all I have now.

Ms. WASSERMAN SCHULTZ. Thank you. Thank you very much.

Amb. O'KEEFE. Thank you, ma'am.

OBSERVATIONS OF BOARD CHAIRMAN DR. JAMES BILLINGTON

Dr. BILLINGTON. Let me just add maybe a couple of words, Madam Chair, just briefly. First of all, I think that the Board is very mindful of your concerns and the committee's concerns, and that we will, of course, honor and respect whatever your decisions are. And I think the Board fully recognizes that. They did, however, feel obligated to report, and persuaded that I should deliver to you what they actually recommended on the basis of the rather remarkable things they have done.

And I would add to that my personal judgment, having been involved both as an administrator and as a participant. I was chairman of the board of the Fulbright program for a number of years when we introduced American studies for the first time into Russia. And I think from the long-term perspective—Open World has been as effective as any exchange program, international exchange program, that I have been involved in or know about over more than half a century now. And I do think that it has been rather distinctive in having an already measurable long-term effect on the development of an accountable and participatory government and a more open and transparent society than any other exchange program that I have known, as evidenced by the celebrations all over Russia by the alumni of this program.

And there are other statistics that we could get into, numbers in Duma, numbers on the two top Supreme Courts. Therefore something is happening from the bottom up. So I think it is an extremely important thing.

And on the fundraising issue, I have been involved in that myself, and so have other members of the Board. The difficulty has been that the business community has not seen—have not had—how shall we say—advanced our ventures in the Russian area. I think that is beginning to change a little bit. I think relations have improved. I think this is particularly good orchestration for—and people in the administration who are—who see, who have—this is a good background for expanded understanding of our country.

The most interesting thing about this in terms of all other exchange programs in the Soviet Union and Russia and all other countries that form the Soviet Union, everyone has gone back. These are young people who are going back and doing something in society and beginning to move from the regions that they came from into the central Duma, the central courts and so forth. So it is a very unique and interesting phenomenon.

I think I met recently with the head of the American Chamber of Commerce in Moscow, and I think they were closer to seeing better prospects. So we have dialogue going with quite a number of possible sources, and I hope personally that we will be able to bring you a better scoreboard for the private sector.

And I also note that in light of the Forbes list, the number of Russian oligarchs with substantial funds has noticeably increased and have been involved in discussions. In fact, when I spoke at the dedication of the new library system, which I am advising, I am sort of designated by our respective Presidents to expand the dialogue that we have had with this new Presidential leverage system, and President Medvedev said to me since I spoke after him—it was a dedication in St. Petersburg, which is a good sign—the more things you give up, just centralization in Moscow, and connecting electronics, and they have studied very closely a lot of things we do, and he said that he embraced this program with both arms.

And what is interesting about it is that it is really a new generation of people who are very, very different; 50 percent of them are women—a little more than 50 percent. And that reflects the totally different complexion of the post-Soviet, post-Communist generation. That has never before happened in Russian history.

So I hope we can give you better results, and I am sure I speak for the Board in saying that, but I did feel we should report to you what they had said. We appreciate everything you do and have done and may need to do. But I just wanted to——

Ms. WASSERMAN SCHULTZ. I can appreciate and I know that this is a program that you are very supportive of, but this fiscal year is an example of the reasons why the last few years I have been urging you to begin to find other resources, because of the things that we have to fund in the legislative branch. This is not in the job description of the legislative branch. This is the only program we fund, the only one, and it is an expensive one relative to our overall budget. So had you been more aggressive about weaning yourself off of your dependence on the legislative branch funding, you would not be facing as difficult a time in getting the resources that you need in this fiscal year.

So we are going to do the best we can. That is all I can commit to you. So thank you very much.

Amb. O'KEEFE. Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. Thank you.

WEDNESDAY, APRIL 21, 2010.

U.S. GOVERNMENT PRINTING OFFICE

WITNESS

ROBERT C. TAPELLA, PUBLIC PRINTER OF THE UNITED STATES

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Okay. We now move on to the Government Printing Office. Mr. Tapella, welcome back.

The Government Printing Office is requesting \$167 million in fiscal year 2011. That is a 13 percent increase over last year's enacted level. Again, we are going to face a tough budget year, and we are sorting through the "got to haves" versus the "nice to haves." I know that you have challenges with your technological and workforce change, and I want to make sure you have the resources that you need to manage those transitions. We would love to hear in your remarks about how you are modernizing your business processes and adapting your workforce to keep up with the changing requirements. And if you can also give us an update, which we have talked about before, on how you are addressing discrimination, police personnel and facilities maintenance issues. Your full written statement will be entered into the record. And after Mr. Aderholt speaks, you can proceed for 5 minutes.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Thank you. And welcome back to the subcommittee. I was pleased we got to speak last week. Again, thank you for your service. I know you have served, I guess, around 5 years now?

Mr. TAPELLA. No. Three years as Public Printer.

Mr. ADERHOLT. Three years. And then, of course, I know over a decade as a professional House staffer. Even when I came here, you were a young professional staff member in the House of Representatives. So I commend you for your work that you have done on the Federal level, and especially in the Federal Digital System. So a lot of things have taken place under your reins over at the Government Printing Office.

So anyway, I look forward to hearing your testimony and the progress that GPO has made in the past year.

OPENING REMARKS—PUBLIC PRINTER TAPELLA

Mr. TAPELLA. Thank you. Madam Chair, Mr. Aderholt, thank you for inviting me here today to discuss GPO's appropriations request for fiscal year 2011. I have submitted my prepared statement for the record, and I will just make a few brief remarks to allow plenty of time for questions.

First off, on behalf of GPO's 2,300 employees, I want to begin by thanking the Subcommittee for supporting our appropriations request for fiscal year 2010. It was a great help to us.

For fiscal year 2011, we are requesting a modest increase of 3 percent for our Congressional Printing and Binding funds to cover projected volume requirements for a first session year.

For our Superintendent of Documents programs, we need to fund mandatory wage and price level requirements, ongoing projects supporting depository libraries, and operating expenses for the Federal Digital System that are attributable to this program. For this account we have about \$1.5 million available in prior year unspent funds that could be transferred forward with your approval. The transfer would reduce our requirement for new funds to an increase of only 4 percent.

For our revolving fund, we are seeking an addition to working capital that would cover a range of investments in IT, continuity of operations, facility repair, and workforce retraining projects.

In view of the state of the economy and the constraints on the Federal budget, we fully understand there are limitations on what the Subcommittee can recommend for us. While not specified as such in our original submission, I consider it a top priority among our two projects to complete the work on a full-system failover capability for FDsys, a need that was accurately pointed out by Mary Alice Baish during the public hearings before this Subcommittee in February.

REMARKS ON GPO SECURITY SERVICES

I would like to conclude by briefly discussing security services of the Government Printing Office, the other topic of the public hearing in February. I made a commitment to professionalize security services at the Government Printing Office, and during my tenure as the Public Printer, we did that. GPO security services have a risk management approach that links threats and vulnerabilities to resource requirements, human capital, and technology plans to meet the identified risks, and proper oversight and regular validation of our contract officer program.

Our security services have a very different role than a traditional police force or even the United States Capitol Police. We have on average 1,000 employees in our facility at any given time, and we average less than 50 visitors each business day.

To build a professional force, we increased the standard rate of pay for our sworn officers by more than 40 percent, putting our salary on par with other professional law enforcement organizations, and changed their role from security guard to law enforcement professional.

We complement the sworn officers with contracted special police officers based on the requirements of each post. These contracted officers are closely managed. We conduct weekly exercises to test and evaluate the contract officers' ability to detect prohibited items. There are now performance plans for every sworn officer written to specific law enforcement duties and responsibilities. Seventeen of the thirty-nine sworn officers have received cash awards for outstanding performance based on these new responsibilities.

During my tenure as Public Printer, funding for security services has risen from \$5.2 million per year to \$9.9 million. Training dollars per employee have gone from \$330 to \$857. We have modernized equipment, technologies, and resources. We have purchased new Glock 40s for our sworn officers to replace the outdated and hand-me-down SIG 9-millimeters they once carried. All officers now communicate through new digital Motorola radios and base stations staffed by professional dispatchers. We have new X-ray and magnetometer equipment at all access control points. We have new alarm and closed-circuit television systems monitored from a control room. We have two new police vehicles, new police badges, new uniforms, including an optional Class B utility uniform, new personal protective equipment, and defensive tactics gear.

I welcome any independent qualified review of what we do and how we do it. We have been reviewed by the Government Accountability Office, the Department of State's Diplomatic Security Service, and GPO's own inspector general. In fact, the GAO, in its report to this committee last May, said GPO generally conforms to the key practices in Government facility protection. I have read hundreds, if not thousands, of GAO reports in my career, and that is about as good as it gets from the GAO.

One final note. This is going to be another tough year for GPO, as it is for agencies and businesses across America. We are continuing to cut costs and scale back expenditures to ensure we live within our budget. Last year, with your understanding and support, we finished on a sound financial basis, generating a modest net income before other operating expenses. We are targeting similar financial performance this year, positive but modest.

Madam Chair, Mr. Aderholt, this concludes my opening remarks, and I am happy to answer any questions you may have. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you very much.

[Mr. Tapella's prepared statement follows:]

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Robert C. Tapella
Public Printer of the United States

**Prepared Statement before the
Subcommittee on Legislative
Branch Appropriations,
Committee on Appropriations,
U.S. House of Representatives**

*On the Appropriations Request
of the Government Printing Office
for Fiscal Year 2011*

H-144, The Capitol

Wednesday, April 21, 2010
2:00 PM



U.S. GOVERNMENT PRINTING OFFICE | KEEPING AMERICA INFORMED
www.gpo.gov

Madam Chair Wasserman Schultz, Mr. Aderholt, and Members of the Subcommittee on Legislative Branch Appropriations:

It is an honor to be here today to discuss the appropriations request of the Government Printing Office (GPO) for FY 2011.

Results of FY 2009

FY 2009 began with a flood of activity associated with completing the necessary printing, binding, and related work supporting the impending transition of Administrations. For the Presidential inauguration, GPO completed a broad variety of printed materials, which for the first time included the production of secure credentials for law enforcement personnel involved with the event.

We also issued the quadrennially popular *Plum Book*, known officially as *Policy and Supporting Positions*, which was printed on behalf of the Senate Committee on Homeland Security and Governmental Affairs. Following the inauguration, GPO printed the official portraits of President Obama and Vice President Biden for placement by the General Services Administration (GSA) in more than 7,000 Federal Government installations around the globe. Rounding out this effort, during the year GPO produced the *Congressional Directory* for the 111th Congress, issued by the Joint Committee on Printing, which includes a comprehensive directory to both the Senate and the House of Representatives as well as the officials of the incoming Administration.



Throughout the year, GPO worked to fulfill its pledge of support for President Obama's Open Government Initiative. In February, we launched our Federal Digital System (FDsys, at www.fdsys.gov), a world-class information management system developed to authenticate, preserve, and provide permanent public access to official Federal publications. We also offered a number of suggestions to the Administration to help implement the President's initiative, including providing public documents housed on FDsys in XML format to facilitate a greater range of user options. In partnership with the National Archives and Records Administration's Office of the Federal Register, we carried out this suggestion by offering the *Federal Register* in XML. By the year's end we were poised to follow up making the *Code of Federal Regulations* available in XML as well.

In addition to migrating the databases housed on *GPO Access* to FDsys, GPO also worked with staff from the Library of Congress, the Secretary of the Senate, and the Clerk of the House to develop a report on bulk data downloads of legislative information, and during the year we worked toward a plan for digitizing printed documents within the Federal depository library collection for online public access.

To fully support the commitment to environmental sustainability announced by the President and Congress, GPO is developing its future based on environmental sustainability. This means more than just going green: it means expanding our digital operations and making changes in paper, inks, equipment configurations, and energy sources so that we can support our customers in Congress, Federal agencies, and the public in a more efficient and environmentally responsible way.

During the year, with the help of funding provided to the GSA through the American Recovery and Reinvestment Act, we upgraded GPO's vehicle fleet with more fuel efficient and environmentally friendly vehicles. With the approval of the Joint Committee on Printing, we increased the postconsumer waste content of the newsprint we use to print the *Congressional Record* and the *Federal Register* from 40% to 100%. We also began an evaluation of how digital printing technologies can help us meet our production requirements in the 21st century.

GPO continued making progress in providing new options to meet the Government's secure credential needs. Along with the credentials supporting the Presidential inauguration, we designed, printed, encoded, personalized, and shipped more than 500,000 Trusted Traveler Program cards (NEXUS, SENTRI, and FAST) for the Department of Homeland Security's Customs and Border Protection, and developed additional cards to support the Western Hemisphere Travel Initiative, the Medicare program in Puerto Rico, and other Federal identification programs. Our smart card production operation is a rapidly growing segment of GPO's Secure and Intelligent Documents business unit, building on the expertise and capabilities we bring to our longstanding passport production operations.



Historically, the events dominating Congress and the Administration are reflected in the work produced by GPO, and 2009 was no exception. During the year, GPO recorded the debates and printed the legislation resulting in the American Recovery and Reinvestment Act, as well as the documents associated with consideration of health care reform in the House and the Senate and the various appropriations bills and other business before Congress. We also completed production of the main edition of the U.S. Code. GPO worked through the year to produce the documents required for the upcoming decennial census, and also produced thousands of traveler cards providing information on the H1N1 (swine flu) virus on behalf of the Centers for Disease Control.

To help the public find access to these and other documents, we created a new email alert system that attracted thousands of subscribers, and we upgraded GPO's online *Catalog of Government Publications* to help users find documents in nearby depository libraries. We also carried on a longstanding GPO responsibility by updating and issuing a new edition of the *GPO Style Manual*, a publication that has served as a guide to the form and style of Federal printing for more than century.

GPO's process improvement initiatives focused on obtaining certification under the International Organization for Standardization (ISO) 9001, a quality management system, and the implementation of 5S, a lean manufacturing program. ISO 9001 certification will ensure GPO's continued delivery of products and services that meet customer expectations, conserve agency resources, increase efficiency, reduce waste, and improve quality. The 5S program instills employee process ownership and communicates and maintains organization of workspaces.

I'm pleased to report that the audit of our financial reports and systems for FY 2009 conducted by KPMG LLP resulted in an "unqualified," or clean, opinion for GPO. We completed the year with a net income of \$1.2 million on total revenues of \$934.1 million, excluding Other Operating Expenses of \$4.1 million for an adjustment to GPO's long term workers' compensation liability and \$1.2 million for a capitalized software impairment loss.

The change in business from the previous year was attributable primarily to a reduction in overall passport production operations. The adjustment to workers' compensation liability and the capitalized impairment loss did not place GPO in an anti-deficiency position or require additional appropriations, and the state of GPO's finances remains sound, particularly as the result of increased new business opportunities in the secure and intelligent documents arena and continuing efficiencies achieved as a result of the sustained transformation GPO has undergone over the past decade.

GPO made substantial progress in 2009. By the end of the year, we began developing plans for the observance of our 150th anniversary, dating to the enactment of the congressional resolution of June 23, 1860, which established the Government Printing Office, and to March 4, 1861, the day we first opened for business. We look forward to celebrating a century and a half of accomplishment in the coming year.

FY 2011 Appropriations Request

For FY 2011, we are requesting a total of \$166,560,000, which will enable us to:

- meet projected requirements for GPO's congressional printing and binding operations during FY 2011 and recover the shortfall in this account accumulated in FY 2009 and projected for FY 2010;
- fund the operation of GPO's Superintendent of Documents programs and provide investment funds for necessary information dissemination projects;
- continue the development of FDsys and implement other improvements to GPO's information technology infrastructure, perform essential maintenance and repairs to our aging buildings, undertake necessary continuity of operations (COOP) initiatives, and provide funding for employee retraining and workforce development.



Congressional Printing and Binding

FY 2010 Approved	\$ 93,768,000
FY 2011 Request	\$ 96,652,000
Change	\$ 2,884,000

Change includes:

Price level changes	\$ 4,192,000
Volume changes	(\$ 2,844,000)
Elimination of shortfall	\$ 1,536,000

This appropriation pays for the printing and binding for Congress as authorized by Title 44, U.S.C., and related statutes. GPO produces the daily and permanent editions of the *Congressional Record*, bills, resolutions, amendments, hearings, committee reports, committee prints, documents, stationery, and a wide variety of other products, in both print and online formats, that are essential to the legislative process in Congress. GPO provides Congress with immediate, reliable service in a work environment under its direct control.

For FY 2011, we are requesting \$96,652,000 for this account, representing an increase of \$2,884,000 over the level approved for FY 2010.

Included in the increase is \$1,536,000 to fund the shortfall in this appropriation accumulated in FY 2009 and projected for FY 2010. The shortfall occurred primarily due to increased volume for bills, resolutions, amendments, and hearings over our original estimates.

The balance represents a combination of price level increases that are attributable primarily to existing wage contracts and projected cost increases for materials and supplies, as well as estimated volume changes in certain workload categories based on historical data for first session years.

GPO projects an overall volume decrease due to projected workload decreases for the daily *Congressional Record*, business calendars, document envelopes and franks, and hearings. These decreases are offset in part by projected increased volume for miscellaneous printing and services, which will include funding for content management services provided for congressional documents maintained on FDsys; committee prints; miscellaneous publications including the *Congressional Directory* for the 112th Congress; bills, resolutions, and amendments; committee reports; details to Congress including funding for details to House committees; documents; and the *Congressional Record Index*.

Salaries and Expenses of the Superintendent of Documents

FY 2010 Approved	\$ 40,911,000
FY 2011 Request	\$ 44,208,000
Change	\$ 3,297,000

Change includes:

Mandatory Requirements	\$ 1,452,000
Investment Requirements	\$ 1,845,000

Under the relevant provisions of Title 44, U.S.C., GPO carries out its mission to *Keep America Informed* through the information dissemination programs of the Superintendent of Documents. These programs include the distribution of publications to approximately 1,250 Federal depository libraries nationwide (averaging nearly 3 per congressional district), cataloging and indexing, distribution to recipients designated by law, and distribution to foreign libraries which provide the Library of Congress with copies of their official Government documents in exchange. In addition, GPO's Government documents Web site, *GPO Access*, and its successor, FDsys, provide free online access to nearly a quarter million titles, including the *Congressional Record*, the *Federal Register*, Supreme Court opinions, congressional bills and reports, and other publications, from both GPO's servers and links to servers in other Federal agencies.

For FY 2011, we are requesting \$44,208,000 for this account, an increase of \$3,297,000 over the level approved for FY 2010. The increase is requested to cover mandatory pay and price level increases and continue improving public access to Government information in electronic formats.

Of the total increase, \$1,452,000 is for mandatory requirements, which include \$715,000 for pay and price level changes and \$737,000 for the level of overhead required to be distributed to Salaries and Expenses programs (the pay raise as submitted was calculated



at an increase of 1.6%; an adjustment of this increase to 1.4%, the amount included in the President's budget, would result in a decrease of \$26,000 from pay and price level changes).

The increase includes \$1,845,000 for continuing investment requirements. This includes \$2,000,000 for FDsys annual operating costs attributable to Superintendent of Documents programs, offset by a reduction of \$155,000 in the continued costs of specific projects supporting the Federal Depository Library Program and the Cataloging and Indexing program, including the modernization of legacy systems, expansion of cataloging and indexing services, establishment and utilization of outcomes-based performance measures for depository libraries, and funds supporting the digitization of historical print documents pending approval of a project for that purpose by the Joint Committee on Printing.

GPO has the authority—with the approval of the Committees on Appropriations—to transfer forward the unexpended balances of prior year appropriations to the revolving fund, provided the funding is used to carry out the purposes for which it was originally appropriated. At this date there is approximately \$1,500,000 remaining unexpended from the Salaries and Expenses Appropriation from FY 2005. These funds could be transferred forward to offset part of the new funding requested for this account for FY 2011.



Revolving Fund

FY 2010 Approved	\$ 12,782,000
FY 2011 Request	\$ 25,700,000
Change	\$ 12,918,000

Change includes:

Investments in information technology	(\$ 782,000)
Facilities maintenance and repair	\$ 6,250,000
Continuity of Operations (COOP)	\$ 4,200,000
Workforce Retraining	\$ 3,250,000

All GPO activities are financed through a business-like revolving fund. The fund is used to pay all of GPO's costs in performing congressional and agency printing, printing procurement, and distribution activities. It is reimbursed from payments from customer agencies, sales to the public, and transfers from the Congressional Printing and Binding Appropriation and the Salaries and Expenses Appropriation of the Superintendent of Documents. The basic purpose of the revolving fund is to provide temporary financing for GPO operations pending the collection of funds for work performed. Whenever GPO has significant investment projects that require additional working capital, we seek appropriations to the revolving fund to cover the cost of those projects.

For FY 2011, we are requesting \$25,700,000 for this account, to remain available until expended, to fund essential investments in information technology development, facilities maintenance and repair, COOP projects, and workforce retraining. This represents an increase of \$12,918,000 over the level of funding provided for FY 2010.

The request includes \$11,000,000 for information technology development. This is a decrease of \$782,000 from the amount of funding provided for this purpose for FY 2010. It includes \$6,000,000 to continue developing FDsys; \$2,000,000 for our Advanced Print Technology project, which is reviewing the potential for increasing the use of digital printing and automated workflow technologies to meet congressional and agency printing needs; \$1,500,000 to continue work with our project to replace GPO's aging automated composition system; and \$1,500,000 to continue replacing GPO's legacy business systems with an integrated network of Oracle systems.

We are requesting \$7,250,000 for facilities repair and related projects, an increase of \$6,250,000 over the amount provided for this purpose for FY 2010. It includes \$2,000,000 for continued elevator repairs; \$2,000,000 to initiate the process of relocating production operations from GPO's building 4 to the main GPO complex; \$2,000,000 to begin the systematic upgrade of GPO's electrical, plumbing, and structural infrastructure; \$1,000,000 for utility monitoring and controls to improve energy efficiency; and \$250,000 to design and install a public exhibit in support of the observance of GPO's 150th anniversary in March 2011 and to serve as continuing exhibit space.

We are requesting funding for COOP and workforce retraining projects for FY 2011, and have submitted the necessary language changes for this purpose. For COOP, we are requesting \$2,200,000 to locate and begin equipping a remote COOP operating and command center, pending approval by the Joint Committee on Printing, and \$2,000,000 for an onsite generator at GPO to supply power to the data center supporting production of congressional and agency requirements.

We are requesting \$3,250,000 for several workforce retraining and development programs, including \$1,000,000 for a Plant Operations Curriculum to build digital competencies; \$500,000 for supervisor development; \$500,000 for continuing education for basic skills development; \$500,000 for certification programs in finance and accounting; \$500,000 for a marketing curriculum; and \$250,000 for a technology integration program for training needs assessments and the provision of specialized training to operators and users of business support technology programs.

Madam Chair Wasserman Schultz, Mr. Aderholt, and Members of the Subcommittee, we look forward to working with you, and with your support we can continue GPO's record of achievement. This concludes my prepared statement, and I would be pleased to answer any questions the Subcommittee may have.



WORKFORCE DIVERSITY AND EEO

Ms. WASSERMAN SCHULTZ. We have been discussing with you workforce diversity and your anti-discrimination policies. You didn't really touch on that in your opening remarks. Ensuring that you have a reduction in the amount of discrimination complaints that are filed is an important priority of the Committee. When I met with you a couple of weeks ago, you mentioned that you had made some progress on recruiting or promoting women to the non-executive supervisory levels of the white-collar workforce. What steps have you taken to address diversity problems? And what policies, practices or other actions have had the most significant impact?

Mr. TAPPELLA. In terms of actual practices, we just submitted our quarterly report to this Subcommittee on our actions. We now have an EEO and a discriminatory harassment class. I participate in the beginning of every single one of those, as do my other senior managers. We have conducted group focus meetings with employees and supervisors. We have been conducting semiannual reviews with every single business unit. We are participating in new employee orientation to brief new employees on the policies and procedures relative to EEO. My EEO Director and Assistant Director personally review all allegations of discrimination at the informal stage to assess whether there might be an opportunity for early resolution. And as you will see in the report we just submitted as of March 31st, in fiscal year 2009, there were 50 complaints filed; as of March 31st fiscal year 2010, 25.

Ms. WASSERMAN SCHULTZ. Have you addressed this issue with nonsupervisory white-collar workers and executives?

Mr. TAPPELLA. I am sorry?

Ms. WASSERMAN SCHULTZ. Have you addressed the issue in a supervisory white-collar group?

Mr. TAPPELLA. Yes.

Ms. WASSERMAN SCHULTZ. But have you done it with non-supervisory, nonwhite-collar employees?

Mr. TAPPELLA. Not directly, because, in fact, in most of those positions it is a majority minority or other protected classes that are in those positions.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. TAPPELLA. I am sorry. I am trying to understand your question.

Ms. WASSERMAN SCHULTZ. You have white collar; not white, but white collar.

Mr. TAPPELLA. Correct.

Ms. WASSERMAN SCHULTZ. And then you have nonwhite-collar, nonsupervisory positions. Have you addressed diversity and this EEO training with that population of employees as well?

Mr. TAPPELLA. We have with new employees. I actually need to check on that because I don't know if we have mandated that for all employees.

Paul, did we mandate that?

PAUL ERICKSON. [Deputy Public Printer]. We started with the management level, and we haven't taken it down to the lower levels yet.

Mr. TAPPELLA. The first phase, we started with executives. The next phase, we started with the white-collar supervisors, and then we did all supervisors. That includes the blue-collar supervisors. We have not brought it completely down to every single employee to have mandatory classroom training. That is the next phase.

Ms. WASSERMAN SCHULTZ. What is the timetable for that?

Mr. TAPPELLA. I believe that is scheduled for the next fiscal year.

WORKFORCE PREPAREDNESS FOR TECHNOLOGY CHANGES

Ms. WASSERMAN SCHULTZ. Okay. Thank you.

You have a lot of your workforce that is either eligible for retirement or approaching eligibility. And then you have changing technologies that change job requirements and staffing needs. How is the impending large retirement bubble in your agency and technological transitions that are being made going to coincide?

Mr. TAPPELLA. We are anticipating in this fiscal year approximately 160 employees leaving the agency, and that is kind of our average transition. And it has been our historic average other than those years when we did a buyout, dating back about 5 years ago.

One of the things that we are seeing, is that with the change in the economy, many of our employees who we thought might be retiring have decided to continue working longer. As we look at the technology changes, last year we requested money for the composition system replacement, as we are this year. We are also asking money for the advanced printing technology assessment. And we are trying to bring technology into place to address the issue as employees start to retire so that we do not have to backfill positions unnecessarily. And, in fact—

Ms. WASSERMAN SCHULTZ. You are doing it by attrition?

Mr. TAPPELLA. We are doing it by attrition. Absolutely.

Ms. WASSERMAN SCHULTZ. And not hiring new replacements?

Mr. TAPPELLA. We are only hiring replacements when absolutely necessary. There are particular categories; for example, proofreaders, those we are continuing to hire. There are certain bookbinders that we are continuing to hire because they are in our security and intelligence document business. But a manager who loses an employee through attrition does not automatically get that head count back. It is being managed by Paul Erickson, the Deputy Public Printer. And, in fact, last year we only backfilled half of the slots that we lost, and that is part of the reason why GPO has been able to maintain its positive financial structure.

Ms. WASSERMAN SCHULTZ. My time has expired.

FEDERAL DIGITAL SYSTEM

Mr. ADERHOLT. Okay. I mentioned the Federal Digital System in my comments earlier. Of course, it is a multimillion-dollar effort that you are funding and managing to modernize GPO information, collection process and dissemination capabilities. The program was deployed, I understand, in January of 2009. Your budget request for the Federal Digital System is 6 million for fiscal year 2011. Could you give the subcommittee just a little overview of how that is perceived?

Mr. TAPPELLA. Yes. We officially launched in March of 2009. We did a soft launch in January of 2009. To date, we have spent ap-

proximately a grand total of \$37.5 million on the Federal Digital System with a projection of \$41 million by the end of FY 2010. By that time, approximately \$27 million has come from appropriated funds. The remainder of the money has come out of our revolving fund through retained earnings.

The system is progressing. In fact, this past April 7th, I held a public program review where we brought in the key stakeholders, which includes the Library community as represented by the chair of my Depository Library Council, as well as the incoming chair of the Depository Library Council; the Office of the Federal Register, which plays a critical role on behalf of the executive branch and the work that we are doing for this Administration; and our own Library Services and Content Management Group, which is kind of one of the customers of the Federal Digital System. We had our folks lay out the good, the bad, and the ugly. And I would say that we are a little behind schedule from where we would like to be. A lot of that has to do with two critical factors. One had to do with the master integrator that we needed to curtail. That was one of the first things I did as Public Printer. The second issue is that with this new Administration, there was a significant priority on open and transparent government, and we were asked if we could participate in helping them work on some very specific initiatives related to the Federal Register. So we have done that.

GPO'S BUILDING NO. 4

Mr. ADERHOLT. The passport operation, I understand there is a \$2 million request to move it from Building 4 into the main GPO building complex.

Mr. TAPPELLA. Yes.

Mr. ADERHOLT. What is involved in this effort?

Mr. TAPPELLA. What we are interested in doing is, as both you and the Chair have seen our passport operation, it sits as an island unto itself. When I became Public Printer, one of my highest priorities was seeing if we could get legislation to allow us to build a new factory. That got nowhere because of the \$400 million hit on the budget score by CBO.

And at that point we began assessing what we could do with our current facility, and, as such, we have now commissioned a complete assessment of our current facility looking at everything in Buildings 1, 2, 3 and 4 and seeing if there are ways that we can consolidate. If we could move the passport operation out of what we call Building 4 completely, we could reduce overhead by about \$6 million.

And so that is one of the things that we are absolutely looking at. We are also looking at what could be done with that building if we no longer needed it, and that deals with the utilities. In particular, we are running into an issue as the State Department has put in some new requests in terms of what we are doing with the passports, we don't have enough power going into that building to meet all of the future needs of the passport lines. The question then becomes do we invest in another power substation, which could be in the multimillions of dollars, or do we look at an alternative that would allow us to more wisely use that money? And so that is what we are looking at.

Mr. ADERHOLT. What is the long-range plans for Building 4?

Mr. TAPPELLA. Until we have the study and we know exactly what it is, I don't think I could accurately answer that. But it would seem likely, based on the space available in other portions of our facility, that we may very well be able to move the passport operation into a new location, properly secured within the main perimeter, and could literally, I suppose, mothball the building or turn it over for some other uses. Right now at least a third of the building, if not closer to half of the building, is actually used by other leg branch agencies on an approved space-sharing basis for storage and some other purposes, and we would certainly be looking at that as an option. In fact, I have had discussions with the Architect of the Capitol and the Sergeant at Arms of the Senate to do just that.

Mr. ADERHOLT. Thank you.

PASSPORT REVENUES

Ms. WASSERMAN SCHULTZ. Thank you.

Just focusing on passport revenues, you received pretty substantial revenues from passports in the past, and there has been fluctuations in the revenue that you receive. How has that fluctuation impacted your ability to take on large program initiatives where you have got shared services like accounting, security and—

Mr. TAPPELLA. Well, we now have a very comprehensive memorandum of understanding with the Department of State. We had a memorandum of understanding on the electronic passports, but there were a few things that were a little vague, including when they would be placing the order, what numbers, and what they would have to guarantee. We now have a program where there are deadlines in place, and they have to make a commitment for the next fiscal year. And they will be doing it this summer well in advance of the fiscal year.

And what happened last year, is about halfway through the fiscal year, they significantly reduced the number of passports they wanted, which put GPO in a tremendous financial bind. And yet we were still able to end the fiscal year with \$1.234 million in retained earnings. And I think that was just a tribute to the fabulous work of the men and women in the GPO, that halfway through the year they were literally able to squeeze roughly \$60 million out of the operating budget, and we had very minimal impact on our operations.

Moving forward, we now have a commitment in advance, and the State Department has given us a proposed number. We have given them a proposed price based on that number. They will come back this summer with a final number, and we will give them a final price for passports. So we will know well in advance of the fiscal year what the demand is going to be.

In terms of the shared services, when we look at the Government Printing Office and the investments that we have asked Congress to make—and, in fact, last year Congress did help us fund our Oracle financial initiatives, what we are calling GBIS, the GPO Business Information System—as we start to bring on line financial systems and other back-office functions with technology, we can more easily handle the fluctuations in products and services.

As sort of a follow-up to that, while passports are important, one of our other growth businesses is in the area of other secure IDs. We are producing the Trusted Traveler cards for the Department of Homeland Security's Customs and Border Protection. It looks like we are going to be doing some more work for the State Department with a different unit other than Consular Affairs for some credentials. We produced the credential for the President's inaugural. We produced a credential, a law enforcement credential, for IGs in government. We are very, very focused on trying to broaden revenues on things that are inherently governmental, such as secure Federal credentials.

ERRORS ON APPROPRIATIONS PRINTS

Ms. WASSERMAN SCHULTZ. Thank you.

Just very quickly, there has been a number of notable errors on a number of appropriations prints from last year. And those led to star prints, which are reprintings that have a black star. Have you taken immediate steps to address that problem?

Mr. TAPPELLA. Yes, ma'am. And, in fact—

Ms. WASSERMAN SCHULTZ. And what are they so that they don't happen again?

Mr. TAPPELLA. Absolutely. Well, first of all, let me begin. Star prints are generally caused by human error. As we look at the causes of the four appropriations star prints, there is no common factor in any of the four star prints that were made. Contributing to this problem is the lack of standardization in Congress. Even within the appropriations process, each one of the 12 appropriations subcommittees uses different processes, proofreading marks, and technology. And what is interesting of the 44 star prints in the 111th Congress, a third were errors attributed both to GPO staff, a third actually to House staff, and a third to congressional staff. As relates to the four for the Appropriations Committee, those were all GPO staff's fault.

We have taken some immediate actions in prepress for conference reports. First, the file will be broken down into smaller segments for—

Ms. WASSERMAN SCHULTZ. You can answer the rest of the question for the record. I want to move. Suffice it to say you have taken some steps.

[GPO provided additional information on the "star prints" for the record:]

Immediate Actions in Production Engineering

- a. Create a "feedback" fill-able form in PDF to record incidents.
- b. Standard operating procedures (SOP's) will be refined to control usage and distribution.
- c. The data to be collected could be used to spot trends and identify shortcomings in the process.
- d. Create a spell check/integrity check application that would use the list of names provided by the Congressional Desk to check Record files for misspellings.

Medium Term Solutions in Production Engineering

- a. Implement a "content management" system to control the files that are being worked on by pre-press employees. Files would be "checked in" and "checked out" so that only one operator could work on it at a time, file versioning would be in place, and an audit trail would exist of people that worked on the file.
- b. Our hope is that we could use some of the underlying FDsys technology.

Long Term Solutions in Production Engineering

- a. Production needs to develop a workflow system to control access points and allow all users to see where jobs are at any given point in time.
- b. Tailor the composition system replacement (CSR) project to automate more processes.

Star Prints

Star prints are generally caused by human error. We are taking immediate aggressive action at GPO to reduce the potential for these errors. In the long run, the way to reduce human errors is to deploy technology such as an XML-based composition replacement system, a pre-press content management system, and advanced printing technologies, all of which are included in GPO's funding request this year for our revolving fund.

Immediate Actions in Prepress for Conference Reports

- a. The file will be broken down in smaller segments for reading the manuscript against the galley proofs.
- b. The final okay pages will be reviewed one last time before being plated for press.
- c. Graphic Log will have an additional check-off for image size used for scanning.
- d. Graphic manuscript will have a cover memo addressing type of publication to be scanned for.
- e. Pre-press was approved for an additional 13 proofreaders that should help in this process, with a net add of 6 positions.

Mr. TAPPELLA. I am sorry. I am trying not to follow Dr. Billington, but I do have his chair.

GPO POLICE STAFFING

Ms. WASSERMAN SCHULTZ. That is okay.

The last three questions I want to ask you do relate to the police staff and staffing challenges. During the public witness hearing, the representative from the Fraternal Order of Police testified that GPO management had a meeting with the union to raise the possibility of posting contract security aides at passport facilities. And our committee has been very clear on the statutory requirement to protect that building with sworn Federal officers because of security needs for passports.

So what I would like to know is, is the passport facility currently protected by sworn Federal officers, or is it protected by contractors, and are there plans to change the roles and missions of each of those? What was proposed in the meeting in question, and would that be compatible with the clear statutory direction from this committee? And what factors do you consider when deciding whether to assign a duty station to a sworn officer or a contract security officer?

Mr. TAPPELLA. Let me begin with the meeting itself, and the representative of the union that spoke was not in attendance at the meeting. It was a meeting of the new leadership of the Fraternal Order of Police. And the question was asked of me by the new leadership, with the changes we are making at professionalizing the sworn officers at the Government Printing Office, why are they standing post at magnetometers and an X-ray machine at Building 4 as opposed to using the contract security aides? And in that meeting I shared with them that that came under the statutory language from this Committee, and that any change to that would have to be approved by this Committee. And that is what occurred at the meeting.

Only sworn officers are at that post. They have been at that post since the day you ordered it, and we have no intention of changing that unless this Committee changes its position.

When it comes to any of the posts, we look at what are the needs of a particular post. The idea behind our security services is we would like to use the contract officers to man magnetometers; we would like to have them man the X-ray equipment. We then have sworn officers available for response, for patrol. We have increased our foot patrol. We have increased our travel patrol. We even now have a bicycle patrol.

HIRING ADDITIONAL POLICE OFFICERS

Ms. WASSERMAN SCHULTZ. When are you hiring the additional 17 officers?

Mr. TAPPELLA. We are in the process of hiring all of the officers right now. Our officers, unlike the U.S. Capitol Police or, for that matter, any Congressional employees, are in the competitive service of Government. And at this moment we have 13 vacancies. For these 13 vacancies, we have an ongoing post in USAJOBS, which is how we must post competitive jobs. We will get a list of 15 names on it in rank order. We can only look at 15 candidates at

a time, and then we schedule interviews with the candidates. And unless there is a problem, a significant deficiency, we will make a tentative job offer to the candidates and then inform them of the preemployment considerations. The tentative selectees must then complete several examinations. Do you want me to put this for the record?

Ms. WASSERMAN SCHULTZ. I want the abbreviated version.

Mr. TAPPELLA. The abbreviated version is we are moving absolutely as quickly as possible as the competitive service allows.

Ms. WASSERMAN SCHULTZ. By when will all 13 be hired?

Mr. TAPPELLA. Ma'am, I cannot give you a specific date because up to this point we have had to disqualify 66 candidates because they have failed one of the tests. If we hadn't had to disqualify the 66 candidates, they would have all been hired with the first 15 that we looked at. And as soon as we lose somebody, we then go back and we have to start the process again. And we can only look at one candidate. And it is—

Ms. WASSERMAN SCHULTZ. But you don't have any different process for hiring a sworn officer than any other police agency.

Mr. TAPPELLA. Yes, we do.

Ms. WASSERMAN SCHULTZ. Not compared to the Capitol Police.

Mr. TAPPELLA. Actually, ma'am, the Capitol Police does a process, and they do an annual hiring for all of their officers all the way through. They are in the excepted service of the government. They are not competitive service officers. It is a different process.

Ms. WASSERMAN SCHULTZ. Well, we will have to spend some more time talking about it. I remain concerned about the level of staffing in the police force at GPO and would like to continue to work with you, as we talked about in my office, on trying to figure out whether or not it is appropriate for you to continue with your own police force, or whether the GPO police force should eventually become a part of the Capitol Police.

I don't have any other additional questions.

Mr. ADERHOLT. I am good as well.

Ms. WASSERMAN SCHULTZ. With that, thank you very much. The subcommittee stands adjourned.

QUESTIONS FOR THE RECORD SUBMITTED BY

CHAIR DEBBIE WASSERMAN SCHULTZ

Mr. Robert C. Tapella

FY 2011 Budget of the Government Printing Office

Workforce Diversity

Question: What policies, practices, or other actions have been the most successful for recruiting and retaining a more diverse workforce at GPO?

ANSWER: GPO's Office of Equal Employment Opportunity (EEO) works together with Human Capital (HC) to establish a recruitment process that ensures that we recruit at schools and in locals that maximize the diversity of our job applicants. Additionally, as part of our agency-wide workforce planning, a comprehensive analysis has been compiled that compares all of our mission-critical positions against relevant civilian labor force distribution. This information will be used to ensure that our recruitment efforts are appropriately targeted to ensure a more diverse workforce. Finally, we are working together to establish a diversity program lead by an individual who will be dedicated to workforce diversity.

Question: Have rates of discrimination complaints changed among non-supervisory white collar workers? What specific steps have you taken to address diversity and discrimination complaints among non-supervisory white collar workers?

ANSWER: Attachment 1, Active White Collar Active Cases from FY 2009 and FY 2010, is a listing that identifies all of the complaints filed by non-supervisory white collar workers for the designated timeframe.

The rates of formal complaint filings have not changed between FY 2009 and FY 2010. When comparing complaints filed by non-supervisory white collar employees through the second quarter of FY 2009 and FY 2010, 9 complaints were filed at the end of both periods.

We have made continued efforts to ensure that employees are informed of their rights. The following are some examples:

- GPO issued a new directive on *Procedures for Processing Complaints of Employment Discrimination* in December 2008. The directive provides policy, procedures, and guidance for initiating and processing complaints, and sets forth the rights and responsibilities of persons participating in the EEO complaint process.
- A directive notifying employees of GPO's policy on the prohibition against discriminatory harassment in the workplace was issued in December 2008. In addition to stating GPO's commitment to being a model employer and that harassment is unacceptable conduct that will not be tolerated at any level, the policy identifies responsibilities for preventing and remedying discriminatory harassment.

- As Public Printer, I issued an EEO policy statement which emphasizes my personal commitment to EEO and diversity. The statement expresses my intent to develop an Affirmative Employment Plan.
- We conduct semi-annual reviews with most business units. The purpose of these reviews is to discuss EEO-related issues or concerns specific to each business unit, share information on the EEO program, and provide workforce demographics including the identification of any imbalances as they relate to women and minorities. Additionally, complaint data is shared which identifies potential patterns, trends, or practices to provide managers with an opportunity to address possible areas of concern, sometimes before the issues are raised in the formal complaints process.
- EEO counselors are provided additional training to enhance their knowledge on a variety of relevant subjects so that they can perform counseling functions more effectively and successfully. Some of the topics include mixed-case complaints and appeals, the merit promotion process, corrective actions, workers' compensation and collateral attacks, and the proper completion of agency-specific informal EEO counseling forms.
- GPO has developed and distributed additional informational materials on various aspects of the EEO program for employees and managers. Titles include: *Management Participation in the Investigative Process*, *EEO Counseling Guide – An Employee Reference*, *EEO Counseling Guide – A Manager's Reference*, and *Sexual Harassment – Your Rights and Responsibilities*.
- New GPO employees are briefed on EEO policies and are provided copies of these GPO directives: *Procedures for Processing EEO Discrimination Complaints*, *Prevention of Sexual Harassment*, *GPO's Policy Prohibiting Discriminatory Harassment*, and *Procedures for Processing Request for Reasonable Accommodation*.
- GPO's EEO Office has initiated focus group meetings with employees in order to identify ways to improve the program, and to obtain employees perceptions as they relates to barriers to equal opportunity in employment. Employees are selected randomly, and all employees are being given the opportunity to participate in a session.
- EEO staff continue to resolve workplace disputes that do not fall under the purview of EEO or that do not enter the informal complaint process, in order to resolve issues or concerns before they escalate into a formal complaint.

Federal Digital System (FDsys) Remaining Development and Operational Requirements

GPO is requesting an \$8.7 million appropriation for FDsys in 2011, including \$2 million from Salaries and Expenses for cataloging and indexing.

Question: What is the steady state level of staffing and resources, including both permanent employees and contractors, that GPO will need to maintain the system and manage ongoing ingestion of new documents? How does this compare with the operating costs for *GPO Access*?

ANSWER: FDsys production system operations and maintenance are being accomplished by 2 contracted resources and 1 GPO FTE. In the future, we plan to move this support in-house as GPO staff completes training to accomplish these tasks, and the estimated support staff will be 1-2 FTEs.

GPO's Plant Operations business unit today performs electronic content submission activities for *GPO Access* and FDsys, with the same staff level as was in place for just *GPO Access*. Once *GPO Access* is retired, we don't see an impact to staffing levels in this area.

Question: What additional appropriated and non-appropriated resources are needed for Release 1, and when will it be complete? What are the appropriation and revolving fund resource requirements and timeline for Release 2?

ANSWER: There are no additional appropriated or non-appropriated resources required for Release 1, which will be complete in September 2010. The estimated additional cost to complete Release 2 of FDsys, which is the completion of the core functionality of the system, is \$8 million, assuming that this funding is available in the next fiscal year, allowing us to complete Release 2 by the end of 2011. If less than \$8 million is available in FY 2011, the completion date will move out, and the final cost may be higher since we may lose some of the skilled contract resources on the program and need to retrain as resources are applied throughout the development activity.

Federal Digital System (FDsys) Development Cost and Scope

The most recent IV&V report by the GPO Inspector General reported that the development contracts for FDsys would cost \$42 million by the end of 2010. At the same time the PMO stated that of the 55 collections originally planned, only 25 will be included in the first release and only 42 will ultimately be migrated.

Question: How does this cost level compare with similar projects? How does it compare with initial cost estimates?

ANSWER: FDsys is an Open Archival Information System (OAIS)-based information management system. GPO is aware of only one other active Government program that approaches or exceeds the scale of FDsys which is also based on this reference framework. This is the National Archives and Records Administration (NARA) Electronic Records Archive (ERA) system. As per GAO's July 2009 report to Congress; "*ELECTRONIC RECORDS ARCHIVE, The National Archives and Records Administration's Fiscal Year 2009 Expenditure Plan*," the initial contract value for ERA development was \$317 million to cover the period between 2005 and 2012. As of the end of FY 2008 payments to Lockheed Martin for ERA development were \$111.9 million. Ongoing 2009 development costs for ERA were anticipated

to be \$44 million. Assuming a flat FY 2010 development funding with no cost increases, the total expended for ERA development through FY 2010 would be \$199.9 million.

Because each system is grounded in the OAIS framework there are significant similarities between the two systems. For example, the concepts of content packages (SIPs, DIPs, AIPs), ingest and dissemination should be identical as should requirements related to long term preservation of the information contained in the system. The key differences known to GPO relate to scope and GPO enhancements such as information integrity and advanced search. The scope of content intended for ingest into GPO's system is narrower than the scope of content for ERA, meaning that it is anticipated that while the development framework is quite similar the required storage capacity and infrastructure will be smaller since less content will be processed through the system. However, FDsys delivers additional functionality including enhanced access, search and retrieval and provides content authentication tools for digitally signing documents which demonstrates content integrity.

Another program that can be loosely used for comparison purposes would be the Federal Bureau of Investigation's (FBI) Virtual Case File (VCF), which was a large scale content management system that – to the best of our knowledge – leveraged the same commercial off-the-shelf content management tool as FDsys. For more information see *Testimony of Robert S. Mueller, III, Director, Federal Bureau of Investigation, before the United States Senate Committee on Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, February 03, 2005* (<http://www.fbi.gov/congress/congress05/mueller020305.htm>). According to testimony, the FBI invested approximately \$170 million dollars on VCF and while vendors delivered services and reusable equipment worth \$53.3 million, there was a net loss of \$104.5 million and \$12 million in unspent obligations.

The follow up to VCF can also be loosely used for comparison. On March 16, 2006, the FBI announced the award of a \$305 million contract as part of a \$425 million project to develop the Sentinel information and investigative case management system. Originally, the FBI estimated that the development of Phase 2 of Sentinel would be completed in July 2009 at a cost of \$137 million. According to the *U.S. Department of Justice, Office of the Inspector General Report 10-22, March 2010* (<http://www.justice.gov/oig/reports/FBI/a1022.pdf>), Phase 2 was actually delivered, with some delays, for \$144.7 million. Phase 2 of Sentinel was divided into four segments and was intended to deliver electronic forms, implement more efficient work processes, and migrate administrative case data currently in the FBI's Automated Case Support system (ACS) to Sentinel. While not an exact match, these segments and the data migration activity are similar to functionality delivered by FDsys.

The \$42 million cost projection was reported in the FDsys program review in April. The initial cost estimate for the core functionality of FDsys was estimated in 2004 to be \$29 million. The primary cause of the cost overrun is a result of data migration activities to move GPO Access collections to FDsys. These were not a part of the original cost estimate, and the effort was much more difficult than anticipated. The cost of the migration will be about \$11 million by the time we complete the migration from GPO Access to FDsys.

Question: Why has the PMO reduced the scope of collections to be migrated?

ANSWER: The scope has not changed. During the course of the migration activities, there have been consolidations in the collections that have resulted in a change in the number of collections

to be migrated. However, all *GPO Access* content has been accounted for, and on the completion of FDsys Release 1, all *GPO Access* content will be in FDsys.

Question: What are GPO's plans for capturing and making available older historic legal and legislative documents which are not in the system?

ANSWER: The system is capable of accepting older historic legal and legislative documents and making these available for permanent public access. This capability was demonstrated recently at the Spring 2010 meeting of the Depository Library meeting in Buffalo, NY. Pending approval by the Joint Committee on Printing to authorize GPO digitize historic documents, documents will be moved into FDsys based on priorities established by the Superintendent of Documents.

Federal Digital System (FDsys) Program Redirection

In 2007 GPO removed the contractor from the master integrator role in favor of in-sourcing the function. Your testimony and GPO's 2009 financial statements show a \$1.2 million loss on impairment for software that was not ultimately useable for the production system.

Question: Please describe what went wrong with the Release 1B module.

ANSWER: In the original plan developed by the master integrator, Release 1B was expected to be a building block that would demonstrate core functionality and then be extended to be the production version of FDsys. Upon review and testing of Release 1B, it became clear that this module was not scalable to meet the production system requirements for robustness and flexibility. We therefore decided to move away from this module and start a separate development activity for the production system, and the development activity associated with Release 1B was terminated.

Question: What actions or factors did GPO consider when deciding to take over the master integrator role in-house?

ANSWER: In late 2007, GPO initiated a parallel activity to independently assess the design that was under development by the master integrator. Mitre Corporation was selected to perform this assessment and they in turn contracted with subject matter experts familiar with Documentum, the selected content management tool, and FAST, the selected search tool. Mitre's study was completed in December 2007. It concluded that the master integrator's design was not scalable and relied heavily upon custom development as opposed to the customization of commercial off-the-shelf products for content management and search. Additionally, in the 2007 timeframe, the master integrator was costing GPO more than the projected amount. The independent assessment of the design coupled with the unacceptable rate of spending resulted in our decision to change directions.

At this point, three options were considered: terminate the contract with the master integrator, accept an alternate plan from the master integrator to build a prototype system that would not be scalable, or move the master integrator function in-house and continue work to develop and

deploy a system to production that met GPO requirements. We chose the latter option based on our confidence that GPO could serve in this role with well selected subcontractors. With this option, we modified the contract with the master integrator, allowing them to continue in a supporting role on the program rather than a leadership role. This modification allowed us to maintain progress on the program and avoid any cancellation costs.

Question: What other costs were associated with this program redirection?

ANSWER: There were no cancellation costs associated with the change in direction. Instead, over time, we realized a substantial cost savings based on our calculations. Based on the spending rate of the master integrator and the plans they had projected in late 2007, Release 1 would have cost GPO \$62 million, \$20 million more than we anticipate spending.

We believe that some master integrator inefficiencies existed during the time from August 2006, when the master integrator started on the program, through January 2008, when the decision was made to redirect the program. These inefficiencies were a factor that entered into our decision to change direction. At the April program review, we estimated that these inefficiencies may have resulted in additional costs of \$8-10 million over this period. The work product received from the master integrator during this period was used after the redirection, with the exception of a \$1.2 million loss on impairment for software that was not ultimately useable for the production system and was expensed as outlined above (Release 1B charges). These inefficiencies were a caused by frequent staff rotations resulting in additional training and delays to get new contracted staff trained. For a system as complex as FDsys, these rotations and the associated delays would have resulted in continued cost overruns, which is what led us to estimate that the cost of Release 1 would have been \$62 million if the master integrator had stayed in place.

Question: Do you anticipate writing off other development components that were not ultimately incorporated into the production system?

ANSWER: No.

Electronic Archiving of Federal Website Content and Historic Congressional Documents

Question: What is GPO's current role in cataloging and preserving the contents of Federal agency Web sites?

ANSWER: The creation of a comprehensive bibliography of all U.S. Government information products is derived from the statutory requirements for cataloging and indexing codified in sections 1710 and 1711 of Title 44, U.S.C. Under these sections, the Superintendent of Documents is charged with preparing catalogs and indexes of all publications issued by the Federal Government. The principal product is the Web-based *Catalog of U.S. Government Publications* (CGP), which currently provides access to records dating from July 1976 to the present. GPO's goal is to expand the CGP to a more comprehensive online index of public documents, both historic and current, to increase the visibility and use of Government information products. Additionally, GPO's need to process and catalog Web-harvested

Government information resources continues to expand, as an increasing number of documents from Federal agencies are in electronic format only.

Electronic information dissemination and access have greatly expanded the number of publications that require cataloging and indexing and GPO has identified several goals to increase the comprehensiveness of the CGP to provide access to both historic documents and new Web-based information products from agency Web sites. In particular, GPO is working on bibliographic metadata transcription services for the estimated 600,000 non-OCLC cataloging cards in its million-card historic shelf list. These cards contain brief bibliographic metadata captured as part of the cataloging activities of the Cataloging and Indexing Program and the Federal Depository Library Program (FDLP) from the 1870s through October 1992. GPO is working with a contractor to convert the bibliographic metadata on these cards into machine-readable records in MARC21 format so they can be loaded into GPO's Integrated Library System and made accessible to the public through the CGP.

GPO is also committed to providing permanent public access to Government information products within scope of the FDLP. From the beginning of the FDLP until the Depository Library Act of 1962 (P.L. 87-579, codified at chapter 19 of Title 44, U.S.C.), libraries had to retain what they selected indefinitely unless it was superseded. The 1962 Act created regional depository libraries and the responsibility for permanent public access was delegated to them. In the electronic Government information environment and the transition to a more electronic FDLP, GPO has assumed increasing responsibility for permanent public access. Specifically, GPO is archiving digital publications, partnering with Federal agencies and depository libraries, and creating and maintaining persistent links in bibliographic records for in-scope online Federal documents on agency Web sites.

Question: The American Association of Law Libraries testified at our public witness hearing on the importance of a formal relationship between GPO and LOC on digitizing and electronically publishing historic congressional documents. What is the status of this MOU?

ANSWER: GPO has requested authority from the JCP to work with the Law Library of Congress on digitizing historic issues of the *Statutes at Large* and the *Congressional Record*, and to establish an MOU with the Library to work jointly on other historic congressional, legislative, and regulatory documents available to the Library. An MOU has been drafted between GPO and the Library. Using the models of work on the *Statutes at Large* and the *Congressional Record*, the Library will perform the actual conversion of the document from print to digital content via scanning and provide GPO with the content. GPO will process the content to allow for robust searching by users and content management capabilities, including creating archival as well as access copies that are authenticated. The processed content will then be made available online by GPO via FDsys, and GPO will provide the processed content back to the Library for its use. A small demonstration of the digitized content of the *Statutes at Large* was provided at the Spring 2010 meeting of the Depository Library Council in Buffalo, NY. The Depository Library Council, which represents all segments of the library community, as well as librarians attending this meeting, provided positive feedback to GPO. GPO is working with the JCP to complete the Committee's approval process for this initiative.

Determining Police Requirements

The GPO police are paid out of the revolving fund and your budget requests have provided little transparency into how you assess your police needs and what you allocate to police activities.

Question: From year to year, how do you determine how much police presence is needed for physical security and response? When was GPO's most recent bottom-up review of physical security requirements?

ANSWER: In 2006, GPO Security Services developed a strategic plan to establish the standard for protecting GPO personnel and assets. Since then, staffing requirements are based on local Threat, Criticality, and Vulnerability Assessments conducted by the Federal Protective Service and GPO Security Services. Staff requirements are based on the manpower factor of 4.5 officers per 24-hour post, with 1.25 officers per 8-hour post, per **Attachment 2**, Uniformed Police Branch (UPB) Staff Requirements.

GPO Security Services conducts annual physical security reviews to identify deficiencies and mitigate vulnerabilities. At the request of the Chair of this Subcommittee and the Chairman of the House Administration Committee, the Government Accountability Office (GAO) conducted a review of the entire GPO Security Services program between December 2008 and February 2009.

Question: Please provide a schedule of obligations by object class and a historical table of actual FTEs, comprising both permanent and contract employees, for GPO security services in 2009, 2010, and 2011.

ANSWER: Please see the following attachments: **Attachment 3**, Headcount FY 2009 (Cost Codes: 0502/0505 – Police Officer); **Attachment 4**, Headcount FY 2010; **Attachment 5**, FY 2009 Budget Obligations; and **Attachment 6**, FY 2010 Budget Obligations. **Attachment 7** shows the projected police headcount for FY 2011.

Merging the GPO Police with the Capitol Police

During our public witness hearing, Mr. Hardwick testified on behalf of the Fraternal Order of Police that the union would be generally supportive of merging the GPO Police with the Capitol Police.

Question: What are your thoughts on the feasibility and advantages and disadvantages of a merger? What would be the major challenges?

ANSWER: Advantages may include a 25 year retirement for GPO's officers; additional training and advancement opportunities; more posts to work at, which would provide a better opportunity to avoid the monotony associated with working at the same location continuously; a "weapons to home" policy; officers may be eligible to apply for specialized positions such as K-9, bike patrol, emergency responders (SWAT), and firearms instructors; and the Capitol Police

have a Memorandum of Understanding with the Washington, DC, Metropolitan Police Department to assist in policing the local area.

Disadvantages may include increased costs to the Capitol Police, since GPO's police costs are paid out of the revenues GPO receives from its sales and services; lack of continuity in meeting specific GPO operational requirements; loss of the historical value of the GPO police presence; loss of professional relationships between GPO police and employees; imposing retirements on GPO officers at age 57, which may negatively affect officers not prepared for retirement; and loss of familiarization with specific procedures at each post due to continuous rotation to multiple posts.

Major challenges may include ensuring the ability of officers to meet age and service requirements and complete the training program; dismantling GPO's Uniformed Police Branch, which has professionalized all areas of law enforcement at GPO from 2006 to present; and realignment and consolidation of career conditional Security Services managers.

Errors on Appropriations Prints

GPO made a notable number of errors on a number of appropriations prints last year. These errors led to "star prints," or re-printings which bear a black star to indicate that they are revisions.

Question: What immediate steps have you taken to prevent these misprints from happening again?

ANSWER: Star prints are generally caused by human error. We are taking action at GPO to reduce the potential for these errors. In the long run, the way to reduce human errors is to deploy technology such as an XML-based composition replacement system, a prepress content management system, and advanced printing technologies, all of which are included in GPO's funding request this year for our revolving fund.

Immediate actions in prepress for conference reports include breaking down the file in smaller segments for reading the manuscript against the galley proofs; the final okay pages will be reviewed one last time before being plated for press; Graphic Log will have an additional check off for image size used for scanning; Graphic manuscript will have a cover memo addressing type of publication to be scanned for; and prepress was approved for an additional thirteen proofreaders that should help in this process, with a net add of 6 positions.

Immediate actions in production engineering include creating a "feedback" fill-able form in PDF to record incidents; refining standard operating procedures (SOP's) to control usage and distribution; the data to be collected could be used to spot trends and identify shortcomings in the process; and creating a spell- check/integrity check application that would use the list of names provided by Congressional Desk to check *Record* files for misspellings.

Medium term solutions in production engineering include implementing a content management system to control the files that are being worked on by pre-press employees - files would be

“checked in” and “checked out” so that only one operator could work on it at a time, file versioning would be in place, and an audit trail would exist of people that worked on the file; potentially using some of the underlying FDsys technology.

Long term solutions in production engineering include developing a workflow system to control access points and allow all users to see where jobs are at any given point in time, and tailoring the composition system replacement project to automate more processes.

Microcomp Replacement

GPO is requesting a \$1.5 million appropriation to replace its aging composition system, Microcomp.

Question: Please explain how the replacement composition system would improve end products.

ANSWER: The new Composition Replacement System (CSR) will typeset directly from native extensible markup language (XML)-tagged files, such as congressional bills, which are currently authored natively in XML. Current Microcomp work (*Federal Register*, *Congressional Record*, hearings, and other products) would eventually migrate to native XML, making that data easier to integrate into other publications and disseminate to the public on FDsys.

The new composition system would also be integrated with Documentum, the FDsys content management component. The CSR will be able to be configured for remote XML publishing capabilities to Web interfaces, portals, and application integrations, providing rapid deployment of automated XML publishing solutions. End users can benefit from the ability to connect remotely to trigger and monitor complex publishing events.

Also, the current process for accepting XML and converting it to GPO locators is inefficient and adds potential points of failure. The new system will accept SGML, XML, and locators, compose content, and output XML which will provide GPO with the means to meet today’s needs of congressional and Federal agency customers and end users. The CSR will allow GPO users the freedom to migrate to XML incrementally, with the eventual elimination of locators (and subsequently Microcomp). The transition to XML will enable users to take advantage of all the features of XML, including enhanced search and retrieval capabilities and flexible repurposing of data (including the creation of files for eBook readers and hybrid/customized documents).

Question: What is the cost share between appropriations and offsetting receipts for the development activity?

ANSWER: Approximately \$3.5 million in GPO funds have been earmarked for this project. The funds include \$1.5 million appropriated for FY 2010 and \$2 million set aside from investment capital in GPO’s revolving fund. This level of funding is expected to be sufficient for CSR project activity through FY 2011.

Question: What is your schedule for implementing the system’s core capabilities?

ANSWER: GPO is planning to award a contract for the design of the first release of the system in the coming weeks. Once the contract is awarded, we anticipate approximately a 6 to 9 month cycle to complete the system design. Also included would be all design documentation and the selection of the software and tools necessary for the development of the first release. After design is complete, we anticipate the implementation cycle to be about 12 months for the first release, which will focus on congressional bills.

Personnel and Technological Change

Question: How will implementation of the replacement composition system change your workforce requirements?

ANSWER: Workforce requirements within the Plant Operations business unit should stay unchanged. Plant Operations maintains a small staff to change formats within the current Microcomp system and to troubleshoot composition problems for the prepress division. These functions will still be required under the new CSR. Since CSR functionality will be implemented in an iterative fashion, the GPO staff will need to typeset and support two systems until all functionality is implemented and CSR becomes the official system for typesetting at GPO. Overall, this re-refresh of technology will allow GPO to move to a more modern and flexible technology platform (e.g., XML) that is more scalable and will promote transparency and interoperability between GPO and its congressional and agency customers. This in turn will present opportunities for GPO employees to expand their skill sets to adapt to new technologies and provide enhanced marketability for GPO products and services.

Question: Do you have a human capital plan to adapt to these and other technological changes and other hiring needs that may result from a retirement wave?

ANSWER: While no human capital plan has been developed to date there is recognition that a strategic view of workforce planning will be required to adequately support CSR. From a project perspective, and as part of the implementation process, GPO plans to offer detailed training and support for the system. Training will be completed for all required personnel before the system is deployed, and the requirements for the system state that 24/7 support will be needed for the system. Moreover, the system will be deployed iteratively and Microcomp will not be sunset until CSR is fully operational and there is full confidence that CSR can be the official composition engine for GPO.

From a broader perspective, we have been working on a GPO-wide workforce planning process. Included in this process is a comprehensive analysis of the workforce, including data such as retirement eligibility, relative diversity by occupation, the identification of mission critical positions and their vulnerability to turnover, and related matters. We are reviewing this data as we work toward a strategic human capital plan that will address staffing and training to ensure GPO's workforce capabilities into the future.

Consolidation of Building 4

Your request includes \$7.25 million for building facilities and related projects, including \$2 million to begin construction needed to relocate the secure documents activity to the main complex.

Question: How long would this take, and what is total estimated cost of the move?

ANSWER: The relocation of the passport production operation is forecast to take 18-24 months from initial project launch as triggered by approval of new passport production equipment defined in the Security and Intelligent Documents (SID) business unit's 5-year plan. This project includes relocating GPO training operations and bindery locators, the build-out of SID's fifth floor space in the main GPO complex, and the physical relocation of SID equipment and operations.

The relocation of SID equipment will take 6 months. Relocation would be coordinated to minimize down-time for passport production through increased production in Stennis to meet production requirements. SID would relocate production lines, the 7-color press, screen press, and various support equipment.

In addition to the initial \$2 million appropriation, additional costs would be incurred for SID and warehouse operations equipment relocation, estimated at \$2-6 million (higher if not coordinated with new equipment and GPO relocates two production lines); construction of new office space for training and bindery locators estimated at \$850,000; and construction of a new wastepaper facility to house the secure waste processing system within the main GPO complex, at an estimated cost of \$500,000 to \$1 million.

Other variables are the requirements and schedule of the State Department, the cost to move two passport production lines, and costs to install equipment through an exterior building window that is too big for the freight elevator.

Question: When would operating savings begin, and what amount annually do you estimate GPO would save?

ANSWER: Contingent on new production line equipment, SID relocation would be planned 24 months after project launch, and operating cost savings would be realized in the fiscal year following completion. Building 4 overhead allocation costs are approximately \$6 million annually, which SID partially recovers through the price of the passport. Actual direct cost reductions to GPO's operating budget are estimated at \$2-3 million annually from security, utilities, and facilities cost reductions.

Question: Are there other non-monetary benefits to the consolidation?

ANSWER: Operating efficiencies would be realized for SID passport operations by maximizing equipment layout and workflow. New wastehandling equipment, system controls, and lighting for the new facility would be energy-efficient to reduce utility costs. Additionally, relocation

would obviate the need for additional upgrades to the current air conditioning system in the building.

Question: For both building 4 and the main complex, what is the effect of the excess space on your operating costs and what are you doing or planning to do to mitigate these costs?

ANSWER: The primary benefit to GPO is avoiding one-time building 4 infrastructure improvement costs and investing those resources in more energy-efficient equipment and system upgrades within the main GPO complex to support passport operations. Infrastructure investment of one-time facilities costs to building 4 would be for utility and HVAC upgrades, new windows, and general building maintenance improvements. The passport operation within the main GPO complex would utilize more energy-efficient enterprise and lower operating costs from variable speed drives, energy efficient lighting, and variable speed air handling units with savings realized year-over-year.

To further mitigate costs, GPO could lease building 4 space to other legislative branch agencies for storage or light industrial use, offsetting the annual operating cost to idle the building and recover costs. A full return-on-investment study would be necessary to completely analyze the cost benefit of renovations to all floors into class A office space for lease purposes.

Continuity of Operations Alternate Distant Site

Question: Your request also includes \$2.2 million for a Continuity of Operations Alternate Distant Site. What criteria will you use to select a site? What activities must be funded in future fiscal years to make this site useable in the case of an emergency?

ANSWER: The \$2.2 million includes funding for a distant site as well as enhancements to GPO's offsite computer systems. The breakdown of the request is \$1 million for computer redundancy and \$1.2 million to set up and establish a remote site. Recently GPO received feedback from Senate staff that a mobile strategy that does not rely on fixed sites to support the production needs of Congress should be considered. GPO proposed a distant site to prepare congressional products as the easiest and most rapid solution for situations in cases when the National Capitol Region could not be occupied for whatever reason.

Regardless of the fixed versus mobile discussion, there is a requirement to complete the needed redundancy for GPO critical operations at the Legislative Branch Alternate Computer Facility (ACF) in support of Congress. Further, we expect in FY 11-12 to complete the redundant process by establishing a smaller core IT capability to support Congress at a distant facility. In the case of IT processing this could be at an existing GPO facility such as Stennis.

In response to a request from the Senate we are beginning to assess the costs and implications of supporting Congress through so-called "fly-away" kits. This would require GPO to establish production capabilities from pre-packaged equipment and supplies that would be unpacked and an empty facility set up for that purpose. Since GPO would have to establish a facility from scratch within a limited timeframe to meet the needs of Congress the mobile solution may be more expensive and take longer to achieve.

In May 2007, in National Security Presidential Directive-51/Homeland Security Presidential Directive-20 (NSPD-51/HSPD-20), policy was issued to establish and maintain a comprehensive and effective national continuity capability in order to ensure the preservation of our form of Government under the Constitution and the continuing performance of National Essential Functions under all conditions.

To provide the operational guidance to implement this policy, the Department of Homeland Security, in coordination with its interagency partners, has developed Federal Continuity Directive 1 (FCD 1). The criteria set forth in NSPD-51/HSPD-20 and FCD-1 are being followed to select an alternate site for GPO.

Annex G of FCD-1 states the following regarding continuity facilities:

Alternate facilities must also be identified for the relocation of a limited number of key leaders and staff. Those facilities should replicate essential capabilities by providing systems and configurations that are used in daily activities. Additionally, it is financially prudent to structure and configure alternate facilities such that daily activities can be replaced or augmented with those required during an emergency (often referred to as dual-use facilities).

FCD1 lists the following alternate facility requirements:

- Sufficient space, equipment and other resources to sustain the agency's Mission Essential Functions (MEFs) and Primary Mission Essential Functions (PMEFs), as appropriate, and Emergency Relocation Group (ERG) and support staff.
- The capability to perform MEFs and PMEFS as soon as possible after an emergency or other continuity event with minimal disruption of operations and in all cases within 12 hours after an event, the ability to maintain this capability for up to 30 days after an event or until normal business activities can be resumed, and the capability to perform these MEFs under all threat conditions including the possible use of weapons of mass destruction (WMDs). Some essential functions cannot be interrupted and alternate facilities must include support for these continuous operations.
- Reliable logistical support, services, and infrastructure systems.
- Consideration for the health, safety, and security of employees who have been relocated to those sites.
- Interoperable communications, including the means for secure communications if appropriate, with all identified essential internal and external organizations, as well as with customers and the public.
- Computer equipment, software, and other automated data processing equipment necessary to carry out MEFs and PMEFS.

- Capabilities to access and use vital records necessary to facilitate the performance of essential functions.

At a minimum, agencies are to identify and maintain an alternate facility. An alternate facility may be classified as one of the following two types:

- Hot site: An alternate facility that already has in place the computer, telecommunications, other information technology, environmental infrastructure, and personnel required to recover critical business functions or information systems.
- Warm site: An alternate facility that is equipped with some computer, telecommunications, other information technology, and environmental infrastructure, which is capable of providing backup after additional personnel, equipment, supplies, software, or customization are provided.

GPO's opinion is that an alternate site within 3-4 hours driving time from the National Capital Area would help ensure that the necessary COOP support employees would be able to relocated and provide the specified support.

Future fiscal year funding requirements: In order to ensure the alternate facility is usable during an emergency, in future years additional funding will be required for continued build-out and maintenance of GPO's alternate computing facility (ACF); lease payments; build-out of command and control; hardware and software in support of enhanced remote/telework capabilities; IT hardware support, maintenance, and refresh; support for COOP test, training, and exercises; and additional human resources to manage the alternate site including IT resources.

Environmental Impact Abatement

Question: What actions or operational changes, if any, have you implemented or do you plan to implement in 2010 and 2011 to reduce energy use, solid waste, and harmful emissions?

ANSWER: GPO has been involved in environmental impact abatement activities for many years regarding paper, ink, emissions reduction, energy efficiency, digital dissemination, waste management, recycling, and related measures. Recently, there have been a number of initiatives in the area of responsible environmental stewardship:

Paper:

- GPO requires the use of recycled paper for both inplant production and procured printing, consistent with the requirements of Federal law, executive orders, and paper standards issued by the Joint Committee on Printing (JCP).
- This past year, with the approval of the JCP, GPO increased the recycled content of the newsprint to print the *Congressional Record* and the *Federal Register* to 100% from 40%. GPO tested papers with higher post consumer fiber content to ensure printability and run-ability and found no difference in the 100% recycled paper as compared to the

40% recycled paper previously used. The 100% recycled paper is being supplied at no increased costs over the previously supplied 40% recycled paper.

- GPO is currently evaluating responses to a request for proposal for the most sustainable copier paper available in today's market. The evaluation criteria include the sourcing of raw materials, post-consumer fiber content, use of renewable resources, use of bio-generation, chain of custody, recyclability and environmentally sustainable packaging, chemicals and fillers, carbon footprint, waste generation, water consumption, transportation, energy consumption, total greenhouse gas emissions, life cycle assessment, and the use of environmental management systems. GPO will inform the JCP of the results of this evaluation in the accordance with the Committee's paper specification standards authority in Title 44, U.S.C.
- GPO conducted a request for information in 2008 for sustainable paper to learn from the industry leaders what attributes are currently available for copier papers.
- GPO hosted a Paper Industry Day to open the dialog between the government and paper manufacturers on the challenges and future of paper.

Printing Inks:

- Consistent with the requirement of the Vegetable Oil Printing Act of 1994, GPO requires the use of printing inks containing the statutorily required percentages of vegetable oil, including oils derived from soybeans, linseed, and related materials.

Waste Reduction:

- In 2008, the Environmental Protection Agency (EPA) lowered GPO's status from a Large Quantity to a Small Quantity Hazardous Waste Generator.
- A solvent recovery system was installed which allows GPO to distill solvent waste and reuse it within plant operations. This application creates a 90% reduction in solvent hazardous waste and the recovered solvent is expected to save GPO nearly \$20,000 annually in disposal and purchasing costs of the solvent.
- GPO has an agency-wide effort to reduce the amount of landfill waste leaving our facility. Over the past several months, GPO has established a voluntary partnership with EPA's WasteWise program to baseline and monitor waste reduction and prevention activities. These efforts successfully diverted over 87.5% of GPO's landfill (non-barrel) waste stream to new and existing recycling streams in 2008. Based on WasteWise's calculations, these actions resulted in the reduction of over 15 billion tons of green house gas emissions.
- GPO requires all new construction contracts to recycle and mitigate landfill waste for materials that leave our facility.

- GPO is currently seeking partnership with other legislative branch agencies to ensure each agency and Federal employee has ample opportunity to recycle and participate in sustainability initiatives, regardless of the size of the agency.
- GPO has reduced our landfill waste by issuing a contract to ensure all of our wood waste (pallets, skids, and old furniture) is recycled. Currently, GPO's wood waste is being used for mulch in Maryland.

VOCs

- Over the past year, GPO has reduced VOC emissions in plant operations by 86% from the previous rate, which also reduced our purchasing costs for fountain solution by 22%. Plant Operations personnel have been testing new fountain solution concentrates that contain no or low VOCs and have been successful. Testing continues on other press solvents in hopes to further reduce GPO's environmental footprint.
- GPO's paint shop has converted to exclusively using zero-VOC office paints throughout the building.

Roof:

- Using appropriations to the revolving fund provided for FY 2009, GPO installed roughly 100,000 square feet of an environmentally sustainable roof on its main complex buildings. The new roof includes several bio-based layers and includes a highly reflective roof coating that will sustain the roof beyond its natural life expectancy. The highly reflective roof membrane is on USDA's Bio-Based product list, is Energy Star rated, and is rated by the Cool Roof Rating Council. In addition, the new roof qualifies for several LEED points. The highly reflective roof coating provides a cool roof environment that not only reduces cooling demands inside the building but improves the life expectancy and efficiency of rooftop equipment. Additional roof repairs will be carried out as necessary using available funds in the revolving fund.

Fleet:

- GPO currently operates a fleet of more than 40 trucks, vans, and cars to deliver printed products to Congress and Federal agencies. This past year, GPO received 21 new vehicles including 18 alternative flex fuel (E85) vehicles and two new hybrid vehicles through funding provided to the General Services Administration as part of the stimulus bill.
- The future of GPO's fleet operations includes exploring the use of electric vehicles for some of our larger delivery vehicles and studies are underway to ensure GPO's fleet is appropriately sized.

FDsys:

- GPO has been performing digital dissemination of Federal information products for nearly two decades, significantly reducing the used of paper and ink in the process. GPO's digital systems today continue that trend, utilizing increasingly efficient equipment.
- FDsys utilizes 50-watt processors instead of the standard 80-watt processors. This decision will realize more than \$12,000 per year in energy savings, as these servers operate at a much higher efficiency.
- To date GPO has virtualized 116 servers (an increase of 36 this fiscal year to date). At about 8 virtual servers per physical server, these have reduced the carbon footprint by 101 physical servers. Each virtual server represents approximately 75% in power savings over eight one-off servers that existed for each virtual server. GPO continues to assess existing servers as candidates for virtualization.
- GPO replaced 67 desktop computers with thin clients in various work areas. An additional 27 kiosk desktops have been replaced with thin clients. This reduces the carbon footprint since the thin client's power consumption is approximately 50% of desktop power consumption. Administrative overhead for software revisions and maintenance is reduced since applications are maintained centrally at the Citrix server. GPO is seeking more opportunities for thin client use.
- GPO purchases computers and related components from companies that partner with the EPA in Energy Star and its power management programs.

Stewardship:

- GPO has removed two underground storage tanks (UST) to mitigate risks and streamline our manufacturing processes. The tanks were successful removed without any environmental concerns.
- Over the years, GPO has conducted numerous energy audits to help determine energy efficiencies and priorities for energy conservation in the future.
- GPO will provide a bike subsidy to employees that use ride bicycles to work on a daily basis starting this spring.
- GPO is currently conducting a pilot program on a device named the 'Vending Miser' to reduce the energy consumed by vending machines located throughout the agency.
- GPO is hosting several informational series for agency customers and is highlighting sustainable environmental choices in print and paper for each of these customers.

- GPO is investigating the use of a bio-oxidizer to replace the current oxidizer that requires a large amount of energy to operate.
- GPO has established an Environmental Protection and Regulatory Affairs Committee consisting of key leaders from each business unit to ensure attention to top sustainability initiatives.
- GPO is currently investigating renewable energy options for each of its manufacturing facilities.
- GPO expects to issue a Total Waste Management request for proposal by Spring 2010 to continue to enhance its recycling efforts and landfill reduction initiatives.

EEO Complaints and Diversity

Question: Please provide a list showing the status of all EEO complaints, by pay grade of the complainant, in 2009 and 2010. An explanation of any trends should accompany the list. Please also provide copies of any issuances or changes related to EEO policies which have been issued or implemented in 2009 and 2010.

ANSWER: As recently reported to the Subcommittee in GPO's Second Quarterly Report on EEO Complaints Filed (April 20, 2010), GPO has seen a decrease overall in the number of formal filings for the fiscal year to date compared with the same period in FY 2009 (25 vs. 50 the previous year). However, when comparing the number of complaints filed from the end of the first quarter through the second quarter of each fiscal year, there were 12 complaints filed in FY 2009 and 13 during this same period in FY 2010.

The 13 complaints filed since the first quarter of FY 2010 were filed by 11 complainants. Two of these complainants filed 2 complaints each during this quarter, and 5 had prior EEO complaint activity during the previous fiscal year. One individual alone has filed 4 formal complaints to date during FY 2010. The bases of discrimination most frequently alleged in these 13 complaints are race/color (10), followed by sex (8), age (4), reprisal and national origin (3 respectively), and disability and religion (1 respectively). Claims involving harassment of a non-sexual nature were raised in 8 of these complaints and were the most frequently raised claim. Claims of harassment/hostile work environment cover a myriad of issues related to assignment of duties, allegations of disparate treatment, and related matters. Other claims raised include one instance of nonselection for a position, overtime, removal, change to lower grade, performance rating, and the denial of telework. Complainants often include more than one basis and more than one claim in their complaints. Therefore, the number of bases/claims will oftentimes exceed the number of actual complaints filed.

Attachment 8, FY 2009 and FY 2010 Active EEO Cases Annotating Grade, shows active formal complaints filed in FY 2009 and to date in FY 2010 which includes the grade of the complainant.

Copies of the following EEO directives issued during FY 2009 and FY2010:

- GPO Directive 650.18 - *Procedures for Processing Complaints of Employment Discrimination*
- GPO Directive 650.19 - *Government Printing Office Policy Prohibiting Discriminatory Harassment*
- GPO Directive 650.20 - *Public Printer's EEO and Affirmative Employment Policy Statement.*

Flat Budget

Question: Please summarize the impacts of a flat fiscal year 2011 budget for the record, particularly on staff and mission.

ANSWER: GPO will be able to conduct operations and carry out its mission with funding at the FY 2010 level. At this level, we recommend that full funding be provided for our request for the Congressional Printing and Binding Appropriation to ensure sufficient coverage for projected congressional demand. For the Salaries and Expenses Appropriation of the Superintendent of Documents, our request could be reduced by \$26,000 to reflect a pay raise factor of 1.4% as requested in the President's budget, instead of the factor of 1.6% we used. Our request for this account could also be reduced by \$1.5 million provided if the Appropriations Committees approve our request to transfer forward \$1.5 million in the unexpended balance of this account from FY 2005. Funding at the FY 2010 level would provide approximately \$8.1 million for GPO's revolving fund. With this amount we would fund the Federal Digital System (FDsys) at \$5.1 million and provide \$1 million each for our advance printing technology, continuity-of-operations (COOP), and elevator repair projects. Funding at the FY 2010 level distributed per our recommendation would not have a negative impact on required staffing levels.

U.S. Government Printing Office
 Non-Supervisory White Collar – Active EEO Complaints Filed in FY 2009 and FY 2010
 As of March 31, 2010

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Case Number	Date Filed	Bases and Issues Raised	Position Title/Grade	Status
09-24	11-14-08	Race, Color, Religion, National Origin, Sex, Age	Office Automation Asst. PG 0326-07	Pending Election
09-29	11-25-08	Race (Asian) Non-selection 08-643	IT Specialist PG 2210-12	Pending EEOC Hearing
09-36	12-5-08	Physical Handicap Harassment	Supply Technician PG 2005-05	Under Investigation
09-46	2-19-09	Race (Hispanic) National Origin (Hispanic) Termination	Police Officer 0083-05	Pending Final Agency Decision
09-54	5-1-09	Physical Handicap, Age (57) Re-assignment	Special Assistant PG 0301-15	Pending Election
09-55	5-4-09	Sex, Reprisal Time & Attendance Issues	Police Officer PQ 0083-05	Investigation
09-66	7-16-09	Race (White) Non-selection	Lead Contract Specialist PG 1654-13	Pending Election
09-67	7-16-09	Race (African-American) Color (Black) Sex (Female) Reprisal Non-selection (08-719)	Printing Service Specialist PG 1654-13	Pending Election
09-80	8-21-09	Race, Color Non-selection	Program Analyst PG 0343-13	Investigation
10-02	10-6-09	Handicap, Race	Control Clerk PU 0303-03	Under Review
10-09	12-8-09	Physical Handicap Non-selection	HC Specialist PG 0201-13	Investigation

ATTACHMENT I

U.S. Government Printing Office
 Non-Supervisory White Collar – Active EEO Complaints Filed in FY 2009 and FY 2010
 As of March 31, 2010

483

Case Number	Date Filed	Bases and Issues Raised	Position Title/Grade	Status
10-11	12-18-09	Age (56) Leave issues	Printing Service Specialist PG 1654-12	Investigation
10-14	1-21-10	Race, Religion, Sex Non-selection	IT Specialist PG 2210-13	Pending Investigation
10-17	2-22-10	Physical Handicap, Race Termination	Printing Clerk PG 0603-05	Under Review
10-19	3-18-10	Age, sex, Reprisal Change to Lower Grade	Content Acquisition Specialist PG 0301-12	Under Review
10-22	3-24-10	Race, Color, Religion, Sex, Age	Content Acquisition Specialist PG 0301-11	Under Review
10-24	3-29-10	Race, Religion, Sex, Age Reprisal	IT Specialist PG 2210-13	Under Review

Post	Location	Hours/Days	Officers Assigned	Staffing Requirements
Post 34	Control Center	24/7	1 each shift	4.5
Post 41	Access Control/Passport	24/7	2 each shift	9
Post 42	Loading Dock/Passport	0700-1500/Mon-Fri	2 each shift	2.5
Post 3/3A	Alarm Response	24/7	2 each shift	9
VP1	Vehicle Patrol	24/7	1 each shift	4.5
VP2	Vehicle Patrol	24/7	1 each shift	4.5
FP1	Foot Patrol	24/7	1 each shift	4.5
FP2	Foot Patrol	24/7	1 each shift	4.5
Sergeant	N/A	24/7	1 each shift	4.5
Officer-in-Charge	N/A	24/7	1 each shift	4.5
				Total: 52

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FY 2010
U.S. Government Printing Office
Full Time Equivalent Employment
Workmonths

01-10

FY 2010
Security Services
Full Time Equivalent Employment
Workmonths

01-10

UCI	Nbr	2010												On-Board	Headcount	
		Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov			Calling
6581 Security - Civil	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
6592 Uniformed Police Branch	32.5	34.1	32.5													33
6594 Physical Security Branch	8.0	8.0	8.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7
6595 DC Passport Security Branch	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
6597 Security - SPF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
Tot - Security Services	40.5	48.9	48.1	50.5												49.2

Fiscal Year 2009**Cost Code 0502/Uniformed Police Branch:****6031 OVERTIME PREMIUM**

FY09: \$85,000

\$85,000 The FY08 budget was for \$152,000. We are forecasting a significant decrease, based on the seventeen new hires. We are projecting \$85,000 for FY09. This will allow the Uniformed Police Branch (UPB) to maintain response force capability and meet their minimum staffing requirements without compromising security during annual/sick leaves.

6032 NIGHTTIME PREMIUM

FY09: \$160,500

\$160,500 Figures were calculated from the Detailed Responsibility Report FY2008 YTD actualized Feb 2008 of \$63,680 divided by 5 month = \$12,736 X 7 = \$89,152 + \$63,680 = \$152,832 with a 5% increase based on current wage negotiations for \$160,474.

6033 SUNDAY PREMIUM

FY09: \$63,000

\$63,000 Figures were calculated from the Detailed Responsibility Report FY2008 YTD actualized Feb 2008 of \$25,000 divided by 5 months = \$5,000 X 7 = \$35,000 + \$25,000 = \$60,000 with a 5% increase based on current wage negotiations for \$63,000.

6111 OFFICIAL GPO TRAVEL

FY09: \$24,500

\$24,500 Specific courses taught at the Federal Law Enforcement Training Center in Brunswick, GA. The FLETC provides relevant, value-added advanced and in-service agency-specific firearms, driver operations, and other continuing professional development training by top-rated instructors. This will allow fifteen (15) Officers to attend training classes.

6121 CAR RENTAL

FY09: \$10,700

\$10,700 Public Printer's leased 2007 Chevy Suburban for the \$8,300; and \$2,400 for car rentals for official travel while at GLYNCO in Brunswick, GA.

6511 MAINTENANCE OTHER EQUIPMENT

FY09: \$10,000

Figures support maintenance of the Motorola Communications System and Two-way radios used by UPB. Forecast will be adjusted based on FY09.

6516 TRAINING

FY09: \$40,000

\$40,000 UPB utilizes the Firing Range at FLETC's facility in Cheltenham, MD; twice a year for certification of 52 officers at rate of \$41.30 = \$2184.00. The following training is only conducted at GLYNCO in Brunswick, GA:

ATTACHMENT 5

6522 PROFESSIONAL SERVICES

FY09: \$2,136,000

\$2,136,000 Fleet Credit Card for car washes \$1,700. The Uniform Police Branch is augmented by forty-five (45) Special Police Officers (SPOs) and ten (10) Security Aides to enhance security operations at GPO. This includes security for Parking Lots 55 and screeners for Capitol Hill deliveries. Premier Investigative Security Agency provided a quote of \$2,558,771. We will reduce the staffing requirements as the 17 Police Officers arrive.

6610 NON-CAPITALIZED IT EXPENSES

FY09: \$5,700

\$5,700 National Crime Informational Center (NCIC) Components provides a computerized database for ready access by Uniform Police Branch to inquiry about crimes and criminals and related law enforcement objectives, such as apprehending fugitives, locating missing persons, locating and returning stolen property. In addition, NCIC will assist the agency in employment suitability. The cost is \$7,500 annually. GPO Information Technology advises business units to replenish one-third (1/3) of its computers each year allowing for a three year life cycle. Three (3) laptops with docking stations at \$1900 each, for a total of \$5700.

6612 GENERAL EXPENSES AND SUPPLIES

FY09: \$85,700

\$65,200 The below list will improve the Security Services conference room, upgrade the equipment in the Control Center and support the security and law enforcement functions:

Cost Code 0504/Physical Security Branch:**6511 MAINTENANCE OTHER EQUIPMENT**

FY09: \$54,000

The maintenance forecast is a revolving requirement to maintain systems and equipment.

6522 PROFESSIONAL SERVICES

FY09: \$157,900

The following represents investigations necessary to meet the Office of Personnel Management criterion to maintain employment/position sensitivity for GPO mission accomplishment. These investigations include National Agency Checks with Written Inquiries (NACI's) for positions of trust, contractor investigations, and Public Key Infrastructure authorization; Access National Agency Checks with Written Inquiries (ANACI's) for Confidential and Secret positions; and Single Scope Background Investigations (SSBI's) for TS positions. These investigations are also representative of positions filled by employees working in sensitive areas within Security and Intelligent Documents. The Parenthesis identifies number of investigations.

6610 NON-CAPITALIZED IT EQUIPMENT

FY09 \$14,500

Contraband detection software for new X-ray machines

Cost Code 0505/ Uniformed Police Branch/Passports:**6031 OVERTIME PREMIUM**

FY09: \$28,000

\$28,000 The FY08 budget was for \$152,000. We are forecasting a significant decrease, based on the seventeen new hires. We are projecting \$28,000 for FY09. These estimates are based on 17 Officers which is 1/3rd of cost code 0502 of \$85,000. This will allow the Uniformed Police Branch (UPB) to maintain response force capability and meet their minimum staffing requirements without compromising security during annual/sick leaves.

6032 NIGHTTIME PREMIUM

FY09: \$53,000

\$53,000 These estimates are based on 17 Officers which is 1/3rd of cost code 0502 of \$160,500. FY10 includes an anticipated 5% increase.

6033 SUNDAY PREMIUM

FY09: \$21,000

\$21,100 These estimates are based on 17 Officers which is 1/3rd of cost code 0502 of \$63,000. FY10 includes an anticipated 5% increase.

6111 OFFICIAL GPO TRAVEL

FY09: \$15,000

\$15,000 Specific courses taught at the Federal Law Enforcement Training Center in Brunswick, GA. The FLETC provides relevant, value-added advanced and in-service agency-specific firearms, driver operations, and other continuing professional development training by top-rated instructors. This will allow approximately eight (8) Officers to attend training classes.

6121 CAR RENTAL

FY09: \$2,000

\$2,000 Vehicle rental is required for the three seminar/courses which are significant distances from the hotels/airports.

6516 TRAINING

FY09: \$32,000

\$32,000 The UPB utilizes the FLETC at Glynco in Brunswick, GA. This will allow fourteen (14) new hires to attend the Uniformed Police Training Program in Brunswick, GA: $14 \times 2,292.14 = \$32,089.96$

6612 GENERAL EXPENSES AND SUPPLIES

FY09: \$20,000

\$9,000 Figures will enhance the UPB capabilities by providing new equipment to seventeen (17) new police officers supporting the security and law enforcement functions:

\$11,000 the current clothing allowance is based on the Union Contract, \$500 for seventeen (17) Officers for a total of \$8,500; and an additional \$2,000 for specialty equipment items.

Cost Code 0507/Secure Production Facility:**6111 OFFICIAL GPO TRAVEL**

FY09: \$10,500

\$10,500 Security Services will conduct monthly audits and inspections; and annual physical security assessments of the Secure Production Facility.

6121 CAR RENTAL

FY09: \$1,600

\$1,600 Vehicle rental is required for the three seminar/courses which are significant distances from the hotels/airports.

6511 MAINTENANCE OTHER EQUIPMENT

FY09: \$5,300

\$5,300 Figures support maintenance of the Motorola Communications System and Two-way radios used by Security Forces. This also includes the use of NASA Radio Trunking System at \$20 X 10 radios = \$200 monthly X 12 = \$2,400. For additional maintenance and equipment items: \$2,500.

6522 PROFESSIONAL SERVICES

FY09: \$1,200,000

\$1,112,778.30 Inner Parrish Security Corporations' expenses equate was \$1,112,778.30.

Cost Code 0501/OFFICE OF THE CHIEF**6111 OFFICIAL GPO TRAVEL**

FY09: \$4,400

\$4,400 Specific courses taught at the Federal Law Enforcement Training Center (Two) in Brunswick, GA; and the American Society for Industrial Security (ASIS) Annual Seminar and Exhibits in Atlanta, GA. This is official travel relevant to my continued professional development. The funds will provide training for three (3) seminars/courses. FY10 reflect no increases.

6121 CAR RENTALS

FY 09: \$800

\$800 Vehicle rental is required for the three seminar/courses which are significant distances from the hotels/airports. FY10 reflect no increases.

6516 TRAINING

FY09: \$2,500

\$2,500 Training is required for professional development: One (1) Antiterrorism Intelligence Awareness Training at \$700; One (1) Fundamentals of Terrorism Training Program (FLETC) at \$900; and One (1) American Society for Industrial Security (ASIS) Annual Seminar and Exhibits at \$900. FY10 increase reflects continued professional development.

6525 ORGANIZATIONAL MEMBERSHIPS

FY09: \$500

\$500 ASIS International is the largest international educational organization for security professionals. ASIS is dedicated to increasing the effectiveness and productivity of security professionals by developing educational programs and materials which focus on both the fundamentals and the most recent advancements in security management. It allows Security Professionals to find the best solutions to global security challenges. It offers the ability to exchange ideas and best practices from among a wide range of industries enabling Security Services to achieve a higher level of performance. FY10 reflects no increase.

6612 GENERAL SUPPLIES AND MATERIALS

FY09: \$4,400

\$1,200 Executive Desk

\$800 4-Drawer Lateral File

\$1,000 Bookcases: \$480 X 2 =

\$1,400 Tufted Chairs: \$229 X 6 =

FY10 will be forecast based on FY09.

6622 GENERAL EXPENSE, PAPER

FY09: \$100

Fiscal Year 2010**Cost Code 0502/Uniformed Police Branch:****6031 OVERTIME PREMIUM**

FY10: \$85,000

\$85,000 The FY08 budget was for \$85,000. We are forecasting no increases based on the seventeen new hires. This will allow the Uniformed Police Branch (UPB) to maintain response force capability and meet their minimum staffing requirements without compromising security during annual/sick leaves.

6032 NIGHTTIME PREMIUM

FY10: \$198,300

\$198,297.92 Figures were calculated from the Detailed Responsibility Report FY2009 YTD actualized March 2009 of \$90,547 divided by 6 month = \$15091.17 X 12 (Months) = \$181,093.99 with a 9.5 increase based on current wage negotiations for \$198,297.92

6033 SUNDAY PREMIUM

FY10: \$85,200

\$85,197.53 Figures were calculated from the Detailed Responsibility Report FY2008 YTD actualized March 2009 of \$38,903 divided by 6 months = \$6,483.83 X 12 (Months) = \$77,805.96 with a 9.5 increase based on current wage negotiations for \$85,197.53.

6111 OFFICIAL GPO TRAVEL

FY10: \$18,100

\$18,100 Specific courses taught at the Federal Law Enforcement Training Center in Brunswick, GA. The FLETC provides relevant, value-added advanced and in-service agency-specific firearms, driver operations, and other continuing professional development training by top-rated instructors. This will allow fifteen (15) Officers to attend training classes.

\$7,344 PSTP at 4 X \$1,836 =

\$5,370 LECTIP at 2 X \$2,685 =

\$3,390 LEITP at 2 X \$1,695 =

\$2,000 FIRTP at 2 X \$1,000 =

Total: \$18,104

6121 CAR RENTAL

FY10: \$15,600

\$15,600 Public Printer's leased 2009 Tahoe Suburban for the \$13,200; and \$2,400 for car rentals for official travel while at GLYNCO in Brunswick, GA.

6511 MAINTENANCE OTHER EQUIPMENT

FY10: \$8,600

\$8,600 Figures support maintenance of the Motorola Communications System and Two-way radios used by UPB, 12 (Months) X \$712.99 = \$8,555.88

ATTACHMENT 6

6516 TRAINING

FY10: \$00.00 **NOTE:** All training is centralized in the Chief Management Office.

\$47,077.50 UPB utilizes the Firing Range at FLETC's facility in Cheltenham, MD; twice a year for certification of 35 officers at rate of \$41.30 = \$1,445.50. The following training is only conducted at GLYNCO in Brunswick, GA:

\$10,452 PSTP at 4 X \$2,613 =
 \$5,620 LECTITP at 2 X \$2810 =
 \$3,730 LEITP at 2 X \$1,865 =
 \$2,200 FIRTP at 2 X \$1,100 =
 \$10,000 Command School at 2 X \$5,000 =
 \$8,000 Field Training Officers at 4 X \$2,500 =
 \$3,950 Street Crimes 10 x 395 =
 \$1,180 Benchmark 4 x 295 =
 \$500 NOBEL 1X 500 =

6522 PROFESSIONAL SERVICES

FY10: 2,517,900

\$2,517,915 Fleet Credit Card for car washes \$1,700. The Uniform Police Branch is augmented by forty-five (45) Special Police Officers (SPOs) and ten (10) Security Aides to enhance security operations at GPO. This includes security for Parking Lots 55 and screeners for Capitol Hill deliveries. The cost to administer the Uniformed Police Branch psychological examination program: pre-employment and "fit for duty" determinations.

\$2,499,934 Primer Security
 \$1,700 Car washes
 \$1,600 Pre-employment: 4 Officers X 400 =
 \$1,200 Fit for Duty: 1 X 12 =

6612 GENERAL EXPENSES AND SUPPLIES

FY10: \$95,000

\$20,000 Motorola Communications System and Two-way radios used by UPB and reflects replacement approximately 30 Motorola XTS Radios at \$2,500 X 8 =

\$74,210 The below list will upgrade our law enforcement equipment and support the security and law enforcement functions:

\$1,600 OC Spray with Cases: 40 X \$40 =
 \$10,500 .40 cal ammunition: 30 X \$350 =
 \$800 GLOCK Simuntion Training Pistol 2 X \$400 =
 \$600 Simuntions: 2 X \$300 =
 \$750 Misc. Firearms Instructor Supplies: 3 X \$250 =
 \$1,800 Poly Life Jacket Gun Locks: 65 X \$27 =
 \$270 Police Bike Helmets: 4 X \$90 =
 \$280 Police Bike Short Sleeve Shirts: 8 X \$35 =

\$360 Police Bike Pants, Long: 8 X \$45 =
 \$360 Police Bike Pants, Short: 8 X \$45 =
 \$1,900 Trek Police Bicycles: 2 X \$950 =
 \$1,100 Hard Shell Protective Suit: 2 X \$550 =
 \$500 Paint Ball Guns: 2 X \$250 =
 \$200 Paint Balls/Supplies: 1 X \$200
 \$300 Protective Paints: 2 X \$150 =
 \$900 Protective Mask: 6 X \$150 =
 \$180 Plastic Goggles: 6 X \$30 =
 \$250 2 DVD Player: 2 X \$125 =
 \$1,000 Camcorder: 2 X \$500 =
 \$260 Tripod for Cam: 2 X \$130
 \$130 Editing Software: 1 X \$130 =
 \$400 GLOCK Laser Training System: 1 X \$400 =
 \$250 Weapon Cleaning Trap: 1 X \$250 =
 \$720 ASP Training Bags: 4 X \$180 =
 \$360 ASP Training Batons: 6 X \$60
 \$540 Cross Cut Shredder 3 X \$180 =
 \$200 Brother PT Label Maker w/ supplies: 1 X \$200
 \$400 Color Printer/Scanner: 2 X \$200
 \$1,500 GP 1000 Protective Mask Thigh Holster: 60 X \$25 =
 \$1,800 Poly Life Jacket Gun Locks: 60 X \$30
 \$1,400 DE 133 REF Graphic Kit Reflective (Vehicle): 4 X \$340 =
 \$7,200 Benelli Shotguns: 4 X \$1,800 =
 \$200 Shot Gun Slings 4 X \$50 =
 \$1800 Slugs: 10 X \$180 =
 \$1800 Buck Shot: 10 X \$180 =
 \$7,200 H&K/UMP: 4 X \$1,800 =
 \$200 Slings: 4 X \$50 =
 \$400 Mags: 10 X \$40 =
 \$10,500 .40 cal ammunition: 30 X \$350 =
 \$7,500 Ballistic Shield 2 X \$3,250 =
 \$1,125 Folding Cots: 25 X \$45 =
 \$1,350 Sleeping Bags: 25 X \$60 =
 \$200 First Aide Kits: 2 X \$100 =
 \$3125 Water 625 X \$5 =

Total: \$74,210

6619 GASOLINE

FY10: \$8,400

\$8,400 Monthly average of 200 gallons at an estimated cost of \$3.50 a gallon.

6622 GENERAL EXPENSE, PAPER

FY10: \$600.00

6046 TRANSIT BENEFIT PAYMENT

FY10: \$11,000

6811 DEPRECIATION

FY10

Cost Code 0504/Physical Security Branch:**6031 OVERTIME PREMIUM**

FY10: \$6,500

\$6,500 Physical Security and Alarm Assessments are required during non-duty hours in order to accommodate GPO and operational requirements. Figures were calculated by five (5) employees working an average of five (3) hours per month at \$36 per hour; $5 \times 3 \times \$36 \times 12 = \$6,480$.

6046 TRANSIT BENEFIT PAYMENT

FY10: \$11,000

6111 OFFICIAL GPO TRAVEL

FY10: \$2,000

\$2,000 Specific courses taught at the Federal Law Enforcement Training Center in Brunswick, GA and Columbus, OH, American Society for Industrial Security (ASIS) International in Anaheim, CA, Graduate School USDA in Washington DC, and other official travel relevant to the PSB professional enhancement. This will allow two (2) specialists to attend training.

6511 MAINTENANCE OTHER EQUIPMENT

FY10: \$335,000

\$35,000 The maintenance forecast is a revolving requirement to maintain systems and equipment.

FY10:

\$10,800 Access Control System

\$24,200 X-ray repair package (6 machines)

6516 TRAININGFY10: \$00.00 **NOTE:** All training is centralized in the Chief Management Office.

\$5,000 Training is required for professional development and continued education to enhance knowledge levels and skill sets of the Physical Security Branch: One (1) Critical Infrastructure Protection Training Program at \$900; One (1) Physical Security Training Program at \$1,000; One (1) Suitability Adjudication at \$800; One (1) Emerging Trends in Security at \$900; One (1) Annual ASIS International Seminar at \$900; One (1) Introduction to Terrorism at \$200; and One (1) Counter/Anti-Terrorism Course at \$200.

6612 GENERAL SUPPLIES AND MATERIALS

FY10: \$24,000

\$24,000 The Office of Access Control requires office and GPO Credentials supplies:

\$24,000 The Access Control System will be upgraded to a newer version. The access control system grants access to controlled/sensitive areas throughout GPO. The below list will support the upgrades:

\$14,820 Access Controller: 6 X \$2,470 =
 \$8,775 Input/Output Board (S-300-SIO16): 15 X \$585 =

6622 GENERAL EXPENSE, PAPER
 FY10: \$300

Cost Code 0505/ Uniformed Police Branch/Passports:

6031 OVERTIME PREMIUM
 FY10: \$28,000

\$28,000 The FY09 budget was for \$28,000. We are forecasting no increases based on the seventeen new hires. These estimates are based on 17 Officers which is 1/3rd of cost code 0502 of \$85,000. This will allow the Uniformed Police Branch (UPB) to maintain response force capability and meet their minimum staffing requirements without compromising security during annual/sick leaves.

6032 NIGHTTIME PREMIUM
 FY10: \$66,100

\$66,099.31 These estimates are based on 17 Officers which is 1/3rd of cost code 0502 of \$198,297.92

6033 SUNDAY PREMIUM
 FY10: \$28,400

\$28,400 These estimates are based on 17 Officers which is 1/3rd of cost code 0502 of \$85,197.53.

6111 OFFICIAL GPO TRAVEL
 FY10: \$92,600

\$92,600 Uniformed Police Training Program (UPTP) This program provides training in the basic law enforcement knowledge, skills and abilities that a new Federal officer must understand and/or be able to perform in the first two years on the job. This will allow approximately eight (8) Officers to attend training classes.

\$9,676 Meals: 8 X 1209.50 =
 \$65,600 Lodging: 8 X 8,200 =
 \$17,331.52 Misc Expenses: 8 X 2,166.44 =

6121 CAR RENTAL
 FY10: \$2,000

\$2,000 Vehicle rental is required for the training, seminar and courses which are significant distances from the hotels/airports.

6516 TRAINING

FY10: \$00.00 **NOTE:** All training is centralized in the Chief Management Office.
 \$19,867.12 UPB utilizes the Firing Range at FLETC's facility in Cheltenham, MD; twice a year for certification of seventeen (17) Officers at rate of: $17 \times \$45.00 = \$1,530.00$, and tuition for eight (8) new hire Officers to attend training at Uniformed Police Training Program (UPTP) at FLETC Glynco in Brunswick, GA: $8 \times 2,292.14 = 18,337.12$

6612 GENERAL EXPENSES AND SUPPLIES

FY10: \$39,000

\$10,000 Motorola Communications System and Two-way radios used by UPB at $\$2,500 \times 4 =$

\$11,000 Figures will enhance the UPB capabilities by providing new equipment to seventeen (17) new police officers supporting the security and law enforcement functions:

\$400 OC Spray with Cases: $10 \times 40 =$

\$8,750 .40 cal ammunition: $25 \times 350 =$

\$800 GLOCK Simuntion Training Pistol 2 X 400 =

\$300 Simuntion: $1 \times 300 =$

\$2,500 any additional law enforcement or security equipment to support the mission

Total: \$11,000

UNIFORM ALLOWANCE

FY10: \$16,200

\$16,180 The current clothing allowance is based on the Union Contract (\$500 per Officer):

Cost Code 0507/Secure Passport Facility:**6111 OFFICIAL GPO TRAVEL**

FY10: \$4,000

\$4,000 Security Services will conduct routine audits, training and inspections; and annual physical security assessments of the Secure Production Facility.

6121 CAR RENTAL

FY10: \$1,600

\$1,600 Vehicle rental is required for routine audits, training and inspections.

6511 MAINTENANCE OTHER EQUIPMENT

FY10: \$4,800

\$5,300 Figures support maintenance of the Motorola Communications System and Two-way radios used by Security Forces. This also includes the use of NASA Radio Trunking System at $\$20 \times 10$ radios = $\$200$ monthly $\times 12 = \$2,400$; and $\$70 \times 12$ base station = $\$840$. For additional maintenance and equipment items: $\$1500$.

6522 PROFESSIONAL SERVICES

FY10: \$902,000.00

\$902,000.00 International Security Management Group, INC expenses was \$816,452.88 for FY09; this amount was adjusted by 10% plus \$4,000.00 to cover special posting requirements, i.e. alarm malfunctions, special events and emergencies

6610 NON-CAPITALIZED IT EQUIPMENT
FY10 \$00.00

6612 GENERAL EXPENSES AND SUPPLIES
FY10: \$00.00

Cost Code 0501/Office of the Chief:

6031 OVERTIME PREMIUM
FY10: \$1,400

\$1,400 Audits, inspections and assessments are required during non-duty hours in order to accommodate GPO and operational requirements. Figures were calculated by one (1) employee working an average of three (3) hours per month at \$36 per hour; 3 X \$36 X 12 = \$1,404.

6111 OFFICIAL GPO TRAVEL
FY10: \$2,000

\$2,000 Two (2) courses taught at the Federal Law Enforcement Training Center in Brunswick, GA; two (2) courses at the Homeland Defense Journal; and the American Society for Industrial Security (ASIS) Annual Seminar and Exhibits in Anaheim, CA.

6121 CAR RENTALS
FY 10: \$800

\$800 Vehicle rental is required for the three seminar/courses which are significant distances from the hotels/airports.

6516 TRAINING

FY10: \$00.00: All training is centralized in the Chief Management Office.

\$5,200 Training is required for professional development: One (1) Anti-Terrorism and Force Protection Countermeasures at \$700/Homeland Defense Journal; One (1) Introduction to Operations Security (OPSEC) for Managers at \$700/Homeland Defense Journal; one (1) Physical Security Training Program (PSTP)/FLETC at \$2,900; and One (1) American Society for Industrial Security (ASIS) Annual Seminar and Exhibits at \$900.

6525 ORGANIZATIONAL MEMBERSHIPS
FY10: \$300

\$300 Two (2) memberships at \$150: ASIS International is the largest international educational organization for security professionals. ASIS is dedicated to increasing the effectiveness and productivity of security professionals by developing educational programs and materials which focus on both the fundamentals and the most recent advancements in security management. It allows Security Professionals to find the best solutions to global security challenges. It offers the ability to exchange ideas and best practices from among a wide range of industries enabling Security Services to achieve a higher level of performance.

499

6612 GENERAL SUPPLIES AND MATERIALS

FY10: \$2,000

\$1,200 Executive Desk

\$800 4-Drawer Lateral File

6622 GENERAL EXPENSE, PAPER FY10: \$100

GPO Projected Headcount and Ceilings FY 2011

Headcount

Cost Code	Actual	Ceiling	Vacancies	Total:
0501	2	2	0	2
0502	31	36	5	31
0504	8	9	1	8
0505	13	24	11	13
Total		71	17	54

**U.S. Government Printing Office
Active EEO Complaints From FY 2009 and FY 2010 Inventory
As of March 31, 2010**

Case Number	Date Filed	Bases and Issues Raised	Position Title/Grade	Status
10-26	03-29-10	Race, color, national origin, sex, reprisal Performance Standards & Rating	PPW (Forklift Operator) KX 5704-05	Under Review
10-25	04-01-10	Religion, Sex, Age Harassment	PPW (Receiving/Distrib.) KX 4401-06 (retired)	Request for Clarification
10-24	03-29-10	Race, Religion, Sex, Age & Reprisal Denial of Telework	IT Specialist PG 2210-13	Under Review
10-23	03-25-10	Race Working Conditions	PPW (Bindery) KY 4402-03	Under Review
10-22	03-24-10	Race, Color, Religion, Sex, Age Harassment (Hostile Work Environment)	Content Acquisition Specialist PG 0301-11	Under Review
10-21	03-23-10	Race Working Conditions & Harassment	Graphic Processor Operator KA 440 1-00	Under Review
10-20	03-22-10	Race Working Conditions & Harassment	Graphic Processor Operator KA 440 1-00	Under Review
10-19	03-18-10	Age, sex, Reprisal Change to Lower Grade	Content Acquisition Specialist PG 030 1-12	Under Review
10-18	03-05-10	Race, Sex, Age, Reprisal Harassment	Supervisory Dist. Facilities Specialist, PG 2030-12	Under Review
10-17	02-22-10	Physical Handicap, Race Termination	Printing Clerk PG 0603-05	Pending Investigation
10-16	02-05-10	Sex Overtime	Bookbinder KS 4402-00	Under Review

**U.S. Government Printing Office
Active EEO Complaints From FY 2009 and FY 2010 Inventory
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Case Number	Date Filed	Bases and Issues Raised	Position Title/Grade	Status
10-15	02-03-10	Race, Color, National Origin, Sex Harassment	PPW (Forklift Operator) KX 5704-05	Under Review
10-14	01-21-10	Race, Religion, Sex Non-selection	IT Specialist PG 2210-13	Pending Investigation
10-13	01-20-10	Race, Color, Sex, Age (64) Reprimand	Supervisory Supply Tech. PG 2005-10	Under Review - Awaiting Receipt of Information
10-12	12-24-09	Physical Handicap Overtime	PPW (Bindery) KY 4402-03	Investigation
10-11	12-18-09	Age (56) T&A - Leave issues	Printing Service Specialist PG 1654-12	Investigation
10-10	12-09-09	Sex Non-selection	Asst. Foreperson KI 4403-00	Investigation
10-09	12-08-09	Physical Handicap Non-selection	HC Specialist PG 0201-13	Investigation
10-07	12-02-09	Reprisal No specifics	Supervisory Supply Tech. PG 2005-10	Under Review - Awaiting additional information
10-06	11-17-09	Age Non-selection	Second Web Offset Pressperson XM 4417-00	Investigation
10-05	11-10-09	Race, Color, Age, National Origin, Reprisal Harassment	PPW (Forklift Operator) KX 5704-05	Investigation
10-04	10-26-09	Sex Non-selection	Bookbinder KB 4402-00	Investigation

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Case Number	Date Filed	Bases and Issues Raised	Position Title/Grade	Status
10-02	10-06-09	Handicap, Race	Control Clerk PU 0303-03	Awaiting additional information
10-01	10-05-09	Race, Color Harassment	PPW (Bindery) KY 4402-03	Investigation
09-83	09-25-09	Race, National Origin, Sex Infractions, EQPR3 & Annual Rating	Libertian PG 1410-12	Investigation
09-82	09-10-09	Race, Color, National Origin, Sex, Age, Reprisal Verbal Counseling	PPW (Forklift Operator) KX 5704-05	Investigation
09-80	08-21-09	Race, Color Non-selection	Program Analyst PG 0343-13	Investigation
09-79	08-20-09	Race, Religion Termination	Supervisory IT Specialist PG 2210-14	Pending Election
09-71	08-05-09	Reprisal Non-selection (09-253007-am)	Offset Pressperson KM 4417-00	Pending EEOC Hearing
09-69	07-21-09	Race, Color, National Origin, Sex, Age Overtime & Reprimand	PPW (Forklift Operator) KX 5704-05	Investigation
09-67	07-16-09	Race (African-American) Color (Black) Sex (Female) Reprisal	Printing Service Specialist PG 1654-13	Investigation
09-66	07-16-09	Non-selection (08-719) Race (Caucasian) Non-selection	Lead Contract Specialist PG 1654-13	Investigation
09-64	06-22-09		PPW (Forklift Operator) KX 5704-05	Investigation

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Case Number	Date Filed	Base and Issues Raised	Position Title/Grade	Status
09-62	06-15-09	Sex (Female) Assignment of Duties & Harassment	PPW Custodial Worker KX 3566-01	Pending EEOC Hearing
09-61	06-01-09	Sex (Female) Non-selection (09-245248-am)	Bookbinder KB 4402-00	Pending Election
09-58	05-20-09	Race (African American), Reprisal Training	Offset Pressperson KM 4417-00	Pending Election
09-57	05-13-09	Race (African American) Verbal Warning	PPW (Forklift Operator) KX 5704-05	Pending Election
09-56	05-11-09	Color, Race, Natl Origin (American), & Reprisal	PPW (Forklift Operator) KX 5704-05	Investigation
09-55	05-04-09	Sex, Reprisal Assignment of Duties & Harassment Discipline, Pay & Time & Attendance	Police Officer PQ 0083-05	Investigation
09-54	05-01-09	Physical Handicap, Age (57) Assignment of Duties, Harassment and T&A	Special Assistant PG 0301-15	Pending Election
09-53	04-30-09	Reprisal Evaluation and Performance Award	Graphic Processor Supervisor KA 4401-00	Pending Election
09-50	04-03-09	Race, Sex, Reprisal Assignment of Duties and Working Conditions	Supervisory Dist. Facilities Specialist, PG 2030-12	Awaiting additional information
09-47	03-02-09	Race, Color, Sex, Age, Reprisal T&A - Leave	PPW (Forklift Operator) KX 5704-05	Investigation
09-46	02-19-09	Race (Hispanic) National Origin (Hispanic) Termination	Police Officer 0083-05	Pending Election

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Case Number	Date Filed	Bases and Issues Raised	Position Title/Grade	Status
09-44	02-19-09	Age (51) Non-selection (08-645)	PPW Materials Handler KX 6907 05	Pending Election
09-41	01-30-09	Reprisal Suspension	PPW KX 3502-01	Pending EEOC Hearing
09-40	01-29-09	Race Pay issues	Graphic Processor Operator KP 4401-02	Pending Election
09-37	12-08-08	Race (Black) Pay	Graphic Processor Operator KP 4401-02	Pending EEOC Hearing
09-36	12-05-08	Physical Handicap Harassment	Supply Technician PG 2005-05	Investigation
09-33	12-04-08	Race (Afro-American) Pay	Graphic Processor Operator KP 4401-02	Pending EEOC Hearing
09-32	12-04-08	Race (Black), Color (Black) Pay	Graphic Processor Operator KP 4401-02	Pending EEOC Hearing
09-31	12-04-08	Race (Black), Color (Black), Age (55) Non-selection 08-644	PPW Roll Tender KX 4401-05	Pending EEOC Hearing
09-29	11-25-08	Race (Asian) Non-selection 08-643	IT Specialist PG 2210-12	Pending EEOC Hearing
09-27	11-20-08	Race (Black) Non-selection 08-644	Offset Pressperson KM 4417-00	Pending EEOC Hearing
09-26	11-18-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation

**U.S. Government Printing Office
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Case Number	Date Filed	Bases and Issues Raised	Position Title/Grade	Status
09-25	11-18-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-23	11-10-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	
09-22	11-10-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-21	11-10-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-20	11-10-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-19	11-10-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-18	11-10-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-17	11-10-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-15	11-07-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-14	11-07-08	Race (Black) Harassment and Working Conditions	Graphic Processor Supervisor KA 4401-00	Investigation
09-13	11-07-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation

U.S. Government Printing Office
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Case Number	Date Filed	Bases and Issues Raised	Position Title/Grade	Status
09-12	11-07-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-11	11-07-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-10	11-07-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-09	11-07-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-08	11-07-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation
09-06	11-6-08	Race (Black) Harassment and Working Conditions	Graphic Processor Operator KP 4401-02	Investigation

NOTE: GPO Case Numbers 09-06 through 09-23 and 09-25 and 09-26 represent a group complaint.

GPO Directive 650.18

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SUBJECT CLASSIFICATION

ISSUE DATE

Procedures for Processing Complaints of Employment Discrimination

TITLE SUBJECT

1. **Purpose.** To provide the Government Printing Office's (GPO) policy, procedures, and guidance for initiating and processing complaints alleging employment discrimination, to identify those officials responsible for the timely and judicious handling of Equal Employment Opportunity (EEO) complaint matters, and to set forth the rights and responsibilities of persons participating in the EEO complaint process.
2. **Cancellation.** This Directive supersedes GPO Instruction 650.1C, Equal Employment Opportunity and Affirmative Action Programs in the Government Printing Office, dated March 29, 1979; GPO Notice 650-29, Changes to Discrimination Complaint Process, dated December 1, 1992; and GPO Notice 650-30, Procedures for Filing Discrimination Complaints Based on Disability, dated May 5, 1993.
3. **Policy.** The GPO is committed to providing equal employment opportunity for all employees and applicants for employment on the basis of merit. This commitment includes prohibiting discrimination in employment; maintaining a system whereby decisions on all aspects of employment are made without regard to non-merit factors such as race, sex, color, religion, national origin, age, disabling condition, and/or sexual orientation; and promoting the full realization of equal employment opportunity through a continuing employment program that aims to eliminate discrimination based on factors which are irrelevant to job performance. Within the GPO, every effort will be made to ensure that all employment decisions and personnel actions, including recruitment, selection, training, promotion, reassignments, and benefits are administered in conformance with applicable Federal statutes and regulations governing equal employment and personnel management.

GPO managers and supervisors are charged specifically with ensuring the continued and positive support of all EEO objectives. Management at all levels will ensure that questions and complaints of alleged unlawful discrimination or harassment in violation of EEO statutes are investigated promptly and thoroughly and resolved without threat or reprisal to the employee or applicant.
4. **Authority.** 42 U.S.C. § 2000e, et seq. (Title VII); 29 U.S.C. § 621, et seq. (Age Discrimination in Employment Act); 42 U.S.C. § 12101, et seq. (Americans with Disabilities Act); 29 U.S.C. § 206(d) (Equal Pay Act); 29 C.F.R. Part 1614; EEOC Management Directive (MD) 110; and 5 U.S.C. §2302(b)(10) (prohibited personnel practices).
5. **Coverage.** This Directive covers complaints of employment discrimination filed against the GPO by employees, former employees, and applicants for employment who believe they have been discriminated against on the basis of race, sex, color, religion, national origin, age, disabling condition, reprisal, and/or sexual orientation.

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6. **Background.** Equal employment opportunity in the Federal Government is the law. You have the right to use the discrimination complaint process if you believe you have been discriminated against as an employee or applicant for Federal employment because of your race, color, sex, religion, national origin, age, and mental or physical disability. In presenting a complaint, an employee or applicant shall be free from restraint, interference, coercion, discrimination, or reprisal.

Title 29 of the Code of Federal Regulations (CFR), Part 1614, establishes the procedures for complaints processing in the Federal Government and charges the Equal Employment Opportunity Commission (EEOC) with administering this regulation. These regulations set forth the procedures an aggrieved person must comply with to attempt resolution of a complaint. The attached flowchart depicts the various stages of the EEO complaint process.

The following sections summarize the stages of the complaints process and the procedures as contained in 29 CFR, Part 1614. Employees should consult the complete regulations for a more thorough explanation of the EEOC's complaints process and procedures.

7. **Informal or Pre-Complaint Process.** An employee or an applicant who believes that he or she has been discriminated against on the basis of their race, color, religion, national origin, sex, age, disability, reprisal (for prior participation in the EEO complaint process), and/or sexual orientation may file an informal complaint of discrimination by contacting the Counseling and Complaints Processing Division (CCPD) in the EEO Office.

The complainant must make initial contact with the CCPD within 45 calendar days of the date of the alleged discriminatory event or personnel action. The Intake Specialist will assign the matter to an EEO Counselor. The EEO Counselor will conduct an initial interview to ascertain the alleged basis for discrimination and identify the issues involved. The EEO Counselor will explain the steps in the process to the aggrieved person and conduct an inquiry into the allegations sufficient to present information to management to attempt an informal resolution.

The EEO Counselor will provide written documentation explaining the complainant's rights and responsibilities regarding EEO and Alternative Dispute Resolution (ADR). The EEO Counselor will advise the complainant of his or her right to elect the ADR process or the traditional EEO counseling process. EEO counseling ordinarily is completed within 30 calendar days from the date of the initial contact with the aggrieved unless an extension of not more than 60 additional calendar days is granted. If ADR is elected, the time frame for attempting resolution of the matter is 90 calendar days.

8. **Formal Complaint Process.** If attempts at informal resolution are not successful, the employee/applicant is advised of the results of the EEO Counselor's inquiry and issued a "Notice of Right to File a Discrimination Complaint" (NORF). A formal EEO complaint must be filed in writing and signed by the complainant within 15 calendar days of receiving the NORF. The formal EEO complaint must be filed with one of the following designated officials:

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- a. Director, Equal Employment Opportunity
732 North Capitol Street NW.
Washington, DC 20401
- b. Assistant Director, Equal Employment Opportunity
732 North Capitol Street NW.
Washington, DC 20401
- c. Public Printer
732 North Capitol Street NW.
Washington, DC 20401

The complaint will be forwarded to the Assistant Director, EEO, who will acknowledge receipt of the complaint in writing. The acknowledgment letter will inform the complainant of the date on which the complaint was filed. If the complaint is mailed, the date of filing is the postmarked date, not the date the complaint was received in one of the above-referenced offices.

If the complaint is accepted, an investigation must be completed within 180 calendar days from the date of filing. If the complaint is dismissed, the complainant is notified of the reasons for the dismissal and the right to appeal the decision to the EEOC.

Once the investigation has been completed, the complainant is provided a copy of the Investigative File (IF). Within 30 days of receipt of the IF, the complainant has the right to request an EEOC hearing and subsequent decision by an Administrative Judge of the EEOC or to request an immediate final agency decision (FAD) by the GPO. If the complainant does not make an election for a hearing or a FAD within 30 calendar days, the Director, EEO, will issue the FAD. If the investigation has not been completed within 180 calendar days from the date of filing the formal complaint, the complainant has the right to request a hearing before an EEOC Administrative Judge.

Upon receipt of a FAD, the complainant may appeal to the EEOC within 30 calendar days or may file a civil action in an appropriate U.S. District Court within 90 calendar days.

The complainant may also file a civil action in an appropriate U.S. District Court if he or she has not received a final decision within 180 days of filing a formal complaint; if no decision from the EEOC has been received within 180 days of filing a notice of appeal with the EEOC; or within 90 days of receipt of EEOC's final decision.

9. Procedures for Related Processes

- a. Mixed Complaints. A person who alleges discrimination in connection with a matter that also is appealable to the Merit Systems Protection Board (MSPB) may file an appeal to the MSPB or an EEO complaint, but may not pursue both courses concurrently. Whichever action the employee files first is considered an election to proceed in that forum. The regulations governing mixed case EEO complaints are found at 29 C.F.R. § 1614.302-310.

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b. Negotiated Grievance Procedures. When an aggrieved employee is covered by a collective bargaining agreement that permits claims of discrimination to be raised in a negotiated grievance procedure, the employee must elect to file an EEO complaint or a grievance, but not both. If an employee first files a written grievance and thereafter files a complaint of discrimination on the same claim, the complaint must be dismissed without prejudice to the complainant's right to proceed through the negotiated grievance procedure, including the right to appeal to the EEOC from a final decision. The dismissal of the complaint must advise the complainant of the obligation to raise discrimination claims in the grievance process and of the right to appeal the final grievance decision to the EEOC.

10. **Other Bases/Types of Complaints**

a. Class Complaints. An individual serving as an Agent, who wishes to file a class complaint of discrimination based on race, color, religion, national origin, sex, age, disability, and/or reprisal (for prior participation in the EEO process), must seek counseling and be counseled. The complainant may move for class certification at any reasonable point in the process when it becomes apparent that there are class implications to the claim(s) raised in an individual complaint. If the complainant moves for class certification after completing the counseling process, no additional counseling is required. An EEOC Administrative Judge will make the determination as to whether or not the class complaint meets the prerequisites of a class complaint. The regulation governing class complaints is found at 29 C.F.R. § 1614.204.

b. Sexual Orientation. It is the policy of the GPO to prohibit discrimination on the basis of sexual orientation. Currently, the EEOC does not have jurisdiction over claims related to sexual orientation. Thus, employees and applicants for employment may not seek relief from the EEOC. However, sexual orientation discrimination in Federal employment is a violation of the Civil Service Reform Act (CSRA) of 1978. This law prohibits discriminatory action against employees on the basis of conduct that is not job-related. OPM has interpreted this statute to prohibit discrimination based upon sexual orientation. The GPO also has a Directive, GPO Instruction 650.7, Policy on Discrimination on the Basis of Conduct Which Does Not Adversely Affect Performance (1980), that mirrors the CSRA's provisions regarding prohibited personnel practices.

Employees who believe that they have been subjected to a prohibited personnel practice involving sexual orientation discrimination may file an appeal with the MSPB (if the MSPB has jurisdiction over the underlying claim) or may file a complaint with the Office of Special Counsel. In addition, the GPO makes informal pre-complaint counseling available to interested individuals who wish to seek informal resolution of their complaints. Please keep in mind that an individual's election to enter into counseling **does not** waive the time limits involved for pursuing an appeal with the MSPB or a complaint with the Office of Special Counsel.

c. Disability Claims. The Rehabilitation Act and the implementing regulations do not apply to the GPO, an agency in the legislative branch of the Government. However, Title I of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101, et seq., does apply

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to GPO with respect to employment discrimination based on physical or mental disability. The GPO has delegated partial adjudicatory functions over ADA complaints to the EEOC.

11. **Representation.** At any state in the presentation of a complaint, including the pre-complaint stage, the complainant shall have the right to be accompanied, represented, and advised by a representative of his or her choosing, provided the choice of a representative does not involve a conflict of interest or conflict of position. The representative shall be designated in writing. EEO Counselors and other EEO officials may not represent a complainant at any stage of the proceedings. Employees who act as representatives will be afforded a reasonable amount of official time to act as a representative.

a. **Official Time.** The complainant and his or her representative will be granted a reasonable amount of official time at all stages during the administrative processing of a complaint, including the informal stage, to prepare and present his or her complaint if he or she is otherwise in an active duty status. An employee who wishes to consult with an EEO Counselor must obtain prior permission from his or her supervisor to leave the worksite. Request for official time to prepare and present a formal complaint must follow the procedures outlined in GPO Directive 650.15B, Official Time for EEO Complaints Processing, dated April 8, 2008.

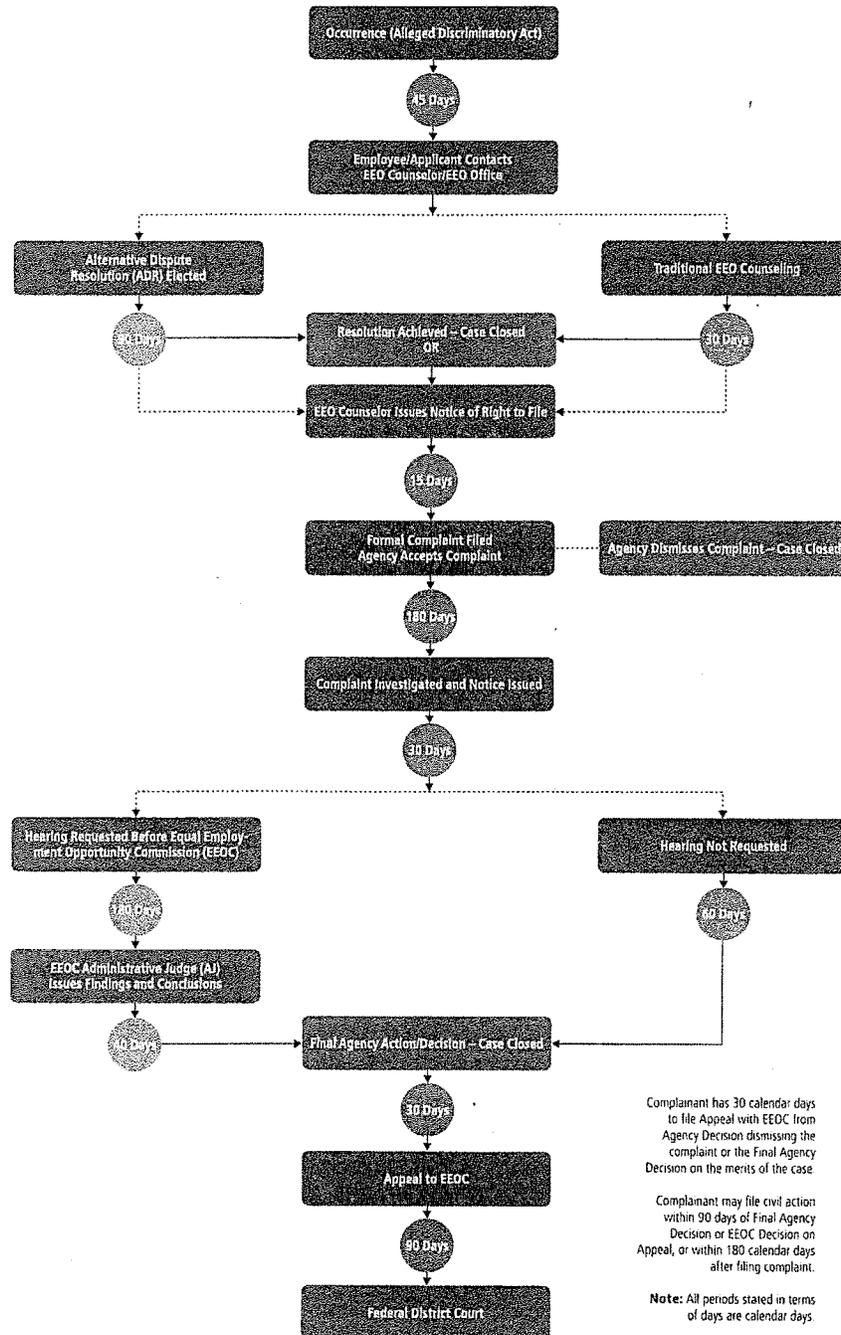
12. **Cooperation.** All employees shall cooperate fully with EEO Counselors, EEO personnel, and contractors in the processing and resolution of pre-complaint matters and complaints within GPO.

13. **Inquiries.** Inquiries may be directed to the EEO Office on 202-512-2014.



PAUL ERICKSON
Deputy Public Printer

Overview of Individual EEO Complaint Process



GPO Directive 650.19

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GPO DIRECTIVE CLASSIFICATION

ISSUE DATE

Government Printing Office Policy Prohibiting Discriminatory Harassment

TOPIC SUBJECT

1. **Purpose.** This policy is intended to notify Government Printing Office (GPO) employees of the GPO's prohibition against discriminatory harassment in the workplace. Additionally, this policy identifies responsibilities for preventing and remedying discriminatory harassment.
2. **Authority.** 42 U.S.C. § 2000e, et seq. (Title VII); 29 U.S.C. § 621, et seq. (Age Discrimination in Employment Act); 42 U.S.C. § 12101, et seq. (Americans with Disabilities Act); 29 C.F.R. § 1614.102(a)(3); and 5 U.S.C. § 2302(b)(10) (prohibited personnel practices).
3. **Coverage.** This Directive covers claims of harassment raised by employees, former employees, and applicants for employment who believe that they have been discriminatorily harassed on the basis of race, sex, color, religion, national origin, age, disabling condition, reprisal, and/or sexual orientation.
4. **Policy.** The GPO is committed to being a model employer and ensuring that all personnel maintain high standards of conduct. As such, harassment is unacceptable conduct and will not be tolerated at any level. It is GPO's policy to maintain a work environment free from harassing conduct based upon a statutorily protected class; i.e., race, sex (including sexual harassment), color, religion, national origin, age (40 and over), disability, and sexual orientation. Harassment is prohibited in the workplace and in any location that can be reasonably regarded as an extension of the workplace, such as any customer location, off-site social business function, or any other non-GPO facility where GPO business is being conducted.
5. **Definition.** Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. Harassment may also violate the GPO's Standards of Conduct and the merit systems principles.

Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, disability, age, and/or sexual orientation. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Offensive conduct may include, but is not limited to, offensive jokes, slurs, name calling, threats, intimidation, physical assaults or threats, interference with work performance, and offensive objects or pictures. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegal harassment.

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6. Responsibilities

a. All Employees. Each GPO employee is responsible for creating and promoting an atmosphere free of discrimination and illegal harassment. All employees of GPO are required to fully support this policy and to take immediate appropriate measures to prevent, report, and eliminate all forms of harassment. Any employee who believes he or she has either witnessed or been subjected to harassment should make it clear to the individual doing the harassing that such behavior is unwelcome. The aggrieved employee should also immediately report the incident to their immediate supervisor or to the Equal Employment Opportunity (EEO) office. Incidents of harassing conduct must be reported promptly before it becomes a pattern of misconduct so pervasive and offensive as to constitute a hostile work environment. The GPO cannot correct harassing conduct if the conduct is unknown.

b. Managers and Supervisors. Managers and supervisors are responsible for establishing and maintaining a safe work environment for their employees and for taking steps necessary to promptly and appropriately prevent harassment of any type. Managers and supervisors, working with the EEO office, are also charged with taking immediate and appropriate action when an employee raises a complaint of illegal harassment. Managers and supervisors are reminded that even if an individual's behavior does not rise to the level of being "severe or pervasive" it could still violate GPO's Standards of Conduct.

7. **Inquiries into Allegations of Harassing Conduct.** All reports of harassment will be explored thoroughly, promptly, impartially, and to the extent possible confidentially. A supervisor or manager who receives an allegation or witnesses harassing conduct should immediately notify the Director, EEO, to seek guidance as to further actions. Actions must be taken to stop any harassing conduct and prevent further harassment while the allegations are being investigated.

All persons involved in the inquiry will be notified that the unauthorized disclosure of confidential information could result in disciplinary action. Substantiated harassment complaints will result in corrective action, which can range from reprimand to removal. Retaliating or discriminating against an employee for reporting or cooperating with the investigation of allegations of harassment is prohibited and will result in appropriate disciplinary action.

8. **EEO Complaint Process.** Any employee, or applicant for employment, who believes that he or she has been subjected to illegal harassment has the right to use the EEO complaints process. The aggrieved person must contact the Counseling and Complaints Processing Division within 45 calendar days of the date of the occurrence. Please refer to 29 C.F.R. part 1614 and GPO Directive 650.18 (Procedures for Processing Complaints of Employment Discrimination) for further information about filing a complaint of employment discrimination. Information can also be found on the EEO website at <http://www.main.gpo.gov/EEO/>.

Although the GPO's policy includes a prohibition against harassment based on sexual orientation, the EEOC currently does not have jurisdiction over claims related to sexual

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orientation. Thus, employees and applicants for employment may not seek relief from the EEOC. However, employees who believe that they have been subjected to harassment on this basis may file an appeal alleging a prohibited personnel practice with the MSPB (if the MSPB has jurisdiction over the underlying claim) or may file a complaint with the Office of Special Counsel. In addition, the GPO makes informal, EEO pre-complaint counseling available to interested individuals who wish to seek informal resolution of their complaints. Please keep in mind that an individual's election to enter into counseling **does not** waive the time limits involved for pursuing an appeal with the MSPB or a complaint with the Office of Special Counsel.

9. **Inquiries.** It is the goal of this policy to prevent harassing conduct before it becomes "severe or pervasive." If you have any questions regarding GPO's commitment to a workplace free of discriminatory harassment, or have any questions concerning this policy, you may contact the EEO office on 202-512-2014.



PAUL ERICKSON
Deputy Public Printer



OFFICIAL GPO DIRECTIVE

GPO Directive 650.20

SUBJECT CLASSIFICATION

05/29/09

ISSUE DATE

Public Printer's EEO and Affirmative Employment Policy Statement

TITLE SUBJECT

1. **Purpose.** To inform all GPO employees of the Public Printer's policy with respect to Equal Employment Opportunity (EEO) diversity in the workplace.
2. **Cancellation.** This Directive supersedes GPO Directive 650.17, Subject: Public Printer's Equal Employment Opportunity Policy Statement, dated May 2, 2008.
3. **Authority.** 44 U.S.C. 301.
4. **Action.** All employees are strongly encouraged to read the attached statement from the Public Printer, which sets out GPO's Equal Employment Opportunity and Affirmative Employment policy.
5. **Originating Office.** Office of the Public Printer.
6. **Inquiries.** Should you have any questions regarding this policy, please contact GPO's Office of Equal Employment Opportunity on 202-512-2014.

PAUL ERICKSON
Deputy Public Printer



GPO 650.20, 05/29/09, Attachment
Office of the Public Printer

May 29, 2009

To All GPO Employees:

As the Public Printer and head of the U.S. Government Printing Office, I am committed to attracting, developing, and retaining a top-quality workforce that will ensure our Agency's continued growth. Equal opportunity in the workplace is key to accomplishing this goal. Workplace practices that provide equal access to employment and job opportunities assure that the GPO will attract and retain the best and brightest employees and allow all of our employees to reach their full potential. Thus, all business decisions within the GPO, including decisions related to hiring, training, and promotions, will be made without regard to race, color, religion, sex, national origin, disability, age, sexual orientation, or reprisal for engaging in prior protected activity.

Managers are expected to ensure that the work environment is one that is free from all forms of discrimination and harassment. Similarly, every employee is expected to comply with all EEO laws and policy and to uphold GPO's commitment to equal employment opportunity in every aspect of employment. Any employee who is found to have violated an EEO law will be held accountable for their conduct.

The GPO's commitment to EEO principles extends beyond mere compliance with EEO law. Achievement of reasonable diversity at every level of employment within the GPO is an important part of our EEO program. Workplace diversity is also highlighted as both an Agency Core Value and a Strategic Goal, for which the GPO's performance will be measured and reported to our oversight committee. As part of our commitment to workplace diversity, the GPO is developing an Affirmative Employment Plan that will promote equal opportunity, eliminate barriers that impede free and open competition in the workplace, and encourage a diverse workforce at all employment levels.

As Public Printer, I will vigorously pursue these goals and the goal of becoming a model employer. All employees are encouraged to fully support our commitment in principle and in action to ensure that our equal employment opportunity goals and programs are successful.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert C. Tapella', written in a cursive style.

ROBERT C. TAPELLA
Public Printer

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